

## ORDER OF PUBLIC HEALTH MADISON & DANE COUNTY

**DATE OF ORDER:** MAY 18, 2020

### EMERGENCY ORDER #2

Public health orders have worked to flatten the curve of infections of COVID-19 throughout Dane County. In Dane County, the average number of daily cases dropped once the physical distancing measures within the Orders went into place. Additionally, the percent of people testing positive for COVID-19 in Dane County has dropped from 5.7 percent before the Orders went into place to 2.2 percent.

This is a critical time for Dane County to maintain the momentum of minimizing the spread of COVID-19 and halt further transmission. Public Health Madison & Dane County (PHMDC) is using data and science to determine what actions are necessary across Dane County to slow the spread of the disease. To achieve this goal, PHMDC assesses the percentage of individuals who test positive, the average number of daily cases, testing capacity, hospital capacity, contact tracing capacity, community spread, isolation and quarantine capacity, and research regarding virus transmission.

Based upon the foregoing, I, Janel Heinrich, Public Health Officer of Madison and Dane County, by the authority vested in me by the Laws of the State, including, but not limited to, Wis. Stats. Secs. 252.03(1), (2) and (4), order the following as necessary to prevent, suppress, and control the spread of COVID-19 :

- 1.** All individuals present within the County of Dane are encouraged to stay at home or at their place of residence, with exceptions outlined below. To the extent individuals are using shared or outdoor spaces other than their home or residence, they must at all times as reasonably as possible maintain physical distancing of at least six (6) feet from any other person consistent with Physical Distancing Requirements as defined below, except that they do not need to maintain physical distancing between individuals residing in a single living unit or household.

Individuals experiencing homelessness are exempt from this Section, but are strongly urged to obtain shelter.

Individuals whose homes or residences are unsafe or become unsafe, such as victims of domestic violence, are permitted and urged to leave their home and stay at a safe alternative location.

## **2. Business operations**

**a. Non-essential business.** All non-essential businesses may only operate as authorized in Section 12, Minimum Basic Operations.

### **b. Safe Business Practices**

- i.** All businesses, including Essential Businesses and Operations, shall:
  - 1.** To the greatest extent feasible, use technology to avoid meeting in person, including virtual meetings, teleconference, and remote work (i.e. work from home).
  - 2.** Cease door-to-door solicitation.
  - 3.** Adhere to the requirements from PHMDC and strongly consider implementing the recommendations and guidelines from PHMDC.
  
- ii.** Essential Businesses and Operations are encouraged to remain open. Essential Businesses and Operations shall:
  - 1.** Must comply with Physical Distancing Requirements as defined in this Order between all individuals on the premises, including but not limited to, employees, customers, and members of the public.
  - 2.** Restrict the number of workers present on premises to no more than are strictly necessary to perform the essential operations.
  - 3.** Increase standards of facility cleaning and disinfection to limit worker and patron exposure to COVID-19, as well as adopt protocols to clean and disinfect in the event of a positive COVID-19 case in the workplace. Follow guidance from PHMDC, Department of Health Services, and the Centers for Disease Control and Prevention on cleaning.
  - 4.** Adopt policies to prevent workers from entering the premises if they display respiratory symptoms or have had contact with a person with a confirmed diagnosis of COVID-19.

- iii. Essential Businesses and Operations that are open for in-person sales, including retail stores, shall:
  1. Consider establishing curbside pick-up to reduce in-store traffic and mitigate outdoor lines.
  2. For stores with less than 50,000 square feet of customer floor space, limit the number of people in the store (including employees) to 25% of the total occupancy limits established by the local municipality.
  3. For stores of more than 50,000 square feet:
    - a. Limit the number of customers in the store at one time (including employees) to 4 people per 1,000 square feet of customer floor space.
    - b. Offer at least two hours per week of dedicated shopping time for vulnerable populations, which for purposes of this Order are people over 60, pregnant women, and those with chronic conditions like heart disease, diabetes, and lung disease.
  4. Establish lines to regulate entry in accordance with occupancy restrictions in sections 2.b.iii.2. and 2.b.iii.3., with markings for patrons to enable them to stand at least six feet apart from one another while waiting. Stores should also use alternatives to lines, including allowing customers to wait in their cars for a text message or phone call and scheduling pick-ups or entries to the store.
3. **Prohibited activities.** All public and private gatherings of any number of people that are not part of a single household or living unit are prohibited, except for the limited purposes expressly permitted in this Order. Nothing in this Order prohibits the gathering of members of a single household or living unit. Landlords or rental property managers shall avoid entering leased residential premises unless emergency maintenance is required.
4. **Closures.** In order to further limit public gatherings, all of the following facilities shall be closed:
  - a. **Schools.** Public and private K-12 schools shall remain closed for pupil instruction and extracurricular activities, except that they may provide the following services:
    - i. Distance learning or virtual learning.

