



Special Meeting of the City Council

April 29, 2020 – 6:00 p.m.

City Hall

PROPOSED AGENDA

- A. Call to Order
- B. Roll Call
- C. Pledge of Allegiance
- D. Approval of Agenda
- E. Agenda Items
 - 1. Covid-19 discussion
 - 2. Ordinance 2020-06 2nd reading
- F. Adjournment

*SDCL 1-25-2 (sections 1-5) allows a majority of the body present to vote to close a meeting when discussion revolves around personnel, legal matters or contract negotiations. Meetings may also be closed for certain economic development matters (SDCL 9-34-19).



City Council MEMO

504 River Drive
North Sioux City, SD 57049
Phone (605) 232-4276
Fax (605) 232-0506

To: North Sioux City, City Council
From: Mike Hamm
Date: 04/29/2020
Re: Covid-19 Discussion

Background: At the request of the Council this topic will be on all agendas until further notice for discussion purposes.

Financial Consideration: None.

Recommendation: NA.



City Council MEMO

504 River Drive
North Sioux City, SD 57049
Phone (605) 232-4276
Fax (605) 232-0506

To: North Sioux City, City Council
From: Mike Hamm
Date: 04/29/2020
Re: Ordinance 2020-06 2nd Reading

Background: This is the first 2nd reading of Ordinance 2020-06 as put together by City Attorney Darrell Jesse. This is the redline version of the Ordinance. I have also included Ordinance 2020-05 for the Councils review.

Financial Consideration: None.

Recommendation: NA.

ORDINANCE NO. 2020-06

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

WHEREAS, pursuant to SDCL 9-32-1, the City has the power to do what is necessary or expedient for the promotion of health or the suppression of disease; 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, 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 COVID-19 and via Executive Order 2020-12 which extended the terms of the Order through May 31, 2020; 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 for at least two weeks; and

WHEREAS, on March 16, 2020, the White House issued guidance recommending that social gatherings of more than ten (10) 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.

NOW THEREFORE, BE IT ORDAINED, by the Common Council of the City of North Sioux City

that:

1. Effective at 11:59 p.m., April 29, 2020, all restaurants, food courts, coffee houses, bars, 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. The list of the businesses types closed by this provision may be increased by resolution of the North Sioux City Council. This closure will remain in effect through Sunday, May 31, 2020 at 8:00am.
2. Effective at 11:59 p.m., April 29, 2020, all recreational facilities, health clubs, athletic facilities and music or entertainment venues are directed to close and cease operations. The list of the businesses types closed by this provision may be increased by resolution of the North Sioux City Council. This closure will remain in effect through Sunday, May 31, 2020 at 8:00am.
3. Effective 11:59 p.m., April 29, 2020, all arcades, casinos, and other similar recreational or entertainment facilities are directed to close and cease operations. The list of the businesses types closed by this provision may be increased by resolution of the North

Sioux City Council. This closure will remain in effect through Sunday, May 31, 2020 at 8:00am.

4. 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 offer on-site consumption which would be subject to the requirements of paragraph #1.
 - b. Room service in hotels.
 - c. Health care facilities, residential care facilities, congregate care facilities, and correctional facilities.
 - d. Crisis shelters, homeless shelters, soup kitchens, or other similar institutions.
 - e. Any emergency facilities necessary for the response to the current public health emergency or any other community emergency or disaster.
 - f. Official meetings of the city, schools, county, or state.
5. If the North Sioux City Council receives a recommendation from the State of South Dakota, it may pass a resolution limiting the size of any communal gathering as defined herein and prohibit any communal gathering in excess thereof for a period of time set forth in such resolution not to exceed the period of time this ordinance remains in effect, which prohibition shall be governed by the following terms:
 - a. For purposes of this ordinance, a "communal gathering" is any indoor or outdoor gathering of people, subject to the exceptions and clarifications below, that brings together or is likely to bring two or more persons at the same time in a single room or other single confined or enclosed space, including, but not limited to an office space or similar confined place of employment, a single-family residence, or a residential apartment unit.
 - b. For purposes of this ordinance, a "communal gathering" does not include larger gatherings in the following locations, so long as people take care not be within arm's length of one another for extended periods:
 - i. public parks, sidewalks, and streets;
 - ii. parking lots and common areas of any hotel, office building or residential apartment buildings;
 - iii. grocery stores, shopping malls, manufacturing facilities, or other retail or business establishments where larger numbers of people may be present, but where it is unusual for people to be within arm's length of one another

