



DISTRICT HEALTH DEPARTMENT NO.2

Alcona County

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STATE OF MICHIGAN OGEMAW COUNTY DISTRICT HEALTH DEPARTMENT NO. 2

In the Matter of:

July 31, 2020

First Fitness
520 W. Houghton Avenue
West Branch, MI 48661
Owner: Dan Grenier

ORDER TO CEASE AND DESIST INDOOR OPERATION OF FIRST FITNESS AT 520 WEST HOUGHTON AVENUE, WEST BRANCH, MI 48661

SECOND NOTICE

Matters of concern to the health of Ogemaw County citizens having been brought to the attention of the Administrative Health Officer of District Health Department No. 2, 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 Ogemaw County.
3. As of the date of this Order, July 30, 2020, Ogemaw County has experienced 37 positive COVID-19 cases, resulting in 2 deaths, and more than 6,700 deaths in Michigan, 148,000 deaths in the United States.
4. The COVID-19 disease has been classified by the World Health Organization as a global pandemic.
5. Approximately, only about 10% of the population in Ogemaw County has been tested for Coronavirus.
6. Additionally, there is increased tourism in Ogemaw County, which is likely contributing to asymptomatic community spread.
7. Control of the COVID-19 epidemic is necessary to protect the public health of the citizens of Ogemaw County and the State of Michigan.
8. In Order to control the spread of the Coronavirus, it is necessary to prevent and limit infected people from encountering uninfected people.

9. 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. 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 physical distancing.
10. Wearing a mask while exercising is difficult and unlikely to occur no matter how much it is encouraged by the facility. For some persons, wearing a mask while exercising is an impossible or life-threatening impairment of their cardiac or respiratory functions.
11. The operation of an indoor gym or fitness center is currently prohibited by Executive Order 2020-160, paragraph 4(b) issue by Michigan Governor Gretchen Whitmer.
12. Executive Order 2020-160 expressly prohibits entry, use or occupancy of "Indoor gymnasiums, fitness centers, recreation centers, sports facilities, exercise facilities, exercise studios, and the like."
13. First Fitness in West Branch, MI is operating in violation of Executive Order 2020-160.
14. The continued operation of First Fitness at 520 West Houghton Avenue, West Branch, Michigan constitutes an imminent danger to the health or lives of citizens of Ogemaw County, Michigan, as defined by the Michigan Public Health Code.

NOW, THEREFORE, It Is Hereby Ordered that:

- A) First Fitness shall immediately cease all indoor operations at West Branch facility at 520 West Houghton Avenue, West Branch, MI.
- B) The enterprises and persons identified in this Order shall not operate a fitness center anywhere in District Health Department Number 2 jurisdiction.
- 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 2020-160.
- E) A copy of this Order shall be served upon the enterprises and persons identified in this Order.
- F) A copy of this Order shall be posted on the entrance door of the First Fitness – West Branch facility at 520 West Houghton Avenue, West Branch, MI, 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 District Health Department No. 2 shall seek an order from the Circuit or District court to compel compliance.

Refused to Sign
Dan Grenier
Owner
First Fitness

Denise M. Bryan
Denise M. Bryan, MPA
Administrative Health Officer
District Health Department No. 2

[Signature]
Witness
Community Health Director
District Health Department No. 2