

Updated April 14, 2020

PUBLIC HEALTH DIRECTIVE & ORDER

**Davis County Board of Health
Davis County, Utah**

WHEREAS, on January 21, 2020, the Utah Department of Health (“UDOH”) activated its Department Operations Center in response to the evolving COVID-19 global pandemic. The UDOH recognizes COVID-19 as an imminent threat to the health and safety of the residents of the State of Utah (“Utah”). The UDOH, local health departments, and health and medical partners have activated response plans and protocols to prepare, and to minimize the likely community spread of the virus in Utah, and its impact on our healthcare resources. These partners have also worked to identify, contact, and test others in Utah potentially exposed to COVID-19 in coordination with the United States Centers for Disease Control and Prevention (“CDC”); and

WHEREAS, on January 31, 2020, the United States Department of Health and Human Services Secretary Alex Azar declared a public health emergency for COVID-19, beginning on January 27, 2020; and

WHEREAS, the CDC has identified the potential health threat posed by COVID-19 both globally and in the United States as “high,” and has advised that the person-to-person spread of COVID-19 will continue to occur globally, and including within the United States; and

WHEREAS, on March 6, 2020, Utah Governor Gary R. Herbert issued an Executive Order declaring a state of emergency due to the COVID-19 outbreak; and

WHEREAS, UDOH recognizes that confirmed community transmission in the United States significantly increases the risk of exposure and infection to the general public within Utah, which creates an extreme public health risk that may spread quickly; and

WHEREAS, to combat the spread of COVID-19, Utah and various counties, have declared local public health emergencies; and

WHEREAS, on March 13, 2020, Governor Gary Herbert dismissed all Utah public schools for two weeks to combat the spread of COVID-19 (the “School Dismissal”). The School Dismissal means that students will not be allowed to attend school, but staff, faculty, and food service personnel will be allowed to be in the school facility; and

WHEREAS, on March 17, UDOH, in coordination with the Governor’s Office and Utah COVID-19 Community Task Force, issued an Order to all restaurants, bars, and food service establishments in the state of Utah to suspend dine-in operations and to limit mass gatherings to no more than ten individuals for a period of two weeks; and

WHEREAS, on March 18, the Davis County Health Department issued a Public Health Order to outline recommendations for Davis County residents and businesses to address rising challenges due to COVID-19 in Davis County; and

WHEREAS, on March 21, UDOH, in coordination with the Governor’s Office and Utah COVID-19 Community Task Force, issued a revised Order to avoid group gatherings; and

WHEREAS, on March 23, 2020, Governor Gary Herbert, State Superintendent Syd Dickson, and Acting Commissioner of Technical Education Jared Haines extended the dismissal of all Utah K-12 public schools and technical colleges through Friday, May 1; and

WHEREAS, on March 27, Governor Gary Herbert issued the Governor’s Coronavirus Directive for Utah, “Stay Safe, Stay Home”; and

WHEREAS, on April 1, Utah issued a State Public Health Order extending food establishment guidelines and clarifying that individuals who test positive for COVID-19, who are exposed to an individual who tests positive for COVID-19, or who are a member of the same household as an individual who tests positive, shall comply with self isolation or quarantine notices; and

WHEREAS, the Davis County Health Department Director does hereby find that there is an imminent and proximate threat to public health due to COVID-19 circulating in Davis County; and

WHEREAS, Section 26A-1-114 of the Utah Code empowers a local health department to “close theatres, schools, and other public places and prohibit gatherings of people when necessary to protect the public health.” It further empowers the local health department to “exercise physical control over property and over individuals as the local health department finds necessary for the protection of public health, and to do so through the issuance of Notices and Orders.”

PART I: DIRECTIVE

THEREFORE, PURSUANT TO UTAH CODE §26A-1-114, BE IT HEREBY DIRECTED BY THE DAVIS COUNTY HEALTH DEPARTMENT DIRECTOR BRIAN HATCH, THE FOLLOWING:

Section 1. General.

- a. All public and private gatherings should be limited to members of a single household or living unit, except to provide care and support for others in the community.
 - i. This recommendation should not be interpreted to suggest that a business should be limited to any number of employees in a single location; however, businesses are encouraged to follow additional directives listed in Part I, Section 3.
- b. Avoid all non-essential travel, both personal and business-related.

Section 2. Individuals.