- for extended periods;
 - iv. hospitals, mental health or substance abuse treatment facilities, and medical clinics and facilities; and
 - v. Any other location established by resolution of the North Sioux City Council.
- c. A resolution limiting the size of a communal gathering passed by the North Sioux City Council in accordance with this ordinance shall be deemed effective immediately upon its publication.
- d. Each person participating in any communal gathering that violates a size restriction established by resolution of the North Sioux City Council in accordance with this ordinance shall be deemed to be in violation of this ordinance.
6. If the North Sioux City Council receives a recommendation from the State of South Dakota, it may pass a resolution requiring that all non-essential businesses within the city must close in-office or on-site personnel functions and cease all in-person customer contact for a period of time set forth in such resolution not to exceed the period of time this ordinance remains in effect, which prohibition shall be governed by the following terms:
- a. For purposes of this Ordinance, an "Essential Business" is not governed or limited by this a restriction. An "Essential Business" means:
 - i. Essential Health Care Operations, Including, research and laboratory services, hospitals, 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, emergency dental, nursing homes, or residential health care facilities or congregate care facilities
 - ii. Essential Infrastructure, Including all utility providers, fuel supply and transmission, public water and wastewater, solid waste transfer station, telecommunications facilities and data centers, airports, transportation infrastructure such as bus, rail, or for-hire vehicles, garages, hotels, and places of accommodation
 - iii. Manufacturing;
 - iv. Essential Retail, including grocery stores, pharmacies, convenience stores, gas stations, take-out/delivery restaurant service, hardware and building material stores;
 - v. Essential Services, including solid waste and recycling collection, processing and disposal, mail and shipping services, laundromats, building cleaning and maintenance, child care services, auto repair, warehouse/distribution and fulfillment, funeral homes, crematoriums and cemeteries, storage for essential businesses, animal shelters, and Information Technology (IT) services providing support to Essential Business;
 - vi. News Media;

- vii. Financial Institutions, including banks, insurance agencies, brokerage firms, payroll and bookkeeping services, tax preparation and accounting services, and services related to financial markets
 - viii. Providers of Basic Necessities to Economically Disadvantaged Populations, including homeless shelters, crisis shelters, congregate care facilities, food banks, human services providers whose function includes the direct care of patients in state-licensed or funded voluntary programs; the care, protection, custody and oversight of individuals both in the community and in state-licensed residential facilities; and other critical human services agencies providing direct care or support;
 - ix. Construction, Including skilled trades such as electricians, plumbers, other related construction firms and professionals for essential infrastructure or for emergency repair and safety purposes;
 - x. 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 Union County.
 - xi. Essential Services Necessary to Maintain the Safety, Sanitation and Essential Operations of Residences or Other Essential Businesses, including law enforcement, fire prevention and response, building code enforcement, 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;
 - xii. An “Essential Business” shall also specifically include or exclude any business or organization type as clarified by resolution of the North Sioux City Council, even if the business or organization type is identified herein.
- b. A resolution requiring that all non-essential businesses close in-office or on-site personnel functions and cease all in-person customer contact passed by the North Sioux City Council in accordance with this ordinance shall be deemed effective immediately upon its publication.
 - c. The owner and supervising manager of any non-essential businesses that refuses to close in-office or on-site personnel functions or to cease all in-person customer contact in violation of the North Sioux City Council in accordance with this ordinance shall be deemed to be in violation of this ordinance.
7. This ordinance shall remain in effect until May 31, 2020. Notwithstanding any other provision herein, any dates identified in the ordinance may be shortened or extended prior to May 31, 2020 at any time by a resolution of the City Council.
8. Any violation of this ordinance is subject to the general penalty provision in Section 1.16 of the North Sioux City Municipal Code. Each day a violation of this ordinance is allowed to occur 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 and shall become effective immediately upon passage.

Dated this 23rd day of April, 2020.

CITY OF NORTH SIOUX CITY

Randy Fredericksen, Mayor

ATTEST:

Michael Hamm, Finance Officer

First Reading: April 23, 2020

Second Reading: April 29, 2020

Effective April 29, 2020

ORDINANCE NO. 2020-065

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

WHEREAS, pursuant to SDCL 9-32-1, the City has the power to do what is necessary or expedient for the promotion of health or the suppression of disease; 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, 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 COVID-19 and via Executive Order 2020-12 which extended the terms of the Order through May 31, 2020; 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 for at least two weeks; and

WHEREAS, on March 16, 2020, the White House issued guidance recommending that social gatherings of more than ten (10) 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.