- ii. Any Essential Government Functions
  - iii. Minimum Basic Operations.
  - iv. Food distribution.
  - v. Other activities as approved by PHMDC.
  
- b. **Libraries.** Public libraries shall remain closed for all in-person services, except that they may provide the following services:
  - i. On-line services and programming.
  - ii. Curb-side pick-up of books and other library materials, if all operations are performed by one person in a room or confined space. Materials must be requested on-line or by phone before pick-up. The library may not require a signature from the patron. The library must schedule pick-ups to ensure compliance with Physical Distancing Requirements as defined in Section 16 of the Order.
  - iii. Any Essential Governmental Function.
  - iv. Minimum Basic Operations
  - v. Food distribution.
  
- c. **Places of public amusement and activity.** Whether indoors or outdoors, places of public amusement and activity are closed, including but not limited to amusement parks, carnivals, water parks, licensed public or private swimming pools, splash pads, aquariums, zoos, museums, arcades, fairs, parades, children’s play centers, playgrounds, funplexes, theme parks, skate parks, bowling alleys, movie and other theaters, concert and music halls, country clubs, social clubs, and gyms and fitness centers. Places of public amusement and activity may do the minimum necessary to prepare to open for customers, including procuring and stocking supplies, cleaning, and whatever else the business needs to do to prepare for the return of customers. The following exceptions apply:
  - i. Public and private golf courses may open, with the following restrictions:
    - 1. Golfers may rent golf carts and push carts.
      - a. Rentals must be paid for on-line or by phone.
      - b. Carts must be cleaned after each use.
      - c. Golfers may use their own personal carts.
    - 2. Physical Distancing Requirements must be observed at all times, unless the players reside in the same household or living unit.
    - 3. Tee times

- a. All tee times and payments must be made in advance online or by phone.
  - b. Tee times must be spaced to avoid multiple foursomes from clustering or gathering at any stage of the course.
4. Clubhouses and pro shops must remain closed. Any restaurant or bar facility may remain open and must comply with all restrictions in Section 11.d. and 11.e. of this Order. Except for food and drink take-out provided by a clubhouse restaurant or bar, customers or golfers are not permitted inside any buildings. Food or drink may be consumed on the course while playing. Delivery of food or drink may be made by staff on golf carts to golfers on the course.
  5. All maintenance work and groundskeepers shall comply with Section 2.b.i. and 2.b.ii. of this Order. All other functions may only continue under Minimum Basic Operations.
  6. Driving ranges and miniature golf must remain closed.
- ii. **Disc Golf.** Disc golf ranges may be open, with the following restrictions:
1. Each individual must carry and only use their own equipment.
  2. Physical Distancing Requirements must be observed at all times, unless the players reside in the same household or living unit.
  3. To the extent possible, reservations and payments should be made in advance online or over the phone.
- iii. **Tennis Courts.** Tennis courts may be open, with the following restrictions:
1. Each individual must carry and only use their own equipment and balls, unless they reside in the same household or living unit.
  2. Only two individuals are allowed on each tennis court at any one time.
  3. Play is limited to every other court.
  4. Physical Distancing Requirements must be observed at all times, unless the players reside in the same household or living unit.
- iv. **Drive-in Theaters.** Drive-in movie theaters may open, with the following restrictions:

