

COVID-19 TEMPORARY EMERGENCY ORDINANCE NO. #1

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

WHEREAS, the City of White Lake 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 to do what may be necessary or expedient for the promotion of health or the suppression of disease. The City of White Lake has found that the rules and regulations contained within this resolution are necessary for the prevention and spread of the contagious virus causing the deadly COVID-19 disease within the city and recommended the passage thereof by the White Lake City Council; and

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

WHEREAS, on the same day, 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 the virus causing the COVID19 disease; and

WHEREAS, in response to the need to implement social distancing, all schools in the State of South Dakota have been closed for at least two weeks; and will remain closed until at least May 1, 2020; and

WHEREAS, the White Lake Community Daycare is located in and on the premises of the White Lake School, shall remain closed until such a time the school re-opens or when the public health emergency is over; and

WHEREAS, cases of infection from the virus causing the COVID-19 disease have been confirmed in the State of South Dakota, and cases of community transmission are reasonably suspected to exist; and

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

WHEREAS, on March 16th, the White House issued guidance recommending that gatherings of more than ten (10) people be avoided; and

WHEREAS, the guidance issued by the White House further recommended that in states with evidence of community transmission, bars, restaurants, 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, it is important that control measures be taken to reduce or slow down the spread of the virus 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 the COVID-19 disease.

NOW THEREFORE, BE IT ORDAINED, by the White Lake City Council that: (1) Effective at 6:00 p.m. on Thursday, March 26, 2020, all restaurants, coffee houses, bars, 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 onsite/on-sale patrons. These businesses may continue to operate in order to provide take-out, delivery of food and non-alcoholic beverages, and curbside service. This Order does not prohibit an employee, contractor, vendor, or supplier of a place of public accommodation from entering, exiting, using or occupying that place in their professional capacity. 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 the virus causing the COVID-19 disease.

The list of the business' types closed by this provision may be increased by resolution of the White Lake City Council. This closure will remain in effect until such time as the Mayor rescinds the Emergency Executive Order pertaining to Covid-19.

(2) Effective at 6:00 p.m. on Thursday, March 26, 2020, all pool halls, video game arcades, video lottery casino operations, and other similar recreational or entertainment facilities are directed to close and cease operations.

The prohibitions and closures in this order do not apply to the following:

(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, other than any portion of such business which would be subject to the requirements of paragraph (1). However, at the business' discretion, such facilities may operate with ten (10) or fewer total persons inside the facility at any time, by appointment only, and such premises not open for walk-in business;

(b) Room service in hotels;

(c) Health care facilities, residential care facilities, and congregate care facilities;

(d) Churches, but must comply with social distancing;

(e) Any emergency facility necessary for the response to the current public health emergency or any other community emergency or disaster;

(f) Official meetings of the city and school, but must practice social distancing at the meetings;

For purposes of this Ordinance, an "Essential Business" is not governed or limited by this a restriction. An "Essential Business" means:

(1) Essential Health Care Operations, Including, walk-in-care health facilities, veterinary and livestock services, elder care, medical equipment supply providers and distribution, home health care workers or aides for the elderly, physicians, nursing homes, or residential health care facilities;

(2) Essential Infrastructure, Including all utility providers, fuel supply and transmission, public water and wastewater, telecommunications facilities, garages, hotels, and places of accommodation;

(3) Manufacturing;

(4) Essential Retail, Including grocery stores, convenience stores, gas stations, take-out/delivery restaurant service;

(5) Essential Services, including solid waste and recycling collection, mail and shipping services, building cleaning and maintenance, in home child care services, auto repair, cemeteries, storage for essential businesses, and Information Technology (IT) services providing support to Essential Business;

(6) News Media;

(7) Financial Institutions, Including banks, insurance agencies;

(8) Construction, Including skilled trades such as electricians, plumbers, other related construction firms and professionals for essential infrastructure or for emergency repair and safety purposes;

(9) Federal, State, or county agencies under direct control of any branch of the United States Federal Government, or of the State of South Dakota or of Aurora County;

(10) Essential Services Necessary to Maintain the Safety, Sanitation and Essential Operations of Residences or Other Essential Businesses, including law enforcement, fire prevention and response, security, emergency management and response, building cleaners or janitors, general maintenance whether employed by the entity directly or as a vendor, automotive repair, or disinfection;

Any violation of this Resolution and Order shall be punishable as a Class II Misdemeanor with a fine not to exceed \$500 and or 30 days in jail. Each day a violation of this resolution is allowed to occur is considered a separate offense.

BE IT FURTHER ORDAINED, that this resolution is necessary for the immediate preservation of the public peace, health, safety, and welfare of the City of White Lake, South Dakota and shall become effective immediately upon passage.

This Order shall take effect March 26, 2020 at 6:00 p.m. and shall cease when the Mayor rescinds the Emergency Executive Order pertaining to Covid-19.

Dated this 23rd day of March 2020.

CITY OF WHITE LAKE

Janice Thiry, Mayor

ATTEST:

Barb Simpson, Finance Officer

(SEAL)