NOW THEREFORE, BE IT ORDAINED, by the Common Council of the City of North Sioux City that:

1. Effective at ~~_____~~, ~~March 30~~ 11:59 p.m., April 29, 2020, all restaurants, food courts, coffee houses, bars, 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. The list of the businesses types closed by this provision may be increased by resolution of the North Sioux City Council. This closure will remain in effect through ~~Saturday, May 2~~ Sunday, May 31, 2020 at 8:00am.
2. Effective at 11:59 p.m., April 29 ~~_____~~, ~~March 30~~, 2020, all recreational facilities, health clubs, athletic facilities and music or entertainment venues are directed to close and cease operations. The list of the businesses types closed by this provision may be increased by resolution of the North Sioux City Council. This closure will remain in effect through ~~Saturday, May 2~~ Sunday, May 31, 2020 at 8:00am.
3. Effective 11:59 p.m., April 29 ~~_____~~, ~~March 30~~, 2020, all arcades, casinos, and other similar recreational or entertainment facilities are directed to close and cease

operations. The list of the businesses types closed by this provision may be increased by resolution of the North Sioux City Council. This closure will remain in effect through ~~Saturday, May 2~~Sunday, May 31, 2020 at 8:00am.

4. 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 offer on-site consumption which would be subject to the requirements of paragraph #1.
 - b. Room service in hotels.
 - c. Health care facilities, residential care facilities, congregate care facilities, and correctional facilities.
 - d. Crisis shelters, homeless shelters, soup kitchens, or other similar institutions.
 - e. Any emergency facilities necessary for the response to the current public health emergency or any other community emergency or disaster.
 - f. Official meetings of the city, schools, county, or state.

5. If the North Sioux City Council receives a recommendation from the State of South Dakota, it may pass a resolution limiting the size of any communal gathering as defined herein and prohibit any communal gathering in excess thereof for a period of time set forth in such resolution not to exceed the period of time this ordinance remains in effect, which prohibition shall be governed by the following terms:
 - a. For purposes of this ordinance, a "communal gathering" is any indoor or outdoor gathering of people, subject to the exceptions and clarifications below, that brings together or is likely to bring two or more persons at the same time in a single room or other single confined or enclosed space, including, but not limited to an office space or similar confined place of employment, a single-family residence, or a residential apartment unit.
 - b. For purposes of this ordinance, a "communal gathering" does not include larger gatherings in the following locations, so long as people take care not be within arm's length of one another for extended periods:
 - i. public parks, sidewalks, and streets;
 - ii. parking lots and common areas of any hotel, office building or residential apartment buildings;
 - iii. grocery stores, shopping malls, manufacturing facilities, or other retail or business establishments where larger numbers of people may be present,

but where it is unusual for people to be within arm's length of one another for extended periods;

- iv. hospitals, mental health or substance abuse treatment facilities, and medical clinics and facilities; and
 - v. Any other location established by resolution of the North Sioux City Council.
- c. A resolution limiting the size of a communal gathering passed by the North Sioux City Council in accordance with this ordinance shall be deemed effective immediately upon its publication.
- d. Each person participating in any communal gathering that violates a size restriction established by resolution of the North Sioux City Council in accordance with this ordinance shall be deemed to be in violation of this ordinance.

6. If the North Sioux City Council receives a recommendation from the State of South Dakota, it may pass a resolution requiring that all non-essential businesses within the city must close in-office or on-site personnel functions and cease all in-person customer contact for a period of time set forth in such resolution not to exceed the period of time this ordinance remains in effect, which prohibition shall be governed by the following terms:

~~6.~~

- a. For purposes of this Ordinance, an "Essential Business" is not governed or limited by this a restriction. An "Essential Business" means:
- i. Essential Health Care Operations, Including, research and laboratory services, hospitals, 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, emergency dental, nursing homes, or residential health care facilities or congregate care facilities
 - ii. Essential Infrastructure, Including all utility providers, fuel supply and transmission, public water and wastewater, solid waste transfer station, telecommunications facilities and data centers, airports, transportation infrastructure such as bus, rail, or for-hire vehicles, garages, hotels, and places of accommodation
 - iii. Manufacturing;
 - iv. Essential Retail, including grocery stores, pharmacies, convenience stores, gas stations, take-out/delivery restaurant service, hardware and building material stores;
 - v. Essential Services, including solid waste and recycling collection, processing and disposal, mail and shipping services, laundromats, building cleaning and maintenance, child care services, auto repair, warehouse/distribution and fulfillment, funeral homes, crematoriums and cemeteries, storage for essential businesses, animal shelters, and Information Technology (IT) services providing support to Essential Business;
 - vi. News Media;