1. Drive-in theaters may not offer outdoor seating.
  2. Patrons may leave their vehicles to purchase or pick up food or drink from the theater or to use the restroom. Patrons must remain in their vehicles at all other times.
  3. Any food or drink sales must comply with Sections 11.d. and 11.e.
  4. Drive in theaters may deliver food to patrons waiting in their vehicles.
  5. To the extent possible, reservations and payments should be made in advance online or over the phone.
- d. **Salons and spas.** This includes, but is not limited to, hair salons, barber shops, nail salons, day spas, electrolysis providers, waxing salons, eyebrow-care establishments, tattoo parlors, body art establishments, and tanning facilities. These facilities may not provide any services to customers but can sell goods and perform Minimum Basic Operations.
- e. **Garage, rummage, and yard sales.** Garage, rummage, and yard sales are not permitted.
5. **PHMDC requirements and guidelines.**  
When taking any action permitted under this Order, all individuals, organizations, government bodies, and any other permitted group of individuals shall follow PHMDC requirements and guidelines, including:
- a. Develop and implement a written hygiene policy and procedure that includes:
    - i. Ensuring employees who have a fever or other symptoms of COVID-19 will not be allowed to work.
    - ii. Establishing hand-washing expectations and ensuring supplies are available to employees.
    - iii. Description of proper cough and sneeze etiquette.
  - b. Develop and implement a written cleaning policy and procedure that includes:
    - i. Guidelines for cleaning and disinfecting frequently touched surfaces multiple times a day.
    - ii. Guidelines to frequently wiping down any shared equipment, such as work spaces, credit card machines, lunchroom items, carts, baskets, etc.
    - iii. Cleaning common areas and equipment between use or shift changes.

- iv. Protocols to clean and disinfect in the event of a positive COVID-19 case.
- c. Develop and implement written protective measure policy and procedure that includes:
  - i. Ensuring individuals are at least 6 feet from others whenever possible.
  - ii. Ensuring employees are provided with and wear face coverings when unable to maintain at least 6 feet of distance from customers.
    - 1. If a transparent partition is in place, a face covering is recommended, but not required.
- d. Document staff receipt, acknowledgement, or training on the above-mentioned policies.

**6. Healthcare and Public Health Operations.**

Healthcare and Public Health Operations includes, but is not limited to: hospitals; medical facilities; clinics; ambulatory surgery centers for response to urgent health issues or related COVID-19 activities; manufacturers, technicians, logistics, and warehouse operators and distributors of medical equipment, personal protective equipment (PPE), medical gases, pharmaceuticals, blood and blood products, vaccines, testing materials, laboratory supplies, cleaning, sanitizing disinfecting or sterilization supplies, and tissue and paper towel products; dental offices; pharmacies; public health entities, including those that compile, model, analyze, and communicate public health information; pharmaceutical, pharmacy, medical device and equipment, and biotechnology companies (including operations, research and development, manufacture, and supply chain); healthcare information technology companies; organizations collecting blood, platelets, plasma, and other necessary materials; obstetricians, gynecologists, and midwife practices; eye care centers, including those that sell glasses and contact lenses; home health agencies and providers; mental health and substance abuse providers; detoxification and alcohol or drug treatment programs and facilities; syringe access programs, and naloxone distribution programs; other healthcare facilities and suppliers and providers of any related or any ancillary healthcare services; entities that transport and dispose of medical materials and remains; personal care agencies; hospices; allied health providers; acupuncturists; massage therapists; chiropractors; and adult family homes.

Specifically included in Healthcare and Public Health Operations are manufacturers, technicians, logistics, and warehouse operators and distributors of medical equipment, personal protective equipment (PPE), medical gases, pharmaceuticals, blood and blood products, vaccines, testing materials,

laboratory supplies, cleaning, sanitizing disinfecting or sterilization supplies, and tissue and paper towel products.

Healthcare and Public Health Operations also includes veterinary care and all healthcare services provided to animals. Non-essential veterinary care should be avoided.

Cafeterias and food service in health care facilities may remain open for staff and authorized visitors only, subject to the following restrictions:

- a. Self-service operations of salad bars, beverages stations, and buffets are prohibited.
- b. Customers are prohibited from self-dispensing any unpackaged food or beverage.
- c. Customers and staff shall comply with Physical Distancing Requirements, including in seating areas and lines.

Healthcare and Public Health Operations shall be broadly construed to avoid any impediments to the delivery of healthcare, broadly defined. Healthcare and Public Health Operations does not include fitness and exercise gyms, hair salons, barber shops, nail salons, day spas, electrolysis providers, tattoo parlors, body art establishments, tanning facilities, and similar facilities.

## **7. Human Service Operations.**

Human Service Operations includes, but is not limited to: long-term care and assisted living facilities, as long as the facility follows all current DHS Recommendations for Prevention of COVID-19 in Long-Term Facilities and Assisted Living Facilities and all applicable U.S. Centers for Disease Control Recommendations; residential settings and shelters for adults, seniors, children, victims of domestic abuse, people with disabilities, people with substance use disorders, or mental illness; transitional facilities; home-based settings to provide services to individuals with physical, intellectual, or developmental disabilities, seniors, adults, or children; adult day care, adult day services, and supportive home care; field offices that provide and help to determine eligibility for basic needs including food, cash assistance, medical coverage, vocational services, or rehabilitation services; developmental centers; adoption agencies; businesses that provide food, shelter, social services, or other necessities of life for economically disadvantaged individuals, individuals with physical, intellectual, or developmental disabilities, or otherwise needy individuals.