- a. **Stay Safe, Stay Home**
 - i. All individuals in Davis County are directed to “Stay Safe, Stay Home,” except to engage in essential activities or tasks deemed necessary by the individual for the health, safety, and well-being of their household.
 - ii. Work from home whenever possible. When at work adhere to social distancing and never go to work sick (e.g., cough, fever, shortness of breath).
 - iii. Postpone nonessential personal services. (e.g. leisure shopping, etc.)
 - iv. Do not go to public places if you are sick.
 - v. Individuals should rely on telehealth options whenever feasible.
- b. **Follow Strict Hygiene Standards**
 - i. Wear a cloth face covering that covers the nose and mouth in any place of public accommodation, including in retail establishments and grocery stores, and whenever social distancing is not possible.
 - ii. Wash hands frequently with soap and water for at least 20 seconds.
 - iii. Use hand sanitizer frequently when hand washing is not an option.
 - iv. Avoid touching your face.
 - v. Cover coughs or sneezes (e.g., into a tissue or inside elbow, not hands).
 - vi. Regularly clean high-touch surfaces.

c. Social Distancing

- i. Maintain a six foot distance at all times from other individuals when in public, both indoor and outdoor spaces.
- ii. Do not visit friends or family without urgent need.
- iii. Limit physical interactions with high risk individuals (those age 60 or older or any individual with a serious underlying medical condition), including visiting hospitals, nursing homes, and other residential care facilities.
- iv. All high risk individuals should avoid contact with other individuals.

Section 3. Businesses and Organizations.

a. Protect Employees

- i. Employers should limit the number of employees reporting to work to only those that are deemed essential to function.
- ii. Employers should encourage and enable employees and volunteers to work or meet remotely where possible, through online methods. Work from home whenever possible. When at work adhere to social distancing and never go to work sick (e.g., cough, fever, shortness of breath).
- iii. Employers should exclude all employees and patrons who are ill (e.g., cough, fever, shortness of breath) from the workplace.

b. Social Distancing

- i. Limit employee to employee contact in the workplace. Essential employees should avoid gathering in groups and should adhere to six foot social distancing rules.
- ii. Implement social distancing (six feet) measures in all areas of the workplace, especially communal areas. Eliminate areas of public gathering. Minimize customer interactions and time spent in your facility. Consider appointments only, closed lobbies, avoiding lines, implementing systems to help ensure the public maintains social distancing while accessing essential services including checkout lines.
- iii. Employers should monitor for groups gathering and intervene quickly to disperse groups.

c. Cleaning and Sanitation

- i. Employees should be encouraged to engage in regular and frequent hand washing.
- ii. Employers should regularly clean and sanitize facilities, with special attention to high-touch surfaces.
- iii. Employers should review processes so that employees and customers are not using and handling common tools.

PART II: ORDER

THEREFORE, PURSUANT TO UTAH CODE §26A-1-114, BE IT HEREBY ORDERED BY THE DAVIS COUNTY HEALTH DEPARTMENT DIRECTOR BRIAN HATCH, THE FOLLOWING:

Section 1. Isolation and Quarantine.

- a. Isolation or quarantine notices issued pursuant to Utah Code Title 26A-1-114, means any verbal or written order from the Davis County Health Department regarding an individual who tests positive for COVID-19 or who is exposed to an individual who tests positive for COVID-19.
- b. The following individuals shall comply with a isolation or quarantine notice:
 - i. an individual who tests positive for COVID-19;
 - ii. an individual who is exposed to an individual who tests positive for COVID-19; and
 - iii. an individual who is a member of the same household or residence of an individual who tests positive for COVID-19.
- c. In some situations, an individual deemed a critical infrastructure worker in accordance with the March 28, 2020 CISA guidance,¹ may be unable to comply with the Order requirements, due to the essential functions that he or she provides and are therefore exempt from enforcement.

Section 2. Closures.

- a. The following facilities shall be closed based on their inability to observe the social distancing necessary to slow the spread of COVID-19:
 - i. **Salons and spas.** This includes, but is not limited to, hair salons, barber shops, nail salons, day spas, electrolysis providers, waxing salons, eyebrow threading shops, tattoo parlors, body art establishments, massage establishments, and tanning facilities.
- b. The following facilities shall be closed due to being gathering places with the apparent inability to observe recommended hygienic and social distancing guidance necessary to slow the spread of COVID-19:

¹ See <https://www.cisa.gov/publication/guidance-essential-critical-infrastructure-workforce>

- i. **Places of public amusement and activity are closed.** Whether indoors or outdoors, including but not limited to amusement parks, carnivals, water parks, licensed public and private swimming pools, splash pads, playgrounds, aquariums, zoos, aviaries, museums, arcades, fairs, children’s play centers, clubhouses, bowling alleys, movie and other theaters, concert, reception, and event venues, recreation centers, social clubs, gyms, fitness centers, and athletic clubs.

Section 3. Food Service Establishments.

