

## **ORDINANCE NO. 606**

### **AN ORDINANCE OF THE CITY OF BRANDON, SOUTH DAKOTA DECLARING A HEALTH EMERGENCY AND LIMITING PUBLIC GATHERINGS WITHIN THE CITY**

**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 the virus causing the COVID-19 disease 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 the virus causing the COVID-19 disease; and

**WHEREAS**, an outbreak of the COVID-19 disease, which is caused by the novel coronavirus SARS-CoV-2 (the “virus”), has been confirmed in more than 100 countries, including the United States; and

**WHEREAS**, COVID-19 is a severe respiratory disease caused by the virus 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, virus infection can result in serious illness requiring hospitalization, admission to an intensive care unit, and death; and

**WHEREAS**, cases of infection from the virus causing the COVID-19 disease have been confirmed in Minnehaha County and the State of South Dakota, and cases of community transmission have occurred in South Dakota and can reasonably be expected to increase; and

**WHEREAS**, the CDC and health experts have recommended certain actions to mitigate the community transmission of COVID-19, including, but not limited to, social distancing measures and restricting the size of gatherings to slow the spread of the virus causing the COVID-19 disease; 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 until at least May 1, 2020; and

**WHEREAS**, on March 16<sup>th</sup>, the Federal Government issued guidance recommending that 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 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 states health care providers; and

**WHEREAS**, it is important that control measures be taken to reduce or slow down the spread of the virus 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 the COVID-19 disease; and

**WHEREAS**, the City of Brandon has the authority pursuant to SDCL 9-29-1 and 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 or expedient for the promotion of health or the suppression of disease; and

**NOW THEREFORE, BE IT ORDAINED**, by the City of Brandon, South Dakota:

1. Definitions:

- A. “Social Distancing” as used herein shall mean separation of at least six feet between individuals and restricting gatherings to no more than ten (10) individuals.
- B. “Enclosed retail business that promotes public gathering” as used herein shall mean any facility operating as a bar, restaurant, brewery, café, casino, coffee shop, arcade, recreational or athletic facility, health club, entertainment venue, or similar place for public gatherings. Such term shall also include any parking lot and/or patio or other outdoor seating area for such facility.
- C. “Patron” as used herein shall refer to a customer and/or visitor to the business as defined above and does not include employees or staff of such business.

2. City Owned Property

- A. The following City buildings and venues will remain closed to the general public:
  - 1) Brandon Municipal Golf Course Lounge
  - 2) Brandon Municipal Golf Course Community Room
  - 3) Brandon Conference Center (located at 1103 N. Splitrock Blvd)

### 3. Private Business

- A. Any enclosed business that promotes public gathering shall modify business practices in order to ensure that at any given time there is not more than ten (10) patrons are on the premises for on-site use of the services and/or consumption of the goods and there is sufficient space to have at least six (6) feet between patrons who are not immediate family members or members of the same household. Such businesses are encouraged to consider utilizing business models that do not involve public gatherings, including takeout, delivery, drive through, curbside service, off-site services, and social media.
- B. The restrictions set forth in the above paragraph shall not apply to the following:
  - 1) Healthcare facilities, residential care facilities, congregate care facilities, and correctional facilities;
  - 2) Childcare facilities;
  - 3) Businesses that offer food and beverages solely for off-site consumption, including grocery stores, markets, convenience stores, pharmacies, drug stores, and food pantries, other than the portion of such businesses that are subject to the above restrictions;
  - 4) Hotel/motel room service;
  - 5) Crisis shelters, homeless shelters, soup kitchens, or other similar institutions;
  - 6) Traditional golf courses, but any bar or restaurant associated with a golf course shall abide by the above restrictions;
  - 7) Any emergency facility necessary for the response to the current COVID-19 emergency or any other community emergency or disaster;
  - 8) Official meetings of the city, school, township, county or state;
  - 9) The operations and meetings of any state or federal courts.

The businesses and entities identified in this section shall take all reasonable measures to ensure social distancing and sanitation is being utilized as is feasible, and comply with federal and state health guidelines in order to prevent the spread of the virus causing COVID-19. Such businesses are further encouraged to consider, to the extent applicable and feasible, providing for special access periods for populations particularly vulnerable to COVID-19.

- C. Nothing herein shall act or be interpreted as authorization for any off-sale alcoholic beverage sales by any licenses in violation of their respective license as defined in SDCL Title 35, unless authorized to do so by the State of South Dakota.

- D. The restrictions set forth above do not prohibit an owner, employee, contractor, vendor or supplier of the above-addressed entities from entering, exiting, using, or occupying that place of business in their professional capacity, so long as procedures are implemented to ensure social distancing to the full extent reasonably possible.
  
- E. The business entity, owner and supervising manager of any business that refuses to comply with these regulations as adopted by ordinance by the city council shall be deemed to be in violation of the ordinance. The fine for a violation of this ordinance is \$500. Each day a violation of this ordinance is allowed to occur is considered a separate offense.
  
- F. All other employers, both for profit and not for profit, within the City of Brandon are urged and encouraged to:
  - 1) Implement procedures to ensure social distancing between persons as is feasible and to ensure the business or entity operates in compliance with federal and state guidelines to prevent the spread of the virus causing COVID-19;
  - 2) Allow employees and staff to telework if possible;
  - 3) Limit unnecessary work gatherings;
  - 4) Eliminate non-essential travel; and
  - 5) Consider regular health checks for their employees and patrons including guidance from the CDC for COVID-19 screening if possible.

#### 4. Citizens of Brandon

- A. All individuals within Brandon are urged and encouraged to:
  - 1) Review and practice the recommended CDC hygiene practices designed to stop the spread of the virus causing COVID-19;
  - 2) Know the signs and symptoms of COVID-19, call a healthcare provider for instructions if experiencing symptoms of COVID-19, and stay at home if sick;
  - 3) Understand that those who are particularly vulnerable to COVID-19, including those over the age of 60 and those suffering from respiratory or cardiac conditions, should take extra precautions and remain home if possible;
  - 4) Implement social distancing measures and support businesses that are adjusting their business model to reduce the spread of the virus causing COVID-19; and
  - 5) Assist those who work in essential jobs such as emergency personnel, medical professionals and law enforcement.

5. This ordinance shall remain in effect until such time as it is amended, suspended, reinstated or repealed by Resolution of the Brandon City Council. This ordinance shall be reviewed at all regular and special meetings of the Brandon City Council until it is repealed.

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

Adopted this 31<sup>st</sup> day of March, 2020.

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Paul Lundberg

ATTEST:

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Christina Smith  
Finance Officer

(SEAL)

First Reading: March 26, 2020  
Second Reading: March 31, 2020  
Effective: March 31, 2020 at 6:07 p.m.  
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