

EMERGENCY RESOLUTION

AMENDING PARTS OF ORDINANCE 1413 WHICH ADDRESSES A PUBLIC HEALTH CRISIS BY IMPLEMENTING CERTAIN MEASURES WHICH WERE DEEMED NECESSARY TO SLOW THE COMMUNITY SPREAD OF COVID 19 (CORONAVIRUS)

WHEREAS, an outbreak of the COVID-19 disease, which is caused by the novel coronavirus, has been confirmed in more than 100 countries, including the United States; and

WHEREAS, the City Council adopted emergency Ordinance No. 1413 with second reading on March 30, 2020 to implement measures to slow the community spread of the COVID-19 virus; and

WHEREAS, Ordinance No. 1413 became effective upon passage for a maximum of sixty days (March 30, 2020 to May 30, 2020); and

WHEREAS, Ordinance No. 1413 provided that the City Council will have as an agenda item at each regular City Council meeting for the consideration of a resolution to suspend the provisions herein prior to the end of the sixty (60) day period included; and

WHEREAS, Governor Noem issued the 'Back to Normal Plan' on April 28, 2020 which details the expectations for individuals, businesses, schools, health care providers, and local governments to return to business and social interactions while accounting for the inherent uncertainties of this pandemic; and

WHEREAS, Governor Noem's Plan and Executive Order 2020-20 state that every South Dakotan shall follow South Dakota's Back to Normal Plan; and

WHEREAS, Executive Order 2020-20 which was issued on April 28, 2020 stated that local governments within the State shall follow the Plan for their respective jurisdictions.

NOW THEREFORE BE IT RESOLVED, by the Governing Body of the City of Vermillion, South Dakota, at a regular meeting thereof in the Council Chambers of said City at 7:00 p.m. CDT on the 4th day of May 2020, made the following changes to Ordinance 1413:

Businesses within the City of Vermillion which are open to the public shall observe guidelines to slow the spread of COVID-19.

Any business identified in Ordinance 1413 may re-open to serve patrons on-site pursuant to the conditions in this resolution. The restrictions on business establishments as named in #1, #2, #3, and #4 of Emergency Ordinance 1413 are amended as follows.

- a. Establish a minimum six-foot distance between any tables, chairs, and barstools. This provision does not need to be observed between members of the same household.
- b. Restaurants, bars, and video lottery casino operations shall be limited to a maximum of ten (10) customers or a capacity of thirty-three (33) percent of their maximum posted capacity, whichever is greater.

- c. All businesses will identify their occupancy allowance and post it in a conspicuous location for customers entering the building.
- d. All restaurants and bars shall dispose of, or disinfect, all menus before and after use by each customer. Condiment containers shall be cleaned/disinfected between each group and shall not be shared among multiple groups. Salad bars and self-service buffets shall not be permitted.
- e. Recreation and fitness businesses shall limit customers based on available square footage. A maximum of ten (10) customers or a capacity of thirty-three (33) percent of their posted capacity.
- f. Encourage social distance spacing while waiting for service or entry into a business. Businesses may accomplish this by requiring people to remain in their vehicles.
- g. Install a plexiglass, or similar divider where physically possible between the cashier and the customer.
- h. Require employees to wash hands at regular intervals.
- i. Food service employees must wear a mask when serving dine-in patrons which covers the employee's nose and mouth.
- j. In video lottery casinos operations, machines must be cleaned and disinfected between each customer.
- k. Employees of hair salons, nail salons, spa, and barber shops must wear masks which cover their nose and mouth during customer contact times. Customers must be seated at least six (6) feet apart.
- l. In gyms and fitness facilities, any equipment and/or exercise mats must be cleaned or disinfected between each use. Customers should be separated by at least six feet when using machines or equipment.
- m. Customer seating in theaters and similar businesses shall be reduced for social distancing with certain seats marked as "not available due to social distancing guidelines" to ensure compliance.
- n. Businesses shall publicly post a regular cleaning and disinfecting schedule.
- o. Businesses are encouraged to conduct daily employee screenings for illness.
- p. Businesses are encouraged to post signage outside of their facility that encourages customers to not enter if they are not feeling well or have COVID-19 symptoms.
- q. Businesses are encouraged to develop risk mitigation strategies for restrooms or other areas where social distancing requirements are likely to be compromised.
- r. Certain businesses (e.g. a gym, recreation facility, video lottery casino, etc.) are encouraged to have customers wipe down their equipment/machines before and after use. However, it will still be the responsibility of the business to ensure proper cleaning and disinfecting is occurring.
- s. Businesses, particularly salons, barber shops, and spas are encouraged to provide service on an appointment-only basis to ensure proper social distancing and hygiene practices are met.

The exceptions provided in #5 of Emergency Ordinance 1413 remain unchanged.

Ordinance 1413 will remain in place until May 30, 2020. The City Council with adoption of a resolution may again implement the suspended restrictions if conditions of the pandemic worsen and action is needed to promote the health and safety of the community.

BE IT FURTHER RESOLVED, that no business is required by the City of Vermillion to open but shall take into account Governor Noem's Back to Normal Plan and Executive Order 2020-20 and their ability to maintain social distancing, proper hygiene, and practices recommended by the Centers for Disease Control which reduce or slow the spread of COVID-19.

BE IT FURTHER RESOLVED, that every citizen, visitor, and property owner is encouraged to continue to do their part to slow the spread of COVID-19 through maintaining social distancing, practicing good social hygiene through frequent and thorough handwashing, staying home and isolated when sick, covering coughs and sneezes, and cleaning and disinfecting frequently touched surfaces.

Dated at Vermillion, South Dakota this 4th day of May, 2020.

THE GOVERNING BODY OF THE CITY
OF VERMILLION, SOUTH DAKOTA

By Kelsey Collier-Wise
Kelsey Collier-Wise, Council President

Attest:

By Michael D. Carlson
Michael D. Carlson, Finance Officer

Adopted: May 4, 2020

Effective: May 4, 2020