



CALHOUN COUNTY PUBLIC HEALTH DEPARTMENT

190 E. Michigan Avenue
Battle Creek, Michigan 49014
www.calhouncountymi.gov/publichealth

Phone: 269-969-6370
Fax: 269-969-6470

"Working to enhance our community's total well-being"

STATE OF MICHIGAN
CALHOUN COUNTY
CALHOUN COUNTY PUBLIC HEALTH DEPARTMENT

In the Matter of:

Naturally Fitt, Inc;
d/b/a Blue Moon Fitness – Battle Creek;
d/b/a Blue Moon Fitness – Office;
Joel P. Potter President; and,
Kurt J. Weber Treasurer.

ORDER TO CEASE AND DESIST INDOOR OPERATION OF THE
BLUE MOON FITNESS CENTER AT 5700 BECKLEY ROAD
BATTLE CREEK, MICHIGAN

Matters of concern to the health of Calhoun County citizens having been brought to the attention of the Administrative Health Officer of the Calhoun County Public Health Department, and the Administrative Health Officer having made the following determinations, issues this Order pursuant to the Michigan Public Health Code, MCL §§ 333.2451 and 333.2453, as well as the applicable Executive Orders of the Governor of Michigan referenced in the findings:

1. At various time since March 10, 2020, and most recently on June 18, 2020, with the issuance of Executive Order 2020-127, Michigan Governor Gretchen Whitmer has declared a State of Emergency within the State of Michigan, specifically finding, "The COVID-19 pandemic constitutes a disaster and emergency throughout the State of Michigan."
2. A communicable disease, Coronavirus, which causes COVID-19, has been positively identified, and has resulted in community spread, within Calhoun County.
3. As of the date of this Order, June 30, 2020, Calhoun County has experienced 472 positive COVID-19 cases, resulting in 84 hospitalizations, and 32 deaths since March 21, 2020, and more than 5,900 deaths in Michigan, 125,000 in the United States, and 491,000 worldwide.
4. The COVID-19 disease has been classified by the World Health Organization as a global pandemic.
5. Less than 10% of the population in Michigan has been tested for Coronavirus.
6. Control of the COVID-19 epidemic is necessary to protect the public health of the citizens of Calhoun County and the State of Michigan.
7. In Order to control the spread of the Coronavirus, it is necessary to prevent and limit infected people from encountering uninfected people.
8. A person infected with Coronavirus may be entirely symptom free, yet still infect other persons through transmission of the virus, in respiratory droplet form, created by the natural and necessary human respiratory process. Transmission can be either airborne, or by contact with a surface deposit and transferred to the eyes, mouth, or nose by touch.

9. The exertion required while exercising increases both the volume and velocity of the human respiratory process, expanding the area and distance between persons necessary to achieve effective social distancing.
10. Wearing a mask while exercising is difficult and unlikely to occur no matter how much it is encouraged by the facility.
11. For some persons, wearing a mask while exercising is an impossible or life-threatening impairment of their cardiac or respiratory functions.
12. The operation of an indoor gym or fitness center is currently prohibited by Executive Order 2020-110, paragraph 12(b) issue by Michigan Governor Gretchen Witmer.
13. Executive Order 2020-110 expressly prohibits ingress, egress or occupancy of indoor gymnasiums, fitness centers, recreation centers, sport facilities, exercise facilities, exercise studios, and the like."
14. Blue Moon Fitness – Battle Creek advertises on its web site, in misleading fashion, that it is currently open for business and that "We will still be meeting or exceeding the expectations of the CDC . . ." despite the fact that the Center for Disease Control has not issued recommendations for the operation of an indoor fitness center or recommended that such facilities commence operations during the COVID-19 pandemic.
15. Blue Moon Fitness –Battle Creek is operating in violation of Executive Order 2020-110.
16. The continued operation of the Blue Moon Fitness Center at 5700 Beckley Road, Battle Creek, Michigan constitutes an imminent danger to the health or lives of citizens of Calhoun County, Michigan, as defined by the Michigan Public Health Code.

NOW, THEREFORE, It Is Hereby Ordered that:

- A) Naturally Fitt, Inc. shall immediately cease all operations at Blue Moon – Battle Creek facility at 5700 Beckley Road, Battle Creek.
- B) The enterprises and persons identified in this Order shall not operate a fitness center anywhere in Calhoun County.
- C) The enterprises and persons identified in this Order shall comply with the Michigan Public Health code.
- D) The enterprises and persons identified in this Order shall comply with Executive Order 2020-110.
- E) Copies of this Order shall be served upon the enterprises and persons identified in this Order.
- F) Copies of this Order shall be posted on the entrance door of the Blue Moon – Battle Creek facility at 5700 Beckley Road, Battle Creek, it shall remain posted and not be removed or obstructed in any way that would prevent public notice of this Order.
- G) Upon failure to comply promptly with this Order, the Calhoun County Corporation Counsel shall seek an order from the Circuit or District court to compel compliance.



Eric R. Pessell
Administrative Health Officer
Calhoun County Public Health Department