

ORDINANCE NO. 984

AN EMERGENCY ORDINANCE TO CONTINUE ADDRESSING A PUBLIC HEALTH CRISIS BY IMPLEMENTING AND MODIFYING CERTAIN MEASURES WHICH HAVE BEEN DEEMED NECESSARY TO SLOW THE COMMUNITY SPREAD OF CORONAVIRUS (COVID-19).

WHEREAS, the City of Mobridge has the authority pursuant to SDCL 9-29-1 and 9-32-1 to pass ordinances for the purpose of promoting the health, safety, morals, and general welfare, of the community; and

WHEREAS, cases of COVID-19 have been confirmed in South Dakota and the City of Mobridge, with state officials predicting the peak infection period for the state to occur between the middle of May and middle of June 2020; and

WHEREAS, Governor Noem issued Executive Order 2020-20 on April 28, 2020, which orders and directs all local and municipal governments within the State of South Dakota to adopt the State’s “Back to Normal Plan”.

WHEREAS, the Mayor and City leadership have been in consultation with health professionals in the community and said healthcare professionals have advised that almost 50% of the residents of Mobridge are “high risk” and the health officials are recommending that the actions recommended by federal and state authorities be continued in Mobridge at this time; and

WHEREAS, the purpose and intent of this Ordinance is to comply with the Governor’s Executive Order 2020-20 and to protect the health and lives of the citizens and visitors of the City of Mobridge.

NOW THEREFORE, BE IT ORDAINED, by the City Council of the City of Mobridge that:

1. The City of Mobridge Emergency Ordinance 982 is hereby suspended, provided however, in the event any new confirmed cases of COVID-19 are discovered in the City of Mobridge, the Mayor may order the reinstatement of the provisions of Ordinance 982 and pursuant to paragraph 9 below, for the purpose of bringing the matter of the reinstatement of Ordinance 982 and this Ordinance 984’s repeal, suspension or continuance before the City Council. Such reinstatement shall remain in effect until the Council votes on the issue of how to handle the reinstatement of Ordinance 982 and the suspension this Ordinance 984.
2. **It is highly recommended** that every person in the City of Mobridge follow the recommended CDC hygiene practices as they appear now or may be amended and which currently include, but are not limited to:
 - A. washing hands often with soap and water for at least 20 seconds;

- B. using sanitizer that contains at least 60% alcohol when soap and water is unavailable;
- C. avoiding touching your eyes, nose, and mouth;
- D. avoiding close contact with those who are sick;
- E. staying at home as much as possible;
- F. keeping a minimum of 6 feet separation between yourself and others in public except for incidental times when passing by another person;
- G. covering your mouth and nose with a cloth face cover when in public and within 6 feet of another person except for incidental times when passing by another person; and
- H. cleaning frequently touched surfaces daily.

Particular importance is placed upon staying home as much as possible, maintaining 6 feet of separation, wearing a cloth face cover in public, and washing/sanitizing hands.

3. **It is highly recommended** that no person in the City of Mobridge participate in gathering of 10 or more people unless all participants maintain at least 6 feet of separation at all times. For gatherings of 10 or more and which may include participants who must be within 6 feet of each other, it is highly recommended that the participants utilize a cloth face cover over the nose and mouth.
4. Provisions Relating Specifically to businesses such as Bars and Restaurants other similar places of public accommodation offering food and beverages for on-site consumption, including any alcohol licensees with on-sale privileges are as follows:
 - A. Said businesses must use reasonable diligence to ensure that all visitors, patrons, and other non-employee individuals on the premises meet the provisions set forth in Sections 2A, 2B, 2D, 2F and it is highly recommended said individuals comply with 2G, above while such visitors, patrons, and other non-employee individuals are on the premises.
 - B. Said businesses must use reasonable diligence to ensure that all employees on the premises meet the provisions set forth in Sections 2A, 2B, 2D, 2F, 2G and 2H, above while such employees are on the premises, especially while preparing and serving food and beverages.
 - C. Said businesses must allow for 6 feet of spacing between groups: increase table and seating spacing by removing tables and other seating locations, marking tables and other seating locations closed or provide a physical barrier between tables and other seating locations. Back to back booth seating is allowed.
5. Specifically for all businesses such as barber shops, hair salons, tattoo shops, massage parlors and other similar businesses where to perform their duties an employee is required to be in close proximity or physical contact with another person to complete a specific task, the employee **SHALL** wear an appropriate face covering and the employee

and other person shall remain in contact with or within close proximity of each other only for the time necessary to complete the specific task. It is highly recommended that the Customer also wear appropriate face coverings. All such employees shall, to the extent feasible, use reasonable diligence to comply with the provisions set forth in Sections 2A, 2B, 2D, 2F, 2G and 2H, above and to sanitize their work areas between customers.

