

EXECUTIVE ORDER 2020-04

Declaration of Local Disaster or Emergency in Response to COVID-19

WHEREAS, the mayor of the City of Mitchell is vested with authority, pursuant to Mitchell City Code Chapter 5-7, to issue any and all orders or undertake such other functions and activities as the mayor reasonably believes is required or appropriate to protect the health, safety, and welfare of persons or property within the city of Mitchell.”; and

WHEREAS, such emergency provisions in the Mitchell City Code were adopted by the City Council to, among other things, promote the health, safety, and general welfare of the community and to do what is necessary for the promotion of health or the suppression of diseases, with such authority being granted to municipalities by SDCL 9-29-1 and 9-29-31; and

WHEREAS, the United States, South Dakota, and City of Mitchell all continue to see persistent spread of COVID-19, for which the City has taken prior emergency actions; and

WHEREAS, the World Health Organization declared COVID-19 a pandemic, and the U.S. Centers for Disease Control and Prevention (“CDC”) has declared a public health emergency; and

WHEREAS, Governor Noem issued Executive Order 2020-30 on July 7, 2020 which declared a state of emergency relating to COVID-19 in all South Dakota counties effective through December 30, 2020; and

WHEREAS, as of November 16, 2020, the State of South Dakota has 18,139 active COVID-19 cases, with Davison County accounting for 821 of such cases; and

WHEREAS, new positive COVID-19 cases are being detected in Davison County at accelerated rates over the last 21 days; and

WHEREAS, the medical facilities within the City of Mitchell have indicated that they do not have the capacity and/or staff to accommodate increasing COVID-19 caseloads; and

WHEREAS, CDC guidelines recommend the use of cloth face coverings in public and when around people who don’t live in the same household; and

WHEREAS, the City believes that requiring masks for substantially all individuals at its public facilities is prudent to help decrease the spread of COVID-19 amongst the individuals who choose to use such facility; and

WHEREAS, any exceptions to this general requirement are consistent with nationally recognized sporting event protocols, required due to impracticality of conducting the activity with a face covering, or would not result in substantially increased risk to the public; and

WHEREAS, it is important that the control measures contained herein be implemented immediately for the purpose of reducing the spread of COVID-19, avoiding medical facilities from being overwhelmed, and ultimately decreasing the number of citizens that may contract, suffer, or die due to COVID-19.

NOW THEREFORE, pursuant to Mitchell City Code Chapter 5-7:

1. I, Mayor Robert B. Everson Jr., hereby declare that a threat to the public's health, safety, and welfare necessitating immediate measures to prevent the spread and potential effects of COVID-19 and that it is necessary to declare a state of local disaster or emergency under Mitchell City Code Section 5-7-3.
2. That pursuant to Mitchell City Code Section 5-7-3, the emergency provisions stated herein shall be effective immediately and be of the same force and effect as an ordinance adopted by the City Council.
3. All persons must wear a face covering in indoor businesses and indoor public places where six (6) foot social distancing cannot be achieved or maintained.
4. For purposes of this Executive Order 2020-04, a face covering must be worn to cover the nose and mouth completely, and can include a paper or disposable face mask, a cloth mask, a scarf, a bandana, or neck gaiter.
5. The requirement to wear a face covering shall not apply to:
 - a. Children under the age of five; and
 - b. Individuals who have medical conditions or disabilities preventing them from safely wearing a face covering; and
 - c. Individuals who are actively participating in an athletic or sporting event; and
 - d. Individuals who are actively consuming food or drink.
6. In addition to the face covering requirements above, all individuals and businesses are recommended to strictly adhere to CDC hygiene and sanitation practices, including, but not limited to, frequent washing of hands or use of hand sanitizer and routine disinfection of frequently touched surfaces.
7. That this Executive Order 2020-04 may be modified at any time by further executive orders.

City of Mitchell | Mayor Robert B. Everson, Jr.

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CityOfMitchell.org



8. Violation of this Executive Order 2020-04 may result in a fine (up to that imposed by Mitchell City Code Section 1-4-1), and multiple violations may result in further enforcement procedures, including legal action.
9. This Executive Order 2020-04 shall remain in effect for a period of thirty (30) days unless the City Council approves an extension of such period.

Dated this 17th day of November, 2020.

A handwritten signature in blue ink, appearing to read "R B E", with a horizontal line extending to the right.

Robert B. Everson, Jr.