

ORDER OF THE COMMISSIONER OF HEALTH OF THE CITY OF CHICAGO

No. 2020-9

(PHASE IV: GRADUALLY RESUME – FIFTH AMENDED AND RE-ISSUED)

Issued and Effective: October 1, 2020

WHEREAS, The City of Chicago, like cities around the world, has been severely affected by COVID-19, with approximately 78,400 confirmed cases in the City as of late September; and

WHEREAS, At the same time that the City has experienced a major health crisis, the necessary restrictions have also resulted in business closures, which generated a major economic crisis; and

WHEREAS, In Executive Order No. 2020-43 (COVID-19 Executive Order No. 41), filed on June 26, 2020, the Governor of Illinois affirmed that a local government body may enact provisions that are stricter than those in the Executive Order; and

WHEREAS, As the Governor of Illinois has affirmed, each region of the State faces different challenges from the COVID-19 pandemic and accordingly faces different timelines for reopening; and

WHEREAS, The City of Chicago shall only proceed further into reopening once the Mayor of the City of Chicago and the Commissioner of Health of the City of Chicago (“Commissioner”), guided by public health data, are satisfied that such reopening shall be safe; and

WHEREAS, At times, it may be necessary for the City to reinstate targeted COVID-19 restrictions as a precautionary response to avoid a resurgence in community cases of the virus; and

WHEREAS, The Commissioner is concerned about the spread of COVID-19 cases among residents between 18 and 29 years of age, which is widely attributed to socializing at private residences; and

WHEREAS, The Commissioner will continue to closely monitor public health data and make well-informed determinations regarding appropriate restrictions, including reducing restrictions when it is safe to do so; and

WHEREAS, The Municipal Code of Chicago (“Code”) authorizes the Commissioner to implement emergency measures to stop the spread of communicable diseases, and to protect the health, safety, and welfare of the City’s residents, including but not limited to authority granted in Sections 2-112-080, 2-112-160(a)(4), and 2-112-170 of the Code, in addition to 77 Ill. Adm. Code Sections 690.1305(a) and 690.1310(c); now, therefore,

The Commissioner of Health of the City of Chicago hereby orders as follows:

Pursuant to Executive Order No. 2020-43, which allows a local government body to enact stricter provisions where appropriate, this Order identifies those aspects of Chicago's reopening that differ from those of the State of Illinois, as necessitated by an analysis of public health data.

SECTION 1. Definitions. For purposes of this Order, the following definitions apply:

"COVID-19" means coronavirus disease 2019 caused by severe acute respiratory coronavirus 2 (SARS-CoV-2).

"Emergency functions" means any person employed in one of the following areas: first responder, emergency management, emergency dispatcher, judiciary, law enforcement and corrections, hazardous materials, child protection and child welfare, housing and shelter, military, and other governmental employees working for or to support the emergency response. These persons are exempt from this Order but are encouraged to practice Social Distancing and take recommended health measures.

"Gathering" means a group of individuals outside a single household who are part of a spontaneous or planned event and are interacting within six feet of one another for more than ten minutes.

"Governmental functions" means any person employed by, or any service on behalf of, the government of the United States, Cook County, the City of Chicago, or any other agency of government needed to ensure the continuing operation of the government agencies or to provide for or support the health, safety, and welfare of the public.

"Handwashing" means the act of thoroughly cleaning one's hands with soap and clean, running water for at least 20 seconds or using an alcohol-based hand sanitizer that contains at least 60 percent alcohol.

"Mask" means a paper, fabric or cloth filter that fully and effectively covers the mouth and nose.

"Self-screening" means a protocol by which an employee answers questions related to COVID-19 symptoms at the start of a work shift.

"Social Distancing" means the physical spacing of at least six feet between individuals or Gatherings.

SECTION 2. In addition to the health steps required by Executive Order No. 2020-43, individuals must take the following additional public health steps to protect their own and their neighbors' health and lives:

(a) Individuals must, at all times and as much as reasonably possible, maintain Social Distancing from any other person who does not live with them;

(b) Any individual who is over age two and able to medically tolerate a mask shall be required to wear a mask when in a public place, which for purposes of this Order includes any common or shared space in: (1) a residential multi-unit building or (2) any non-residential building, unless otherwise provided for in the Phase IV: Gradually Resume guidelines promulgated by the Office of the Mayor ("Gradually Resume Guidelines");

(c) Individuals must not engage in Prohibited Gatherings, unless exempted by Section 4 of this Order. Guidance as to what is, and is not, a Prohibited Gathering for purposes of this Order is set forth on Attachment A, which shall be updated as appropriate;

(d) Individuals with a high risk of severe illness from COVID-19, including people who are elderly and those with a health condition that increases risk of such illness, are urged to stay in their residence and minimize in-person contact with others to the extent possible; and

(e) Individuals must maintain isolation from others per public health guidance when demonstrating symptoms of or experiencing COVID-19 illness, pursuant to Order No. 2020-01.

SECTION 3. For purposes of this Order, businesses covered by this Order include any for-profit, non-profit, or educational entity, regardless of the nature of the service, the function it performs, or its corporate or entity structure.