Human Services Operations shall be construed broadly to avoid any impacts to the delivery of human services, broadly defined.



**8. Essential Infrastructure.**

Essential Infrastructure includes, but is not limited to: food production, distribution, fulfillment centers, storage facilities, marinas, and sales; construction (including, but not limited to, construction required in response to this public health emergency, hospital construction, construction of long-term care and assisted living facilities, public works construction, school construction, Essential Business and Operations construction, construction necessary for Essential Governmental Functions, and housing construction, except that optional or aesthetic construction should be avoided except as permitted as a Minimum Basic Operation); building management and maintenance; airport operations; operation and maintenance of utilities, including water, sewer, gas, and electric (including power generation, distribution, production of raw materials, and Wisconsin Department of Natural Resources-certified and registered drinking water and wastewater testing laboratories); Wisconsin Home Energy Assistance, Low Income Home Energy Assistance Program, and Public Benefits Energy Assistance Program offices, customer service centers, and public intake centers; distribution centers; oil and biofuel refining; roads, highways, railroads, and public transportation; ports; cybersecurity operations; flood control; solid waste and recycling collection and removal; and internet, video, and telecommunications systems (including the provision of essential global, national, and local infrastructure for computing services, business infrastructure, communications, and web-based services).

Essential Infrastructure shall be construed broadly to avoid any impacts to essential infrastructure, broadly defined.

**DEFINITIONS**

**9. Essential Activities.** The following activities are permitted:

- a. Health and safety.** To engage in activities or perform tasks essential to their health and safety, or to the health and safety of their family or household members, including pets, such as, by way of example only and without limitation, obtaining medical supplies or medication, seeking emergency services, or visiting a health care or behavior health care professional. Individuals should rely on telehealth options whenever feasible.
- b. Necessary supplies and services.** To obtain necessary services or supplies for themselves and their family or household members, or to deliver those

services or supplies to others, such as, by way of example only and without limitation: canned food, dry goods, fresh fruits and vegetables, gasoline, propane, pet supply, fresh meats, fish, and poultry, and any other household consumer products, and products necessary to maintain the safety, sanitation, and essential operation of residences.

- c. **Outdoor activity.** To engage in outdoor activity, including visiting public and state parks, provided individuals comply with Physical Distancing Requirements. Such activities include, by way of example and without limitation, walking, biking, hiking, or running. Individuals may not engage in team or contact sports with anyone that is not a member of the same household or living unit, such as by way of example and without limitation, basketball, ultimate frisbee, soccer, baseball, or football, as these activities do not comply with Physical Distancing Requirements. Playgrounds and skate parks are closed.
- d. **Certain types of work.** To perform work at Essential Businesses and Operations or to otherwise carry out activities specifically permitted in this Order, including Minimum Basic Operations and obtaining supplies needed to work from home.
- e. **Take care of others.** To care for a family member, friend, or pet in another household, and to transport family members, friends, or pets as allowed in this Order.

10. **Essential Governmental Functions.** Essential Governmental Functions means all services provided by the State, Tribal, or local governments needed to ensure the continuing operation of the government body and provide and support the health, safety, and welfare of the public. Each government body shall determine its Essential Government Function, if any, and identify employees and contractors necessary to the performance of those functions.

For purposes of this Order, all paid or volunteer first responders including law enforcement, EMS, and firefighters; first responder training academies; building inspectors; emergency management personnel; emergency dispatchers; court personnel, jurors and grand jurors; corrections personnel; hazardous materials responders; child protection and child welfare personnel; housing and shelter personnel; National Guard and military; and others working for or to support Essential Businesses and Operations are categorically exempt from this Order.

Government bodies should continue to follow the Wisconsin Department of Justice's Office of Open Government guidance regarding holding government meetings and should consult directly with that office regarding specific open

meetings questions. The guidance is available here: [https://www.doj.state.wi.us/sites/default/files/news-media/3.20.20\\_OOG\\_Final.pdf](https://www.doj.state.wi.us/sites/default/files/news-media/3.20.20_OOG_Final.pdf).

