

ORDINANCE 888

A TEMPORARY EMERGENCY ORDINANCE OF THE CITY OF DELL RAPIDS, SD TO REQUIRE A FACE COVERING IN AN INDOOR PUBLIC PLACE WHERE 6-FOOT SOCIAL DISTANCING CANNOT BE ACHIEVED.

WHEREAS, the City of Dell Rapids 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, 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 health care precautions to be taken in response to the COVID-19 pandemic; and

WHEREAS, on November 2, 2020, at a regular meeting of the Dell Rapids City Council the Mayor read a Mayoral Proclamation In Support of Avera Dell Rapids Request to Encourage Mask Wearing and Social Distancing; and

WHEREAS, as of 12 noon on December 1, 2020, there were 3,273 confirmed active cases of COVID-19 within Minnehaha County; and

WHEREAS, as of 12 noon on December 1, 2020, there were 14,088 confirmed active cases of COVID-19 within the state of South Dakota; and

WHEREAS, the Centers for Disease Control and Prevention ("CDC") advise the use of face coverings to slow the spread of COVID-19; and

WHEREAS, the wearing of face coverings by every individual while indoors in public places in the City of Dell Rapids will reduce community transmissions of COVID-19, resulting in fewer deaths, serious health complications, and will ease the strain on hospitals and other medical offices and facilities; 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.

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

I. DEFINITIONS

INDOOR RETAIL BUSINESS as used herein shall mean any enclosed business operating as a bar, restaurant, cafe, casino, coffee shop, recreational or athletic facility, health club, grocery store, market, retail store, hardware store, sporting goods store, convenience store, home improvement store, pharmacy, drug store, food pantry, vehicle for hire, vehicle operating under the DellsXpress transit system, theater, or entertainment venue.

II. FACE COVERINGS REQUIRED

Within the City of Dell Rapids, all persons must wear a face mask/face covering in an indoor retail business and city-owned facility where 6-foot social distancing cannot be achieved or maintained. A "face covering" or "mask" must be worn to cover the nose and mouth completely, and can include a paper or disposable face mask, a cloth mask, a scarf, a bandanna, or neck gaiter.

The restrictions set forth in the above paragraph shall not apply to:

- a) An individual under the age of five (5) years old;
- b) An individual seated at a public place to eat or drink, or while immediately consuming food or beverages;
- c) An individual who is receiving dental or medical care that prevents them from wearing a face covering; and
- d) An individual with a medical condition, mental health condition, or disability that makes it unreasonable for the individual to maintain a face covering,
- e) Individuals who are engaged in a team sports activity where the level of exertion makes it difficult to wear a face covering.
- f) Public safety workers actively engaged in a public safety role, including but not limited to law enforcement personnel, fire fighters, or emergency medical personnel, in situations where wearing a face covering would seriously interfere in the performance of the individual's public safety responsibilities.
- g) Any member of a group of persons who are in an indoor retail business together and live in the same household or are a party of ten or less, so long as the group maintains a continuous physical distance of at least six feet from all other persons not part of the household or party.

III. EFFECTIVE

This ordinance shall remain effective until February 1, 2021, unless extended, amended, or terminated by ordinance.

IV. IMMEDIATE EFFECT

This ordinance is hereby declared necessary for the immediate preservation of the public health, safety, and welfare of the city and shall become effective immediately upon its passage and publication pursuant to SDCL 9-19-13.

V. NO PENALTY

There shall be no penalty for any person found in violation of this ordinance.

Dated at Dell Rapids, South Dakota this 21st day of December, 2020.

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

By _____
Tom Earley, Mayor

ATTEST:

By _____
Claire Baartman, Finance Officer