

An Emergency Resolution 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 City of Milbank has the authority pursuant to SDCL 9-29-1 and SDCL 9-32-1 to pass ordinances or resolutions 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, 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 COVID-19; and

Whereas, the City of Milbank City Council previously passed Resolution 3-24-20 restricting on-site consumption of food or beverages at various establishments, and closed other public venues or gathering places to enforce social distancing in our community; and

Whereas, the City of Milbank City Council previously passed Resolution 4-13-20 extending Resolution 3-24-20 through May 31, 2020; and

Whereas, on April 28, 2020, Kristi Noem, Governor of the State of South Dakota, issued Executive Order 2020-20 as follows:

Section 1 Back to Normal Plan. Every South Dakotan shall implement and follow South Dakota's "Back to Normal Plan," or the "Plan" dated April 28, 2020 and attached to this Executive Order or a later updated version of the Plan. The Plan details the expectations for individuals, businesses, schools, health care providers, and local governments to

return to normal business and social interactions while accounting for the inherent uncertainties of this pandemic. The Plan may be amended to respond to changing circumstances after consultation with the Medical Review Task Force and a thorough understanding of the data, facts, and science that inform this Plan. The most current version shall be followed and can be found at covid.sd.gov.

Section 2 Personal Responsibility. The success of this Plan will depend in large part on the ability of individuals, employers, businesses, schools, health care providers, and local governments to exercise personal responsibility and common sense to help reduce future business and social disruption.

Section 3 Local Governments Within the State of South Dakota. Local governments shall follow the Plan for their respective jurisdictions.

Section 4 Executive Order 2020-12. Executive Order 2020-12 is hereby rescinded.

Section 5 Limitations:

- A. This Order is not intended to and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the State of South Dakota, its departments, agencies, or entities, its officers, employees or agents, or any other person.
- B. Sovereign nations within the borders of South Dakota should review the matters set forth herein and make their own decisions in accordance with tribal law.
- C. This Order is based on developing data, facts, and science and may be rescinded or amended and shall be in effect for the duration of the COVID-19 State of Emergency declared by Executive Order 2020-04, extended by Executive Order 2020-15.

Whereas, the great citizens, businesses, and visitors of the City of Milbank have faithfully adhered to Resolution 3-24-20 and Resolution 4-13-20 as an attempt to minimize the person-to-person spread of the worldwide COVID-19 pandemic; and

Whereas, the COVID-19 pandemic is still considered a worldwide health threat and Executive Order 2020-04 issued by Governor Kristi Noem is still in effect that declared a state of emergency to exist in the State of South Dakota in response to the spread of COVID-19; and

All citizens and visitors of the City of Milbank shall continue to review and practice the recommended CDC hygiene practices designed to stop the spread of the disease COVID-19 including, but not limited to:

- Wash your hands with soap and water or use hand sanitizer, especially after touching frequently used items or surfaces.

- Avoid touching your face.
- Sneeze or cough into a tissue, or the inside of your elbow.
- Disinfect frequently used items and surfaces as much as possible.
- Strongly consider using face coverings while in public.

All citizens and visitors of the City of Milbank should continue to implement social distancing measures designed to stop the spread of the disease COVID-19 as defined by the CDC including, but not limited to:

- All vulnerable individuals (Elderly individuals and individuals with serious underlying health conditions, including high blood pressure, chronic lung disease, diabetes, obesity, asthma, and those whose immune system is compromised such as by chemotherapy for cancer and other conditions requiring such therapy) should continue to shelter in place. Members of households with vulnerable residents should be aware that by returning to work or other environments where distancing is not practical, they could carry the virus back home. Precautions should be taken to isolate from vulnerable residents.
- All individuals, when in public, should maximize physical distance from others by being at least 6 feet apart from those not within the same household. Social settings of more than 10 people, where appropriate distancing may not be practical, should be avoided unless precautionary measures are observed.
- Avoid socializing in groups of more than 10 people in circumstances that do not readily allow for appropriate physical distancing of at least 6 feet or more
- Minimize non-essential travel and adhere to CDC guidelines regarding isolation following travel.

Now, Therefore, Be It Ordained, by the City Council of Milbank that:

1. Effective at 11:59 p.m., May 03, 2020, Resolution 3-24-20 and Resolution 4-13-20 are hereby rescinded.
2. All citizens and visitors of the City of Milbank will continue to adhere to any current active and future Executive Orders issued by Kristi Noem, Governor of the State of South Dakota.
3. Resolution 3-24-20 and 4-13-20 outlined certain restrictions on businesses that encourage mass gatherings of 10 or more people. The City of Milbank hereby provides the following protocol for all restaurants, food courts, coffee houses, bars, breweries, clubs, cafes, and other similar places of public accommodation offering food and beverages for on-site consumption, including any alcohol licensees with on-sale privileges:
 - Groups of more than 1 person should be limited to those residing within the same household.

- Individuals or groups not residing within the same household should maintain 6 feet of spacing between serving and waiting areas indoor or outdoor.
 - Tables and bar stools should be spaced out such that a 36 square foot radius exists from another group or individual to adhere to the 6 feet spacing from those not within the same household.
 - CDC guidelines should be adhered to in sanitizing serving areas and tables between customers including, but not limited to, areas such as salad bars, buffets, video lottery machines, and other entertainment devices.
4. Resolution 3-24-20 and 4-13-20 outlined certain restrictions on businesses that encourage mass gatherings of 10 or more people. The City of Milbank encourages all recreational facilities, public pools, health clubs, athletic facilities and theaters, including skating rinks, casinos, bowling alleys, movie theaters and music or entertainment venues to maintain the 6 foot distance between individuals or groups that are not residing within the same household similar to those outlined in item 3. In addition, CDC guidelines should be adhered to in sanitizing all serving areas and all applicable equipment or entertainment devices between customers.
 5. Any violation of this resolution is subject to the general penalty provision in the Revised Milbank Municipal Code, Chapter 1.16, Section 1.16.010. Each day a violation of this resolution is allowed to occur is considered a separate offense

This Resolution may be rescinded or amended as the COVID-19 pandemic situation warrants, and shall be in effect for the duration of the COVID-19 State of Emergency as declared by Kristi Noem, Governor of the State of South Dakota.

Be It Further Ordained, that, pursuant to SDCL 9-19-13, this resolution is necessary for the immediate preservation of the public peace, health, safety, and welfare of the City and shall become effective at 12:01 a.m., May 4, 2020.

Dated this _____ day of May, 2020.

Vote of the Milbank City Council:

AYE _____

NAY _____

Dated this _____ day of May, 2020.

ATTEST:

City of Milbank Finance Officer

City of Milbank Mayor