Government bodies with additional questions about open meetings requirements should consult with the Wisconsin Department of Justice's Office of Open Government.

**11. Essential Businesses and Operations.** For the purposes of this Order, Essential Businesses and Operations means Healthcare and Public Health Operations, Human Services Operations, Essential Infrastructure, and Essential Governmental Functions, and the following:

- a. **CISA List.** Any business or worker identified in the U.S. Department of Homeland Security, Cybersecurity & Infrastructure Security Agency (CISA), *Memorandum on Identification of Essential Critical Infrastructure Workers During COVID-19 Response*, updated March 24, 2020, and any subsequent versions of this Memorandum.
- b. **Stores that sell groceries and medicine.** Grocery stores, bakeries, pharmacies, farm and produce stands, supermarkets, food banks and food pantries, convenience stores, and other establishments engaged in the retail sale of groceries, canned food, dry goods, frozen foods, fresh fruits and vegetables, pet supply, fresh meats, fish, poultry, prepared food, alcoholic and non-alcoholic beverages, and any other household consumer products (such as cleaning and personal care products). Such establishments shall:
  - i. Close all seating intended for consuming food.
  - ii. Cease any self-service operations of salad bars, beverage stations, and buffets.
  - iii. Except for grocery stores, prohibit customers from self-dispensing all unpackaged food.
  - iv. Abide by Physical Distancing Requirements.

This section should not be interpreted to provide an exemption for businesses engaged in the sale of food or beverage ancillary to its primary purpose, such as those businesses required to close under Section 4 who also may engage in some food or beverage sales.

- c. **Food and beverage production, transport, and agriculture.** Food and beverage manufacturing, production, processing, transportation, and cultivation; farming, livestock, fishing, baking, and other production agriculture, including cultivation, marketing, production, and distribution of animals and goods for consumption; businesses that provide food,

shelter, and other necessities of life for animals, including animal shelters, boarding, rescues, kennels, and adopting facilities; farm and agriculture equipment, supplies, and repair services.

**d. Restaurants.** Restaurants shall close, except as follows:

- i. Restaurants may remain open for food take-out or delivery service only.
- ii. Alcohol sales must comply with section 11.e. below.
- iii. Customers may enter the above establishments only for the purpose of ordering, pick up, and paying for food or beverage or both.
- iv. No seating may be provided.
- v. Food and drink may not be consumed on premises, either indoors or outdoors.
- vi. Establishments shall meet Physical Distancing Requirements between all individuals on the premises to the extent possible.
- vii. Cease any self-service operations of salad bars, beverage stations, and buffets.
- viii. Customers are prohibited from self-dispensing any unpackaged food or beverage.
- ix. May do the minimum necessary to prepare to open for customers, including procuring and stocking supplies, cleaning, and whatever else the business needs to do to prepare for the return of customers.

**e. Bars.** This includes breweries, brewpubs, wineries, distilleries, and alcohol beverage retailers. Such establishments shall close, except as follows:

- i. Carryout sales of alcohol beverages and food are allowed, if permitted by state law and municipal ordinance.
- ii. Delivery of alcohol beverages to retail customers is prohibited.
- iii. Wineries holding direct wine shippers' permits may make deliveries of wine in accordance with their permit.
- iv. Customers may enter the above establishments only for the purpose of ordering, pick up, and paying for food or beverage or both.
- v. No seating may be provided.
- vi. Food and drink may not be consumed on premises, either indoors or outdoors.
- vii. Establishments shall meet Physical Distancing Requirements between all individuals on the premises to the extent possible.

- viii. Self-service operations of salad bars, beverage stations, and buffets are prohibited.
  - ix. Customers are prohibited from self-dispensing any unpackaged food or beverage.
  - x. May do the minimum necessary to prepare to open for customers, including procuring and stocking supplies, cleaning, and whatever else the business needs to do to prepare for the return of customers.
- f. **Child care settings.**
- i. Regulated child care and unregulated youth programming are limited to 50 children per program. Licensed child care programs that have been granted multiple licenses per program are allowed to operate with up to 50 children per license.
  - ii. Child care settings must continue to follow licensing and certification ratio requirements.
  - iii. Child care settings shall prioritize care for families as follow
    - 1. Tier 1: employees, contractors, and other support staff working in health care;
    - 2. Tier 2: employees, contractors, and other staff in vital areas including but not limited to military; long term care; residential care; pharmacies; child care; child welfare; government operations; public safety and critical infrastructure such as sanitation, transportation, utilities, telecommunications; grocery and food services; supply chain operations; and other sectors as determined by the Secretary of the Department of Children and Families.
  - iv. Child care settings includes all licensed recreational and educational camps, licensed and certified childcare providers and licensed-exempt public school programs.
- g. **Organizations that provide charitable and Social services.** Businesses and religious and secular nonprofit organizations, including prevocational group supportive employment, food banks and food pantries, when providing food, shelter, and social services, and other necessities of life for economically disadvantaged or otherwise needy individuals, individuals who need assistance as a result of this public health emergency, and people with disabilities.
- h. **Weddings and funerals.** Weddings and funerals, except that any gathering shall include 10 or fewer people in a room or confined space at a time and

