

ORDINANCE 877

COVID-19 TEMPORARY EMERGENCY ORDINANCE NO. #2

A TEMPORARY EMERGENCY ORDINANCE TO ADDRESS A PUBLIC HEALTH CRISIS BY IMPLEMENTING CERTAIN MEASURES WHICH HAVE BEEN DEEMED NECESSARY TO SLOW THE COMMUNITY SPREAD OF THE VIRUS RESPONSIBLE FOR THE COVID-19 DISEASE.

WHEREAS, the City of Dell Rapids has the authority pursuant to SDCL 9-29-1 and 9-31-1 to pass ordinances for the purpose of promoting the health, safety, morals, and general welfare, of the community; and

WHEREAS, on March 11, 2020, the World Health Organization declared COVID-19 a pandemic; and

WHEREAS, on March 13, 2020, the Governor declared an emergency in the State of South Dakota in response to the COVID-19 pandemic; and

WHEREAS, on March 23, 2020, the Governor issued Executive Order 2020-08 setting forth guidelines and recommendations regarding personal, business, and healthcare precautions to be taken in response to the COVID-19 pandemic; and

WHEREAS, on March 24, 2020, the Governor announced that she is recommending that all K-12 schools in South Dakota remain closed until May 1, 2020; and

WHEREAS, on March 25, 2020, the Dell Rapids School District closed all K-12 schools through May 1, 2020; and

WHEREAS, as of 12:00 p.m. on April 16, 2020, there are 1,065 confirmed cases of COVID-19 within Minnehaha County; and

WHEREAS, as of 12:00 p.m. on April 16, 2020, there are 1,311 confirmed cases of COVID-19 within the State of South Dakota; and

WHEREAS, as of 12:00 p.m. on April 16, 2020, community spread of COVID-19 has been identified within Minnehaha, Lincoln, Yankton, Beadle, Brown, Codington, Pennington, Brookings, Lawrence, Hughes, Turner, Walworth and Roberts counties in the State of South Dakota; and

WHEREAS, the Centers for Disease Control and Prevention (“CDC”) recommend certain actions for the preparation and mitigation of community transmission of COVID-19, including, but not limited to, social distancing measures and restricting the size of gatherings; and

WHEREAS, SDCL 9-32-1 confers upon municipalities the power to do what may be necessary or expedient for the promotion of health or the suppression of disease; and

WHEREAS, the Governing Body of the City of Dell Rapids adopted Ordinance No. 876 to establish a temporary emergency ordinance to address the Covid-19 health crisis at their April 6th meeting, with an effective date of April 8, 2020; and

WHEREAS, on April 6, 2020 Governor Noem issued Executive Order 2020-13 declaring a mandatory order for Vulnerable Individuals, those age 65 and older or those with compromised immune systems, to stay at home.

NOW, THEREFORE BE IT ORDAINED by the Governing Body of the City of Dell Rapids, South Dakota:

Section 1: That Regulations relating to COVID-19 are hereby adopted as follows:

(a) Definitions:

1. "Social distancing" as used herein shall mean separation of at least six feet between individuals.
2. "Enclosed retail business that promotes public gathering" as used herein shall mean any enclosed facility operating as a bar, restaurant, brewery, café, casino, coffee shop, recreational or athletic facility, health club, or entertainment venue. Such term shall further include any parking lot and/or patio or other outdoor seating area for such facility.
3. "Patron" as used herein shall refer to a customer of the business as defined in subparagraph (2) above, and does not include employees or staff of such business.

(b) City-Owned Property

1. The following City buildings and venues will remain closed to the general public:
 - a. City Hall
 - b. Dell Rapids Carnegie Library
2. Dell Rapids City Hall will continue to be used for public meetings, but will be closed to the public when a public meeting is not in session. The public is encouraged to watch public meetings remotely in order to allow for proper social distancing as recommended by the CDC.

(c) Private Businesses

1. Any enclosed retail business that promotes public gathering shall modify business practices in order to ensure that not more than ten patrons are on the premises for on-site use of the services and/or consumption of the goods at any given time. Such businesses are encouraged to consider utilizing business models that do not involve public gatherings, including takeout, delivery, drive-thru, curbside service, and off-site services.

