Ordinance 20-010

An Ordinance Amending Emergency Ordinance 20-007 to Address a Public Health Crisis and to Revise Certain Measures Which Have Been Deemed Necessary to Slow the Community Spread of Coronavirus (COVID-19).

WHEREAS, the City of Brookings has the authority pursuant to SDCL 9-29-1 and SDCL 9-32-1 to pass ordinances for the purpose of promoting the health, safety 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, the City of Brookings and many states and communities across the country have already implemented the White House recommendations by ordering all bars, restaurants, food courts, gyms, and other indoor and outdoor venues where people congregate be closed until the public health emergency is over; and

WHEREAS, the failure to successfully implement social distancing would likely result in higher numbers of infected individuals and has the potential to overwhelm the capacity of the City's health care providers; and

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

WHEREAS, the City of Brookings has been utilizing Ordinance 20-007 to address the COVID-19 public emergency, and

WHEREAS, based on the number of cases in Brookings County, the relative lack of hospitalizations in the City, and the available modeling, the City Council believes some of the social distancing restrictions can now be modified to allow businesses to resume on-site service of customers without causing the number of COVID-19 cases in the City to rise to the level that will overwhelm the hospital’s capacity if proper procedures are put in place, and

WHEREAS, this Ordinance is consistent with the Governor’s Executive Order 2020-20, and Section 3 thereof, in particular, which provide for South Dakota’s “Back to Normal Plan”, and

WHEREAS, these revised measures and restrictions are intended to replace the measures and restrictions set forth in Emergency Ordinance 20-007;

NOW, THEREFORE, BE IT ORDAINED, by the City Council of Brookings that:

1. Any businesses identified in Ordinance 20-007 may reopen to serve patrons on-site pursuant to the conditions established in this resolution.

2. Businesses within the City of Brookings which are open to the public shall observe the following guidelines to slow the spread of COVID-19:

   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) All businesses shall collaborate with the City to identify their occupancy allowance and post it in a conspicuous location outside the building.
   c) Restaurants, bars, and casinos shall be limited to a maximum of ten (10) customers or a capacity of one-half (½) of their maximum posted capacity, whichever is greater. Capacity will be posted at the front of the business.
   d) All restaurants, food trucks and bars shall disinfect or dispose of 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) Grocery stores, retail businesses, recreation and fitness businesses shall be limited to a maximum of ten (10) customers or a capacity of one-half (½) of their maximum posted capacity, whichever is greater. Capacity will be posted at the front of the business.
   f) Require social distance spacing while waiting for service or entry into a business. Spacing may be accomplished by requiring people to remain in their vehicles.
   g) Clearly marked one-way shopping aisles in grocery and retail stores.
   h) In retail and grocery businesses, install a plexiglass, or similar divider where physically possible between the cashier and customer.
   i) Require employees to wash hands at regular intervals.
   j) Food service employees must wear a mask which covers the employee's nose and mouth.
   k) In casinos, video lottery machines must be cleaned and disinfected between each customer.
   l) Employees of hair salons, nail and tanning salons, spas and barber shops wear masks which cover their nose and mouth during customer contact times. Customer seating must be at least six (6) feet apart.
   m) In gyms and fitness facilities, any equipment and/or exercise mats must be cleaned or disinfected between each use.

n) Customer seating in theaters and similar businesses shall be reduced to allow for social distancing with certain seats marked as “not available due to social distancing guidelines” to ensure compliance.
o) Businesses shall post publicly a regular cleaning and disinfecting schedule, specific to each business.
p) Hand sanitizer locations readily available for public use should be made available at grocery stores and retail businesses.
q) Enhanced cleaning/disinfecting requirements should be used for motel and hotel rooms.
r) Seating for large gatherings shall be reduced to comply with a six-foot minimum distance between attendees.
s) Businesses are encouraged to conduct daily employee screenings for illness.
t) 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.
u) Businesses are encouraged to develop risk mitigation strategies for restrooms or other areas where social distancing requirements are likely to be compromised.
v) Certain businesses (e.g. gym, recreation facilities, casinos, 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.
w) 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.

3. In addition to the specific requirements listed above, businesses shall operate in a manner consistent with CDC guidelines and any applicable state regulations and the Governor’s Executive Orders.

4. The City encourages all members of the public within the City of Brookings to continue to follow the CDC guidelines and recommended hygiene practices, including, but not limited to engaging in social distancing, and wearing masks when outside their homes wherever possible.

5. Businesses can request, in writing, administrative exceptions from the City that allow them to modify the strict compliance with these requirements so long as their proposal contains alternative means to implement social distancing or hygiene requirements. The City will not approve exceptions which completely exempt a business from implementing social distancing, or from following the CDC guidelines.

6. Any business entity, owner, or supervising manager of any business that is not in compliance with these regulations, or an approved alternative

plan pursuant to Section #5 above, shall be in violation of Ordinance 20-007.

7. Pursuant to this ordinance, the City Council may by resolution modify the mandatory closures and enact revised restrictions on public gatherings and public movements it deems necessary to address the current public health emergency. Any revised measures and restrictions, adopted by resolution shall be for a specific duration and shall be periodically reviewed to ensure the continued necessity of such restrictions or closures.

8. The restrictions set forth herein do not apply to the following entities, which have their own specific COVID-19 restrictions:

   a) Health care facilities, residential care facilities, congregate care facilities, and correctional facilities.
   b) Crisis shelters, homeless shelters, soup kitchens, or other similar institutions.
   c) Any emergency facilities necessary for the response to the current public health emergency or any other community emergency or disaster.
   d) Official meetings of the city, schools, county, or state.
   e) The operations and meetings of any state or federal courts.

9. This Ordinance shall remain in effect 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. 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.

10. Enforcement – Violation of this Ordinance may result in a fine, and multiple violations may result in further enforcement procedures, including legal action to close the business for the safety of the public.

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 passage.

First Reading: June 9, 2020
Second Reading: July 7, 2020
Published:

CITY OF BROOKINGS:

(SEAL)

ATTEST: Keith W. Corbett, Mayor

Bonnie Foster, City Clerk