- vii. Financial Institutions, including banks, insurance agencies, brokerage firms, payroll and bookkeeping services, tax preparation and accounting services, and services related to financial markets
 - viii. Providers of Basic Necessities to Economically Disadvantaged Populations, including homeless shelters, crisis shelters, congregate care facilities, food banks, human services providers whose function includes the direct care of patients in state-licensed or funded voluntary programs; the care, protection, custody and oversight of individuals both in the community and in state-licensed residential facilities; and other critical human services agencies providing direct care or support;
 - ix. Construction, Including skilled trades such as electricians, plumbers, other related construction firms and professionals for essential infrastructure or for emergency repair and safety purposes;
 - x. 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 Union County.
 - xi. Essential Services Necessary to Maintain the Safety, Sanitation and Essential Operations of Residences or Other Essential Businesses, including law enforcement, fire prevention and response, building code enforcement, 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;
 - xii. An “Essential Business” shall also specifically include or exclude any business or organization type as clarified by resolution of the North Sioux City Council, even if the business or organization type is identified herein.
- b. A resolution requiring that all non-essential businesses close in-office or on-site personnel functions and cease all in-person customer contact passed by the North Sioux City Council in accordance with this ordinance shall be deemed effective immediately upon its publication.
 - c. The owner and supervising manager of any non-essential businesses that refuses to close in-office or on-site personnel functions or to cease all in-person customer contact in violation of the North Sioux City Council in accordance with this ordinance shall be deemed to be in violation of this ordinance.

7. This ordinance shall remain in effect until May 31, 2020. Notwithstanding any other provision herein, any dates identified in the ordinance may be shortened or extended prior to May 31, 2020 at any time by a resolution of the City Council.

7.8. Any violation of this ordinance is subject to the general penalty provision in Section 1.16 of the North Sioux City Municipal Code. Each day a violation of this ordinance is allowed to occur 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 and shall become effective immediately upon passage.

Dated this ~~25th~~-23rd day of ~~March~~April, 2020.

CITY OF NORTH SIOUX CITY

Randy Fredericksen, Mayor

ATTEST:

Michael Hamm, Finance Officer

First Reading: ~~March 25~~April 23, 2020

Second Reading: ~~March 30~~April 29, 2020

Effective ~~March 30~~April 29, 2020

ORDINANCE NO. 2020-05

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

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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

WHEREAS, on March 16, 2020, the White House issued guidance recommending that social gatherings of more than ten (10) 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.

NOW THEREFORE, BE IT ORDAINED, by the Common Council of the City of North Sioux City
that:

1. Effective at 9pm, March 30, 2020, all restaurants, food courts, coffee houses, bars, 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. The list of the businesses types closed by this provision may be increased by resolution of the North Sioux City Council. This closure will remain in effect through Saturday, May 2, 2020 at 8:00am.
2. Effective at 9pm, March 30, 2020, all recreational facilities, health clubs, athletic facilities and music or entertainment venues are directed to close and cease operations. The list of the businesses types closed by this provision may be increased by resolution of the North Sioux City Council. This closure will remain in effect through Saturday, May 2, 2020 at 8:00am.
3. Effective 9pm, March 30, 2020, all arcades, casinos, and other similar recreational or entertainment facilities are directed to close and cease operations. The list of the businesses types closed by this provision may be increased by resolution of the North Sioux City Council. This closure will remain in effect through Saturday, May 2, 2020 at

8:00am.

4. 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 offer on-site consumption which would be subject to the requirements of paragraph #1.
- b. Room service in hotels.
- c. Health care facilities, residential care facilities, congregate care facilities, and correctional facilities.
- d. Crisis shelters, homeless shelters, soup kitchens, or other similar institutions.
- e. Any emergency facilities necessary for the response to the current public health emergency or any other community emergency or disaster.
- f. Official meetings of the city, schools, county, or state.