Each food service establishment, as defined in this Order, shall close to members, guests, patrons, customers, and the general public, except as permitted on a limited basis subject to the following requirements and restrictions:

- a. “Food service establishment” means:
 - i. a restaurant, self-serve buffet, salad bar, unpackaged self-serve food service, bar, tavern, nightclub, private liquor club, or saloon; or
 - ii. a hotel with an on-premise or attached restaurant, self-serve buffet, salad bar, unpackaged self-serve food service, bar, tavern, nightclub, private liquor club, or saloon; or
 - iii. a convenience store that sells a hot food item or a self-serve drink.
- b. A food service establishment may not:
 - i. provide dine-in food service, including dine-in food service provided outside the food service establishment (i.e., outdoor seating); or
 - ii. admit a member, guest, patron, or customer inside the food service establishment except to allow the member, guest, patron, or customer to order, pick up, or pay for food, except that this does not apply to a convenience store; or
 - iii. if the food service establishment is a hotel, serve a complimentary meal other than a prepackaged, take-out meal that is eaten in an area other than a common area of the hotel.
- c. A food service establishment may:
 - i. provide drive-through food service;
 - ii. provide take-out or curbside pick-up food service;
 - iii. provide food delivery service; and
 - iv. utilize a third-party food delivery service, including DoorDash or UberEats, except as otherwise prohibited or restricted by Davis County Health Department.

- d. A food service establishment shall:
 - i. clean each high-touch surface area of the food service establishment;
 - ii. ensure that an employee who handles cash or a credit card during the course of business uses cleansing measures between each transaction;
 - iii. prohibit an employee who handles cash or a credit card during the course of business from participating in food preparation, handling, or delivery without first using cleansing measures;
 - iv. ensure that a manager or supervisor, or another employee if no manager or supervisor is available, checks each employee on a daily basis and at the beginning of the employee's shift for any symptom of illness consistent with COVID-19, such as fever, cough, and shortness of breath;
 - v. prohibit an employee who presents any symptom of illness consistent with COVID-19 from being physically present on the premises of the food service establishment; and
 - vi. restrict a gathering or line formation in or around the physical premises of the food service establishment of individuals who are not employees of the food service establishment as follows:
 - A. if a gathering or line formation can be reasonably avoided, by prohibiting a gathering or line formation of any number of individuals; or
 - B. if a gathering or line formation cannot be reasonably avoided, by requiring each individual in a gathering or line to maintain a physical distance of at least six feet from any other individual, unless that individual is a member of the same household or residence, or the individuals are separated by a physical barrier capable of preventing the transmission of respiratory droplets.
- e. An employee of a food service establishment may not:
 - i. participate in food preparation, handling, or delivery if the employee handles cash or a credit card during the course of business unless the employee first uses cleansing measures; or
 - ii. be physically present on the premises of the food service establishment if the employee presents any symptom of illness consistent with COVID-19.
- f. An employee of a food service establishment who handles cash or a credit card during the course of business shall use cleansing measures between each transaction.

Section 4. Food Delivery Services.

- a. An employee of a third-party food delivery service or food service establishment that provides food delivery may not:
 - i. engage in physical contact with a customer during a food delivery; or
 - ii. participate in food preparation, handling, or delivery if the employee presents any symptom of illness consistent with COVID-19.

- b. An employee of a third-party food delivery service or food service establishment that provides food delivery shall use cleansing measures between each delivery.

Due to the circumstances and the continually evolving situation with the spread of COVID-19 virus, violations of operational restrictions listed in Order sections 3 and 4 shall result in the immediate closure of individual businesses and establishments to all business activity.

Section 5. Duration. This Order shall remain in effect through May 1, 2020, unless adjusted or further extended.

Section 6. Publication. This Order shall be on file for public inspection with the Davis County Health Department.


Section 7. Enforcement. The purpose of this Order is to protect individuals’ health, not to hold anyone criminally liable. Residents and businesses are required to comply with the Order. Education is the first option to achieve compliance.

State law prescribes civil penalties for violations of local public health orders. In addition, State law outlines potential criminal penalties for intentional, knowing or reckless violations of a local public health order. While penalties outlined by state code classify the offense as a misdemeanor (Class B for the initial offense, Class A for repeat offenses), Davis County has encouraged local municipalities to use verbal warnings and education when the need to enforce a violation of this Order arises, when possible. However, in the event of a repeat or egregious offender, or when deemed critical to gain compliance for public health, civil or criminal charges may be used as per UCA 26A-1-123(5) and 76-2-102. Class A and Class B misdemeanors are punishable pursuant to UCA 76-3-204 and 76-3-301.

This Public Health Directive & Order becomes effective as soon as possible, but not later than 11:59 p.m., on April 14.

EFFECTIVE DATE: April 14, 2020

DAVIS COUNTY HEALTH DEPARTMENT



Brian Hatch
Davis County Health Officer

DAVIS COUNTY COMMISSION



Lorene M. Kamalu
Chair, Board of Davis County Commissioners



APPROVED AS TO FORM:



Neal C. Geddes
Davis County Attorney's Office
Chief Civil Deputy

