

ORDINANCE #O2020-13

AN EMERGENCY ORDINANCE TO REQUIRE WEARING FACE COVERINGS IN CERTAIN LOCATIONS DUE TO COVID-19.

WHEREAS, the City of Mitchell has the authority pursuant to SDCL 9-29-1 and 9-31-1 to pass ordinances for the purpose of promoting the health, safety, morals, and general welfare, of the community; 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 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, BE IT ORDAINED, by the City Council of the City of Mitchell that effective immediately upon publication of this ordinance after adoption:

1. 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.
2. For purposes of this ordinance, 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.
3. The requirement to wear a face covering shall not apply to:
 - a. Children under the age of five (or including age five if attending a preschool or daycare facility); and
 - b. Individuals who have medical conditions, mental health conditions, or a disability 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.
4. 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.
5. Violation of this Ordinance may result in a fine, and multiple violations may result in further enforcement procedures, including legal action. When sentencing for a violation of this ordinance, the total fines and court costs shall include a fine representing the City's fine of \$0.00. This amount may be amended by the City Council by resolution at any time.
6. This ordinance shall remain in 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 City Council by resolution. Any dates identified in this ordinance may be adjusted at any time within the sixty (60) day period covered by this ordinance by a resolution of the City Council.
7. This ordinance shall not limit the powers of the Mayor pursuant to law and ordinance and the Mayor, to declare a local disaster or emergency pursuant to Mitchell City Code Section 5-7-3, and exercise all powers granted thereunder to be exercised by Executive Order. Such Executive Orders shall be of the same force and effect as if included in this ordinance and any person violating such an Executive Order shall be subject to the same penalties as cited above.

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 publication of this ordinance after adoption.

Adopted by majority vote of the Mitchell SD City Council in regular session this ____ day of _____, 2020.

Robert B. Everson, Jr. – Mayor

Attest:

(seal)

Michelle Bathke – City Finance Officer

First Reading: _____

Second Reading: _____

Adoption: _____

Published: _____