5. If the North Sioux City Council receives a recommendation from the State of South Dakota, it may pass a resolution limiting the size of any communal gathering as defined herein and prohibit any communal gathering in excess thereof for a period of time set forth in such resolution not to exceed the period of time this ordinance remains in effect, which prohibition shall be governed by the following terms:

- a. For purposes of this ordinance, a "communal gathering" is any indoor or outdoor gathering of people, subject to the exceptions and clarifications below, that brings together or is likely to bring two or more persons at the same time in a single room or other single confined or enclosed space, including, but not limited to an office space or similar confined place of employment, a single-family residence, or a residential apartment unit.
- b. For purposes of this ordinance, a "communal gathering" does not include larger gatherings in the following locations, so long as people take care not be within arm's length of one another for extended periods:
 - i. public parks, sidewalks, and streets;
 - ii. parking lots and common areas of any hotel, office building or residential apartment buildings;
 - iii. grocery stores, shopping malls, manufacturing facilities, or other retail or business establishments where larger numbers of people may be present, but where it is unusual for people to be within arm's length of one another for extended periods;

- iv. hospitals, mental health or substance abuse treatment facilities, and medical clinics and facilities; and
 - v. Any other location established by resolution of the North Sioux City Council.
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- 6. If the North Sioux City Council receives a recommendation from the State of South Dakota, it may pass a resolution requiring that all non-essential businesses within the city must close in-office or on-site personnel functions and cease all in-person customer contact for a period of time set forth in such resolution not to exceed the period of time this ordinance remains in effect, which prohibition shall be governed by the following terms:
 - a. For purposes of this Ordinance, an "Essential Business" is not governed or limited by this a restriction. An "Essential Business" means:
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 - ii. Essential Infrastructure, Including all utility providers, fuel supply and transmission, public water and wastewater, solid waste transfer station, telecommunications facilities and data centers, airports, transportation infrastructure such as bus, rail, or for-hire vehicles, garages, hotels, and places of accommodation
 - iii. Manufacturing;
 - iv. Essential Retail, including grocery stores, pharmacies, convenience stores, gas stations, take-out/delivery restaurant service, hardware and building material stores;
 - v. Essential Services, including solid waste and recycling collection, processing and disposal, mail and shipping services, laundromats, building cleaning and maintenance, child care services, auto repair, warehouse/distribution and fulfillment, funeral homes, crematoriums and cemeteries, storage for essential businesses, animal shelters, and Information Technology (IT) services providing support to Essential Business;
 - vi. News Media;
 - vii. Financial Institutions, including banks, insurance agencies, brokerage firms, payroll and bookkeeping services, tax preparation and accounting services, and services related to financial markets

- viii. Providers of Basic Necessities to Economically Disadvantaged Populations, including homeless shelters, crisis shelters, congregate care facilities, food banks, human services providers whose function includes the direct care of patients in state-licensed or funded voluntary programs; the care, protection, custody and oversight of individuals both in the community and in state-licensed residential facilities; and other critical human services agencies providing direct care or support;
 - ix. Construction, Including skilled trades such as electricians, plumbers, other related construction firms and professionals for essential infrastructure or for emergency repair and safety purposes;
 - x. 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 Union County.
 - xi. Essential Services Necessary to Maintain the Safety, Sanitation and Essential Operations of Residences or Other Essential Businesses, including law enforcement, fire prevention and response, building code enforcement, 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;
 - xii. An “Essential Business” shall also specifically include or exclude any business or organization type as clarified by resolution of the North Sioux City Council, even if the business or organization type is identified herein.
- b. A resolution requiring that all non-essential businesses close in-office or on-site personnel functions and cease all in-person customer contact passed by the North Sioux City Council in accordance with this ordinance shall be deemed effective immediately upon its publication.
 - c. The owner and supervising manager of any non-essential businesses that refuses to close in-office or on-site personnel functions or to cease all in-person customer contact in violation of the North Sioux City Council in accordance with this ordinance shall be deemed to be in violation of this ordinance.
7. Any violation of this ordinance is subject to the general penalty provision in Section 1.16 of the North Sioux City Municipal Code. Each day a violation of this ordinance is allowed to occur 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 and shall become effective immediately upon passage.

Dated this 25th day of March, 2020.

Randy Fredericksen, Mayor

ATTEST:

Michael Hamm, Finance Officer

First Reading: March 25, 2020

Second Reading: March 30, 2020

Effective March 30, 2020