individuals shall adhere to Physical Distancing Requirements, unless they reside in the same household. Weddings and funerals that occur outside must adhere to Physical Distancing Requirements, unless individuals reside in the same living unit or household.

- i. Religious entities.** Entity that is organized and operated for a religious purpose. Examples include, but are not limited to, mosques, synagogues, temples, churches and nondenominational ministries. Gatherings inside a religious entity shall comply with the requirements established in Section 2.b. All gatherings must adhere to the Physical Distancing Requirements.
- j. Funeral establishments.** Funeral establishments, as defined in Wis. Stat. § 445.01(6), except that any gathering shall include 10 or fewer people in a room or confined space at a time and individuals shall adhere to Physical Distancing Requirements.
- k. Media.** Newspapers, television, radio, and other media services.
- l. Gas stations and businesses needed for transportation.** Gas stations; auto and motorcycle supply, repair and sales; boat supply, repair, and sales; and bicycle supply, repair, and sales.
- m. Financial institutions and services.** Banks, credit unions, and other depository or lending institutions; licensed financial service providers; insurance services; personnel necessary to perform essential functions at broker dealers and investment advisor offices.
- n. Hardware and supplies stores.** Hardware stores and businesses that sell electrical, plumbing, heating, and construction material.
- o. Critical trades.** Building and Construction Tradesmen and Tradeswomen, and other trades including but not limited to plumbers, electricians, carpenters, laborers, sheet metal, iron workers, masonry, pipe trades, fabricators, finishers, exterminators, pesticide application, cleaning and janitorial staff for commercial and governmental properties, residential cleaning only for those that are disabled, security staff, operating engineers, HVAC, painting, moving and relocation services, forestry and arborists, and other service providers who provide services that are necessary to maintaining the safety, sanitation, and essential operation of residences, Essential Activities, Essential Governmental Functions, and Essential Businesses and Operations.

- p. **Mail, post, shipping, logistics, delivery, and pick-up services.** Post offices and other businesses that provide shipping and delivery services, and businesses that ship or deliver groceries, food, beverages, goods or services to end users or through commercial channels.
- q. **Laundry services.** Laundromats, dry cleaners, industrial laundry services, and laundry service providers.
- r. **Supplies to work from home.** Businesses that sell, manufacture, or supply products needed for people to work from home.
- s. **Supplies for Essential Businesses and Operations and Essential Governmental Functions.** Businesses that sell, manufacture, or supply other Essential Businesses and Operations and Essential Governmental Functions with the support or supplies necessary to operate, including computers; audio and video electronics; household appliances; IT and telecommunication equipment; hardware; paint; flat glass; electrical, plumbing, and heating materials; construction materials and equipment; sanitary equipment; personal hygiene products; food, food additives, ingredients, and components; medical and orthopedic equipment; firearm and ammunition suppliers and retailers for purposes of safety and security; optics and photography equipment; diagnostic; food and beverages; chemicals; paper and paper products; soaps and detergents.

Any business or operation that is considered an Essential Business or Operation under this section may only perform those business operations which are necessary for the Essential Business and Operations or Essential Governmental Functions to which they are supplying goods or services. Any non-essential goods or services may only continue as Minimum Basic Operations.

- t. **Transportation.** Airlines, taxis, transportation network providers (such as Uber and Lyft), vehicle rental services, paratransit, and other private, public, and commercial transportation and logistics providers necessary for Essential Activities and other purposes expressly authorized in this Order.
- u. **Home-based care and services.** Home-based care for seniors, adults, children, or people with disabilities, substance use disorders, or mental illness, including caregivers or nannies who may travel to the child's home to provide care, and other in-home services including meal delivery.

