

ORDINANCE NO. 2020-27

**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 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, the City of Murdo has the authority pursuant to 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, 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, on March 13, 2020, President Donald Trump declared a national emergency in response to the global pandemic of COVID-19; and

WHEREAS, the Governor of the State of South Dakota entered an Executive Order (2020-04) declaring a state of emergency currently exists within the state of South Dakota, and, further, the Governor of the State of South Dakota entered an Executive Order (2020-08) providing direction and guidance for South Dakota citizens, businesses, and governing bodies of South Dakota in which all local and municipal government located in the State of South Dakota take specific steps contained within said Executive Order, 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 City of Murdo, South Dakota:

1. Effective at 12:00 a.m. on April 2, 2020, all restaurants, food courts, food service locations, coffee houses, bars, breweries, distilleries, wineries, clubs, cafes, motel lobbies offering food service, 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 through Wednesday, April 15, 2020.

2. Effective at 12:00 a.m. on April 2, 2020, all churches, indoor recreational facilities, public pools, health clubs, senior center, indoor athletic facilities, and theaters, including movie theaters and music or entertainment venues are directed to close and cease operations. All outdoor recreational facilities shall follow the Center for Disease Control (CDC) recommendations. This closure will remain in effect through Wednesday, April 15, 2020.

3. Effective at 12:00 a.m. on April 2, 2020, all hookah lounges, cigar bars, vaping lounges or other similar business which allow for on-site consumption are directed to cease allowing on-site consumption, but may continue to offer products for sale to consume off-site under the same conditions as bars and restaurants outlined in Paragraph #1. This closure will remain in effect through Wednesday, April 15, 2020.

4. Effective at 12:00 a.m. on April 2, 2020, all indoor recreational or entertainment facilities are directed to close and cease operations. This closure will remain in effect through Wednesday, April 15, 2020.

5. 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 retail and service businesses in which less than ten (10) people are gathered or permitted to gather in the facility, pharmacies, drug stores, and food pantries, other than any portion of such business which would be subject to the requirements of Paragraph #1.
- b. Grocery stores and food markets.
- c. Room service in hotels.
- d. Health care facilities, congregate care facilities, and correctional facilities, residential care facilities.
- e. Crisis shelters, homeless shelters, soup kitchens, or other similar institutions.

- f. Municipal Airport.
- g. Any emergency facilities necessary for the response to the current public health emergency or any other community emergency or disaster.
- h. Official meetings of the city, schools, county, or state, as may be set by said entities.

6. 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 Murdo 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.

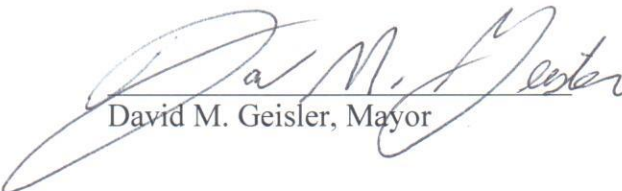
7. Any violation of this ordinance is subject to the general penalty provision in the City of Murdo, South Dakota, Code of Ordinances. Each day a violation of this ordinance is allowed to occur is considered a separate offense committed by the person(s) in charge of the facility in violation.

8. This Ordinance shall apply to all locations within the City of Murdo and within one (1) mile of the corporate limits of the City of Murdo, as allowed by law.


BE IT FURTHER ORDAINED, that, pursuant to SDCL 9-19-13, this ordinance is necessary due to a health emergency and the immediate preservation of the public peace, health, safety, and welfare of the City of Murdo and shall become effective immediately upon passage.

Dated this 31st day of March, 2020.

CITY OF MURDO, SOUTH DAKOTA


David M. Geisler, Mayor

Passed First Reading: March 25, 2020
Passed Second Reading: March 31, 2020
Adopted: March 31, 2020
Published: April 2, 2020
Effective: 12:00 a.m. April 2, 2020

ATTEST: 
Finance Officer

(SEAL)