- a. The restrictions set forth in the above paragraph shall not apply to the following:
 - i. Healthcare facilities, residential care facilities, and congregate care facilities,
 - ii. Childcare facilities;
 - iii. Businesses that offer food and beverages solely for off-site consumption, including grocery stores, markets, convenience stores, pharmacies, drug stores, and food pantries, other than the portion of such businesses that are designated and intended for seated, on-site consumption;
 - iv. Hotel/motel room service;
 - v. Traditional golf courses, but any bar or restaurant associated with a golf course shall abide by the above restrictions;
 - vi. Any emergency facility necessary for the response to the current COVID-19 emergency or any other community emergency or disaster.

The businesses and entities identified in this Section (c)(1)(a) shall take all reasonable measures to ensure social distancing and sanitation is being utilized as is feasible, and comply with federal and state health guidelines in order to prevent the spread of the virus causing COVID-19. Such businesses are further encouraged to consider, to the extent applicable and feasible, providing for special access periods for populations particularly vulnerable to COVID-19.

- b. Nothing herein shall act or be interpreted as authorization for any off-sale alcoholic beverage sales by any licensee in violation of their respective license as defined in SDCL Title 35.
2. The restrictions set forth above do not prohibit an owner, employee, contractor, vendor, or supplier of the above-addressed entities from entering, exiting, using, or occupying that place of business in their professional capacity, so long as procedures are implemented to ensure social distancing to the full extent reasonably possible.
 3. The business entity, owner, and supervising manager of any business that refuses to comply with these regulations as adopted by ordinance by the city council shall be deemed to be in violation of the ordinance.
 4. All other employers, both for profit and not for profit, within the City of Dell Rapids are urged and encouraged to:
 - a. Implement procedures to ensure social distancing between persons as is feasible and to ensure the business or entity operates in compliance with federal and state guidelines to prevent the spread of the virus causing COVID-19;
 - b. Allow employees and staff to telework if possible;
 - c. Limit unnecessary work gatherings;

- d. Eliminate non-essential travel; and
- e. Consider regular health checks including guidance from the CDC for COVID-19 screening if possible.

(d) Citizens of Dell Rapids

1. All individuals within the City of Dell Rapids are urged and encouraged to:
 - a. Review and practice the recommended CDC hygiene practices designed to stop the spread of the virus causing COVID-19;
 - b. Know the signs and symptoms of COVID-19, call a healthcare provider for instructions if experiencing symptoms of COVID-19, and stay at home if sick;
 - c. Understand that those who are particularly vulnerable to COVID-19, including those over the age of 60 and those suffering from respiratory or cardiac conditions, should take extra precautions and remain home if possible;
 - d. Implement social distancing measures and support businesses that are adjusting their business model to reduce the spread of the virus causing COVID-19; and
 - e. Assist those who work in essential jobs such as emergency personnel, medical professionals, and law enforcement.
2. All Vulnerable individuals age 65 and older or those with a compromised immune system are to stay at home in accordance with Governor Noem's Executive Order 2020-13:
 - a. Vulnerable Individuals are defined as adults over age 65 and people of any age with a serious underlying medical condition. An underlying medical condition may include chronic lung disease, severe respiratory disorder, moderate to severe asthma, serious heart or cardiac condition, immuno-suppression, diabetes, liver disease, chronic kidney disease or someone undergoing dialysis, or other condition identified by one's medical provider.
 - b. An exception to this order is for those individuals who work in a critical infrastructure sector job or to conduct essential errands. Essential errands shall mean those errands which are critical to everyday life and include obtaining medication, groceries, gasoline, and visiting medical providers.

Section 2. This ordinance shall remain effective until the City Council deems this ordinance no longer necessary and repeals this ordinance by Resolution.

Section 4. All ordinances which conflict with the provisions of this Ordinance are hereby repealed to the extent of such conflict.

Section 5. This Ordinance shall apply to all locations within the city limits of Dell Rapids and within one mile of the city limits.

Section 6. Each person in violation of this ordinance shall be guilty of a Class 2 misdemeanor, and shall be subject to the penalties established under Ordinance Sec. 1-4 of the Revised

Ordinances of the City of Dell Rapids. Each day a violation of this ordinance occurs is considered a separate offense.

BE IT FURTHER ORDAINED, that, pursuant to SDCL 9-19-13, this ordinance is necessary for the immediate preservation of the public peace, health, safety, and welfare of the City of Dell Rapids and shall become effective immediately upon passage.

Dated at Dell Rapids, South Dakota this 4th day of May, 2020.

FOR THE GOVERNING BODY OF THE
CITY OF DELL RAPIDS, SOUTH DAKOTA

By _____
Tom Earley, Mayor

ATTEST:

By _____
Claire Baartman, Finance Officer