- v. **Professional services.** Professional services, such as legal or accounting services, insurance services, real estate services (including appraisal, home inspection, title services, and staging). These services shall, to the greatest extent possible, use technology to avoid meeting in person, including virtual meetings, teleconference, and remote work (i.e. work from home).
- w. **Manufacture, distribution, and supply chain for critical products and industries.** Manufacturing companies, distributors, and supply chain companies producing and supplying essential products and services in and for industries such as pharmaceutical, technology, biotechnology, healthcare, chemicals and sanitation, waste pickup and disposal, agriculture, food and beverage, transportation, energy, steel and steel products, petroleum and fuel, mining, construction, national defense, communications, and products used by other Essential Governmental Functions and Essential Businesses and Operations.

Any business or operation that is considered an Essential Business or Operation under this section may only perform those business operations which are necessary for the Essential Business and Operations or Essential Governmental Functions to which they are supplying goods or services. Any non-essential goods or services may only continue as Minimum Basic Operations.

- x. **Critical labor union functions.** Essential activities include the administration of health and welfare funds and personnel checking on the well-being and safety of members providing services in Essential Business and Operations, provided the checks are done by telephone or remotely where possible.
- y. **Lodging establishments.** Hotels, motels, and short-term lodging (ex: Airbnb and VRBO), and campgrounds except that such establishments shall:
  - i. Comply with requirements of Sections 11.b, 11.d. and 11.e.
  - ii. Close swimming pools, hot tubs, and exercise facilities.
  - iii. Prohibit guests from congregating in lobbies or other common areas, including providing adequate space to adhere to Physical Distancing Requirements while queuing for front desk services.
- z. **Higher educational institutions.** Higher educational institutions, for purposes of facilitating distance learning, performing critical research, or performing essential functions as determined by the institution.



- aa. **Auctions.** Livestock market barns (Equity Co-op livestock); herd disposal; estate auctions of farms with livestock; and estate auctions but only if an auction is necessary to preserve the value of property or inventory must meet the following requirements.
  - i. Auction must occur virtually or online to the greatest extent possible
  - ii. In-person auctions must be limited to bidders only;
  - iii. Pick-up of goods after the auction must be staggered;

In-person auctions shall be closed for: agricultural equipment auctions; animal auctions for competition; consignment sales; antiques and collectibles; art; autos and motorcycles; boats and personal watercraft; cars; coins and currency; collector cars and vintage equipment; government surplus property and seizures; heavy equipment and construction machinery; household goods; industrial and manufacturing equipment; intellectual property; jewelry; off-road and recreational vehicles; restaurant equipment; tools; and trucks, trailers, and transportation-related equipment. These auctions may: continue as virtual auctions or online auctions; all preparations, meetings, inventory review, and consumer preview of goods must occur virtually; after a virtual or online auction, the auctioneer or auction company may deliver, mail, or provide curbside pick-up of goods if it can be done by one person in a room or confined space, including a car or truck; and delivery, curbside pickup, or parcel services cannot require a signature by the recipient.

- 12. **Minimum Basic Operations.** For the purposes of this Order, Minimum Basic Operations include the following, provided that employees comply with Physical Distancing Requirements, to the extent possible, while carrying out such operations:
  - a. **Basic functions.** The minimum necessary activities to maintain the value of the business's inventory, preserve the condition of the business's physical plant and equipment, ensure security, process payroll and employee benefits, or for related functions, including where these functions are outsourced to other entities.
  - b. **Preparation to Open.** The minimum necessary to prepare to open for customers, including procuring and stocking supplies, cleaning, and working towards complying with PHMDC's guidelines to open.