(a) In addition to the health steps required by Executive Order No. 2020-43, businesses must take the following additional public health measures to protect their employees, their customers, and all others who come into physical contact with their operations:

(1) Maintain Social Distancing on the premises;

(2) Prevent Prohibited Gatherings;

(3) Ensure that every employee who interacts with customers and is able to medically tolerate a mask is wearing a mask for the duration of a shift;

(4) Provide supplies and accommodations that allow employees to follow handwashing and other sanitation procedures and require employees to follow such procedures at reasonably regular intervals;

(5) Request that employees undergo self-screening for COVID-19 symptoms in a manner prescribed by the Commissioner of Health for each day the employee reports to the workplace at the start of every work shift, as set forth in detail on Attachment A;

(6) In businesses requiring a maximum capacity sign under Chapter 14A-8 of the Code or for which a lower limit is set by the Gradually Resume Guidelines, the owner or owner's designated agent shall limit the total number of people allowed on the premises to the number or capacity percentage set by the Gradually Resume Guidelines;

(b) In addition to the health steps required by Executive Order No. 2020-43, every business shall review and, to the extent possible, adopt the Gradually Resume Guidelines. The following restriction applies:

(1) No licensee may sell liquor for on-premises consumption indoors during this Order unless it is a licensed retail food establishment or has a business arrangement with a licensed retail food establishment to supply that establishment's food to patrons. This subsection shall not apply to establishments located in airports.

SECTION 4. This Order exempts emergency functions and governmental functions.

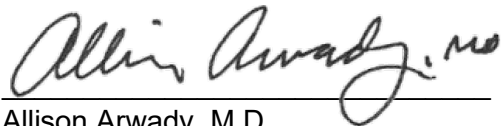
SECTION 5. Any Chicago park, beach, walking, running and cycling path, trail and other recreational facility ("Park Property") shall be open for use with the exception of the Park Property that is closed as set forth on Attachment B, which shall be updated as appropriate. Individuals using Park Property shall use it in accordance with guidance provided by the

Chicago Park District, as available on its website. No person shall be present at any time on any Park Property described in Attachment B, except for: (i) emergency access by first responders, and (ii) Essential Travel, as defined in Section 2 of Order No. 2020-03 (Second Amended and Reissued), on any public way intended for motor vehicles that runs through or abuts such property.

SECTION 6. In addition to any other penalty provided by law, any person who violates this Order shall be subject to arrest, and to the fines set forth in Section 2-112-340 of the Code.

SECTION 7. This Order shall remain in effect until the Commissioner of Health makes a written determination that the threat to public health posed by COVID-19 has diminished to the point that this Order can be safely repealed.

SECTION 8. If any provision of this Order or its application to any person or circumstance is held invalid by any court of competent jurisdiction, this invalidity does not affect any other provision or application of this Order, which can be given effect without the invalid provision or application. To achieve this purpose, the provisions of this Order are declared to be severable. This Order is meant to be read consistently with any Court order regarding this Order.



Allison Arwady, M.D.,
Commissioner of Health of the City of Chicago

Dated: October 1, 2020

Attachment "A"
July 24, 2020 version

PROHIBITED GATHERINGS

Any Gathering of more than 50 people, any two or more of whom are within six feet of each other, convening for more than ten minutes, is a Prohibited Gathering. If the Gathering is within a private residence, any gathering of more than six people who do not reside within that household is a Prohibited Gathering. To the extent possible, individuals in gatherings of 50 or fewer are still encouraged to maintain six feet of social distancing with individuals who are not members of the same household.

For purposes of this Order, the following are not a Prohibited Gathering:

(a) A gathering of members of a household or residence. Such a gathering is subject to the restrictions in (b), if applicable.

(b) A grouping of people: (1) in a building or structure in which the space occupied by the group has a mandated maximum capacity; (2) for a meeting at which participants will be sitting, standing or otherwise remaining stationary for ten minutes or more; (3) the total of all people at the meeting is limited to 40 percent of that mandated maximum capacity or 50, whichever is less; and (4) each person or household is separated from each other person or household by a minimum of six feet, clearly demarcated as such by tape, rope or other similar means.

(c) A grouping of people: (1) located outdoors; (2) for a meeting at which participants will be sitting, standing, or otherwise remaining stationary for ten minutes or more; (3) the total of all people at the meeting is limited to 100; and (4) each person or household is separated from each other person or household by a minimum of six feet.

SELF-SCREENING PROTOCOL

For purposes of this Order, an employer or their agent may ask employees the following questions to serve as a self-screening protocol:

- (1) *Have you had a body temperature over 100 degrees Fahrenheit or have you used a fever reducer in the previous 24 hours to treat a body temperature over 100 degrees Fahrenheit?*
- (2) *Do you have a new cough that you cannot attribute to another health condition?*
- (3) *Do you have a new sore throat that you cannot attribute to another health condition?*
- (4) *Do you have new shortness of breath that you cannot attribute to another health condition?*

Attachment "B"
July 24, 2020 version

All Park Property swimming beaches and all Park Property playgrounds.