6. For all businesses, groups and entities who are open to the public.
 - A. Each such entity must provide a method of sanitizing hands and/or frequently touched surfaces at each entrance and exit of a facility and at a location where an individual can sanitize their hands or the surface before/after using any items intended for shared use. By way of example, shelved inventory would not be considered an item intended for shared use, but pens at a point of sale would be considered an item intended for shared use.
 - B. It is highly recommended that each such entity must implement a screening program for employees consisting of a minimum of questioning on COVID-19 symptoms for each employee entering a facility. It is highly recommended that, when feasible, the screening includes a temperature check. An employee who is displaying symptoms or who has a temperature above 100.4 degrees Fahrenheit shall not be permitted to enter the facility. All such entities may, but are not required to, expand such screening to visitors.
 - C. It is highly recommended that all employees and visitors to each such entity comply with the provisions of 2A, 2B, 2D, 2F, 2G and 2H, above while such employees and visitors are on the premises.
 - D. It is highly recommended that all businesses post signage at all entrances of the facility informing all employees and customers that they should:
 - avoid entering the facility if they have a cough or fever.
 - maintain a minimum six-foot distance from one another
 - wash their hands often with soap and water for at least 20 seconds
 - limit unnecessary contact such as hugging and shaking
7. Limitations and Exceptions:
 - A. For purposes of this ordinance, any requirement to maintain 6 feet separation shall not apply to immediate family members or members of the same household.
 - B. This ordinance does not apply to health care facilities, residential care facilities, congregate care facilities, childcare facilities, correctional facilities, crisis shelters, homeless shelters, emergency facilities necessary for the response to the current public health emergency or any other community emergency or

disaster, or to the meetings or proceedings of any city, county, state, school, or court. This ordinance does not apply to essential critical infrastructure workers or their operations, as defined by Cybersecurity & Infrastructure Security Agency of the U.S. Department of Homeland Security, to the extent said workers are engaged in their work duties. However, the provisions put in place by this ordinance are still recommended, to the extent possible, for any exempt person, location, operation, or meeting.

8. Penalties and Nuisance Treatment.

- A. Any violation of this ordinance is subject to the general penalty provision established in the Mobridge City Code. Each day a violation of this ordinance is allowed to occur is considered a separate offense.
- B. Violations of this ordinance are hereby deemed to constitute a nuisance under Mobridge City Code. Emergency abatement is specifically authorized as an immediate remedy for violations up to and including the closure of the facility and removal of all persons from the location. The violating party shall be responsible for the costs incurred to abate such nuisance. Before reopening, the violating party, or other appropriate party, shall submit a written statement to the City stating which steps will be taken to ensure future compliance with the provisions of this ordinance. City staff will inform the party submitting the statement of their ability to resume operations within 1 business day (excluding weekends and holidays). Any business or individual aggrieved by any immediate abatement or requirements being placed on the person's activities to be brought in compliance with ordinance may appeal the action to the next City Council meeting that is at least 48 hours after the filing of the notice of the written request for hearing, exclusive of weekends and holidays. Such request for hearing must set forth the reasons why the business or individual believes their actions are within the restrictions contained in the ordinance.

9. This ordinance shall remain in effect until amended or repealed by the City Council by resolution or Ordinance, except that the Mayor may order the temporary suspension of the provisions of this ordinance one time for the purpose of bringing the matter of this ordinance's repeal or continuance before the City Council. Such suspension shall remain in effect either until the Council votes in favor of having this ordinance remain in effect or until the Council complies with the procedure to repeal this ordinance.

10. This Ordinance shall apply to all persons, facilities and locations within the City of Mobridge and within 1 mile of the corporate limits of the City of Mobridge.

BE IT FURTHER ORDAINED, that, pursuant to SDCL 9-19-13, this ordinance is necessary due to a health emergency, the immediate preservation of the public peace, health, safety, and welfare of the City and shall become effective at 12:00 a.m. on May 7, 2020.

APPROVED: _____
Mayor

Passed First Reading: April 29, 2020
Passed Second Reading: May 4, 2020
Adopted: May 4, 2020
Published: May 6, 2020

Effective: May 7, 2020

ATTEST: _____
Finance Officer (SEAL)