- c. **Facilitating remote work.** The minimum necessary activities to facilitate employees of the business being able to continue to work remotely from their residences.
- d. **Staffing.** Staff within the business or facility should be limited to the minimum necessary to comply with Sections 12.a. and 12.b. and must comply with Physical Distancing Requirements established in Section 13.
- e. **Delivery and mailings.** Minimum Basic Operations may include fulfilling nonessential deliveries, mailing parcels, or receiving parcels if all of the operations are performed by one person in a room or confined space, including a car or truck. Delivery or parcel services may not require a signature by the recipient. Suppliers to non-essential businesses and supply chains for non-essential businesses are non-essential and shall only operate under Minimum Basic Operations to provide goods or services to other non-essential businesses operating under this section.
- f. **Curb-side pick-up.** Minimum Basic Operations may include customer curb-side-drop-off of goods or animals for having those goods or animals serviced, repaired, or cared for by the business. Services must be paid for on-line or by phone. Drop-offs and pick-ups must be scheduled ahead of time to ensure the compliance with Physical Distancing Requirements as defined in Section 16. Customers are not permitted in the business or facility. The business may not require a signature by the customer. Suppliers to non-essential businesses and supply chains for non-essential businesses are non-essential and shall only operate under Minimum Basic Operations to provide goods or services to other non-essential businesses operating under this Section.
- g. **In-person retail.** Standalone or strip mall-based retail stores with an entrance or entrances to the outside may offer in-person shopping for up to five customers at a time. Any entrances through a mall or interconnected passage must be closed to the public. Stores relying exclusively on mall or interconnected passage entrances may not offer in-person retail under this section. Physical Distancing Requirements must be observed at all times. If the retail store is unable for any reason to observe Physical Distancing Requirements between all customers and staff, the store must limit its occupancy to less than five customers to ensure observance with Physical Distancing Requirements. All stores operating under this section must comply with Section 2. Additionally, all stores operating under this section must establish lines outside the store to regulate entry with markings indicating where customers should stand to

remain six feet apart from one another while waiting to enter. Stores should also use alternatives to lines, including allowing customers to wait in their cars for a text message or phone call and scheduling pickups or entries to the store.

- h. Outdoor recreational rentals.** Minimum Basic Operations may include rental or recreational equipment including but not limited to boats, kayaks, canoes, paddleboats, golf carts and ATVs. Staff within the business or facility must be limited to one person in a room or confined space at a time, including a car or truck. Rentals must be paid for on-line or by phone. The business must schedule pick-up and drop-off ahead of time to ensure compliance with Physical Distancing Requirements as defined in Section 13. Customers must remain outside the business or facility. Rented equipment must be cleaned after each use. Suppliers to non-essential businesses are non-essential and shall not operate under the Minimum Basic Operations to provide goods or services to other non-essential businesses operating under this Section.
  - i. Car washes.** Entirely automatic car washes and self-service car washes may open for service. High-touch surfaces must be cleaned between each use if possible, or as frequently as practicable.
  - j. Arts and craft stores.** Arts and craft stores may offer curbside pick-up as described in Section 13.f. More than one staff member, but no more than the minimum number of staff necessary, may work at the store solely for filling orders for materials for making personal protective equipment (i.e. homemade facemasks). The additional staff allowed in this section may not sell, package, or assist in any way with the sale of items not necessary for making personal protective equipment. All staff working to fulfill or process orders for personal protective equipment must comply with all requirements in Section 2.b.i. and 2.b.ii. of this Order.
  - k. Aesthetic or optional exterior work.** Aesthetic or optional exterior residential construction and lawn care is permitted as long as Physical Distancing Requirements are maintained between all workers. Services may not require a signature by the recipient. Aesthetic or optional interior work is not allowed.
- 13. Physical Distancing Requirements.** For purposes of this Order, Physical Distancing Requirements includes:
- a.** Maintaining physical distancing of six (6) feet between people;

- b. Washing hands with soap and water for at least 20 seconds as frequently as possible or using hand sanitizer;
- c. Covering coughs or sneezes (into the sleeve or elbow, not hands);
- d. Regularly cleaning high-touch surfaces;
- e. Not shaking hands; and
- f. Following all other public health requirements issued by PHMDC.
- g. If Physical Distancing Requirements cannot be maintained between customers and employees or amongst employees, the business must ensure that employees are provided with either appropriate face coverings or protective shields as outlined in Section 5.c..

#### **ENFORCEMENT AND APPLICABILITY**

- 14. **Enforcement.** This Order is enforceable by any local law enforcement official. Violation or obstruction of this Order is a violation of Madison Municipal Ordinance Sec. 7.05(6) and Dane County Ordinance Sec. 46.25(1), and any subsequent ordinance adopted in conformity therein.
- 15. **Severability.** If any provision of this Order or its application to any person or circumstance is held to be invalid, then the remainder of the Order, including the application of such part or provision to other persons or circumstances, shall not be affected and shall continue in full force and effect. To this end, the provisions of this Order are severable.
- 16. **Duration.** This Order shall become effective at 8:00 a.m. on May 19, 2020. This Order shall remain in effect until PHMDC determines that criteria to implement Phase One has been achieved.

IT IS SO ORDERED.



Janel Heinrich  
Health Officer, Public Health Madison & Dane County