

ORDINANCE NO. 2020-01

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

WHEREAS, the City of Beresford has the authority pursuant to its Home Rule Charter, SDCL 9-29-1 and SDCL 9-32-1 to pass ordinances for the purpose of promoting the health, safety, morals, and general welfare, of the community, and to do what may be necessary for the promotion of health or the suppression of diseases; and

WHEREAS, an outbreak of the disease COVID-19, which is caused by the novel coronavirus, has been confirmed in more than 100 countries, including the United States; and

WHEREAS, COVID-19 is a severe respiratory disease transmitted by person-to-person contact, or by contact with surfaces contaminated by the virus. In some cases, especially among older adults and persons with serious underlying health conditions, COVID-19 can result in serious illness requiring hospitalization, admission to an intensive care unit, and death; and

WHEREAS, the World Health Organization (WHO), the Centers for Disease Control and Prevention (CDC), and the Secretary of the U.S. Department of Health and Human Services have declared the outbreak of COVID-19 as a public health emergency; and

WHEREAS, on March 13, 2020, President Donald Trump declared a national emergency in response to the global pandemic of COVID-19; and

WHEREAS, March 23, 2020, Governor Kristi Noem, issued Executive Order 2020-04 which declared a state of emergency to exist in the State of South Dakota in response to the spread of COVID-19; and

WHEREAS, cases of COVID-19 have been confirmed in South Dakota; and

WHEREAS, the CDC and health experts have recommended social distancing to slow the spread of COVID-19; and

WHEREAS, social distancing is a method of slowing down or stopping the spread of a contagious disease by reducing the probability of contact between infected persons and those not infected in order to minimize disease transmission; and

WHEREAS, in response to the need to implement social distancing, all schools in the State of South Dakota have been closed until May 1, 2020; and

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WHEREAS, on March 16, 2020, the White House issued guidance recommending that social gatherings of more than ten people be avoided, and that people avoid eating or drinking at bars, restaurants and food courts; and

WHEREAS, the guidance issued by the White House further recommended that in states with evidence of community transmission, bars, restaurants, food courts, gyms, and other indoor and outdoor venues where people congregate should be closed; and

WHEREAS, many states and communities across the country have already implemented the White House recommendations by ordering all bars, restaurants, food courts, gyms, and other indoor and outdoor venues where people congregate be closed until the public health emergency is over; and

WHEREAS, the failure to successfully implement social distancing will likely result in higher numbers of infected individuals and has the potential to overwhelm the capacity of the City's health care providers; and

WHEREAS, it is important that control measures be taken to reduce or slow down the spread of COVID-19 in order to protect the health and safety of the City's residents, especially for seniors and those with underlying health conditions that make them particularly vulnerable to COVID-19; and

WHEREAS, The Beresford City Council finds that a public emergency affecting life, health, property or the public peace;

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

1. This Ordinance is an emergency ordinance in response to a public emergency regarding the spread of the Coronavirus (COVID-19) which requires the immediate action of the City of Beresford.
2. Effective at 11:59 p.m. on Sunday, March 29, 2020, all restaurants, food courts, coffee houses, bars, breweries, clubs, cafes and other similar places of public accommodation offering food and beverages for on-site consumption, including any alcohol licensees with on-sale privileges, are closed to on-site/on-sale patrons. These businesses may continue to operate in order to provide take-out, delivery, curbside service, and drive-thru service. Any business continuing to operate in order to provide off-site service should implement procedures to ensure social distancing and operate in compliance with federal and state health guidance in order to prevent the spread of COVID-19. This closure will remain in effect until repeal of this ordinance.
3. Effective at 11:59 p.m. on Sunday, March 29, 2020, all indoor recreational facilities, public pools, health clubs, athletic facilities and theaters, including movie theaters and music or entertainment venues are limited as follows:

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- a. The facility may only be operated with no more than 10 persons present in the facility at one time; and
- b. The facility must be staffed at all times during hours of operation.

This limitation will remain in effect until repeal of this ordinance.

4. Effective at 11:59 p.m. on Sunday, March 29, 2020, all arcades, bingo halls, bowling alleys, indoor golf ranges, casinos, indoor climbing facilities, skating rinks, and other similar recreational or entertainment facilities are directed to close and cease operations during this emergency. This closure will remain in effect until repeal of this ordinance.
5. Effective at 11:59 p.m. on Sunday, March 29, 2020 all facilities owned by the City of Beresford and which are posted as closed to the public shall be subject to the closure.
6. The prohibitions and closures in this order do not apply to the following businesses:
  - a. Places of public accommodation that offer food and beverages for off-site consumption, including grocery stores, markets, retail stores that offer food, convenience stores, pharmacies, drug stores, and food pantries, other than any portion of such business which offers on-site consumption which would be subject to the requirements of paragraph #2.
  - b. Hardware and supply stores
  - c. Health care facilities, residential care facilities, congregate care facilities, and correctional facilities.
  - d. Any emergency facilities necessary for the response to the current public health emergency or any other community emergency or disaster.
  - e. Official meetings of the city, schools, county, or state.
7. This ordinance shall remain in effect for a period of sixty (60) days, at which time it shall be automatically repealed unless specifically readopted for an additional period of time by the City Council. Any dates identified in the ordinance for closures to automatically end may be adjusted at any time within the sixty (60) day period covered by this ordinance by a resolution of the City Council.
8. Any violation of this ordinance is subject to a fine in the amount of \$500.00 for each day in which a violation occurs.

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BE IT FURTHER ORDAINED, that, pursuant to Section 2.14 of the Beresford Home Rule Charter, this ordinance is necessary for the immediate preservation of the public peace, health, safety, and welfare of the City and shall become effective immediately upon passage.

Dated this 26th day of March, 2020.

CITY OF BERESFORD



Nathan Anderson, Mayor

ATTEST:



Elaine Johnson, Finance Officer

(SEAL)

