

RESOLUTION NO. 2020-06

**AN EMERGENCY RESOLUTION MODIFYING THE MANDATORY ORDERS RELATING TO
PUBLIC GATHERINGS CONTAINED IN ORDINANCE NO. 2020-06**

WHEREAS, the City adopted an emergency ordinance pursuant to SDCL 9-29-1 and SDCL 9-32-1 which implemented social distancing guidelines recommended by the Center for Disease Control (CDC) to slow the outbreak of the disease COVID-19; and

WHEREAS, the emergency ordinance allows the City Council to enact further restrictions on public gatherings and public movements it deems necessary to address the current public health emergency; and

WHEREAS, the emergency ordinance also permits the City to make exemptions from the ordinance and to shorten or extend the effective dates set forth in the ordinance; and

WHEREAS, the purpose of social distancing requirements is to slow the spread of the disease so that the region's health care system is not overwhelmed; 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, 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.

WHEREAS, on April 28, 2020, Governor Kristi Noem, issued Executive Order 2020-20 which declared every South Dakotan shall implement and follow South Dakota's "Back to Normal Plan", dated April 28, 2020; and

WHEREAS, on April 28, 2020, Governor Kristi Noem, issued Executive Order 2020-20 which declared local governments shall follow South Dakota's "Back to Normal Plan", dated April 28, 2020; and

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

1. Effective at 8am, May 5, 2020, all businesses identified in paragraphs 1 through 3 of Ordinance No. 2020-06 may reopen to serve patrons on-site pursuant to the conditions established in this resolution. For clarification purposes, the restrictions in this Resolution shall apply to all businesses selling or distributing fireworks.
2. Businesses identified in Ordinance 2020-06 within North Sioux City which are open to the public shall observe the following guidelines to slow the spread of COVID-19.
 - a) The establishment must limit the party size seated together to no more than ten (10) people.
 - b) Establish a minimum six-foot distance between any tables, video lottery machines, and barstools.
 - c) Require social distance spacing while waiting for service or entry into business.
 - d) In retail businesses, install a plexiglass, or similar, divider where physically possible between the cashier and customer.
 - e) Require employees to wash hands at regular intervals.
 - f) Food service employees must wear a mask which covers the employee's nose and mouth.
 - g) In casinos, video lottery machines must be cleaned and disinfected between each customer.
 - h) Employees of hair salons, nail salons, and barber shops wear masks which cover their nose and mouth during customer contact times. Customer seating must be at least six (6) feet apart.
 - i) In gyms and fitness facilities, any equipment and/or mats must be cleaned or disinfected between each use.
 - j) 24 hour access to gyms and fitness facilities must not be permitted. Access to gyms and facilities must only be permitted when staffed.
 - k) Customer seating reduced to allow for social distancing with certain seats marked as "not available due to social distancing guidelines" to insure compliance.
 - l) Businesses shall post publicly and maintain a regular cleaning and disinfecting schedule, specific to each business.
 - m) Hand sanitizer locations readily available for public use should be made available.
 - o) Businesses are encouraged to conduct daily employee screenings for illness.
3. In addition to the specific requirements listed above, businesses shall operate in a manner consistent with CDC guidelines and any applicable state regulations or executive orders.
4. The City encourages all individuals within the City to continue to follow the CDC guidelines and recommended hygiene practices, including, but not limited to engaging in social distancing, limiting non-essential travel, washing hands thoroughly, staying home when

sick and wearing masks when outside their homes wherever possible. Vulnerable individuals at a higher risk for this virus should practice enhanced hygiene measures and consider staying home whenever possible.

5. Businesses can request, in writing, administrative exceptions from the City Mayor, City Administrator, and Police Department which allow them to modify the strict compliance with these requirements so long as their proposal contains alternative means to implement social distancing requirements. The City will not approve exceptions which completely exempt a business from implementing social distancing, or from following the CDC guidelines.
6. Any business entity, owner, or supervising manager of any business that is not in compliance with these regulations, or an approved alternative plan pursuant to subsection #5, shall be in violation of Ordinance No. 2020-06 and this Resolution. 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. Notwithstanding any other provision herein, any business licensed under Title 35 and City Ordinance 5.08 shall, subsequent to a hearing required by SDCL 35-2-11.1, result in a mandatory recommendation to the South Dakota Secretary of Revenue that such business's license be suspended or revoked for such violation.
7. This Resolution shall remain in effect until June 25, 2020, unless otherwise repealed, modified, or extended.

BE IT FURTHER RESOLVED, by the City of North Sioux City, that due to the fact a national and statewide emergency has been declared and one of the primary recommendations to combat this emergency is to practice social distancing and limit person to person contact, this resolution is considered necessary for the immediate preservation of the public peace, health, and safety of the City of North Sioux City and shall be effective immediately upon publication thereof.

Dated this 16th day of June, 2020.

CITY OF NORTH SIOUX CITY

Rodd Slater, Mayor

ATTEST:

Lucero Avalos, Interim Finance Officer