

Resolution #04-28-2020A

Resolution Amending Emergency Ordinance #836, Declaring a Public Health Emergency and Limiting Public Gatherings

Whereas, the Custer City Council adopted Emergency Ordinance #836, Declaring a Public Health Emergency and Limiting Public Gatherings, on April 2nd, 2020; and

Whereas, Ordinance #836 became effective on April 9th, 2020 at 12:00 am, after publication; and

Whereas, the emergency ordinance allows the City Council to enact further restrictions on public gatherings and public movements it deems necessary to address the current public health emergency; and

Whereas, the number of COVID-19 cases in western South Dakota and the Black Hills region have remained relatively low, and Custer County has had no reported cases of COVID-19 to date; and

Whereas, the City has reviewed predictive models regarding on the impact of certain social distancing regulations on the number of cases in the City and the overall impact on the health care system; and

Whereas, Center for Disease Control (CDC) guidelines and the Governor's Executive Order still needs to be followed to protect the public health, safety and welfare of the citizens; and

Whereas, based on the number of cases in the Black Hills area and the available modeling, the Mayor and City Council believe some of the social distancing restrictions can be modified to allow businesses to resume on-site service of customers without causing the number of cases in the City to rise to the level that would overwhelm the hospital's capacity if proper procedures are put in place.

Now Therefore Be It Resolved that Emergency Ordinance #836 is amended based on the Custer Community's seasonal nature of its recreational, business and visitation demographics as follows;

Be It Further Resolved that recreational facilities, public pools, health clubs, athletic facilities and theaters, and other indoor and outdoor venues where people congregate, including music and entertainment venues are not included in this amendment, and shall remain closed until further notice.

Be It Further Resolved that this Amendment shall apply to all restaurants, food courts, food service locations, coffee houses, bars, breweries, distilleries, wineries, clubs, cafes and other

similar places of public accommodations offering food and beverage for on-site consumption, including any alcohol licensees with on-sale privileges, video lottery casino operations and all other retail and service businesses; and churches.

Be It Further Resolved that the following requirements shall be effective immediately upon passage and publication of this Resolution;

- 1) allow a maximum of 10 patrons or 1 patron per 125 square feet of indoor space, whichever is greater; the same restrictions shall apply to exterior square footage.
- 2) occupied table and barstools shall be separated by six feet.
- 3) all food and beverages shall be ordered, paid for, delivered to and consumed at the patron's table or barstool.
- 4) require social distance spacing while waiting for service or entry into business.

Be It Further Resolved that the following recommendations shall be considered by all businesses,

- a) follow all recommendations of the Center for Disease Control (CDC) guidelines.
- b) screen their staff before each shift begins for illness.
- c) all cutlery, serving dishes and menus should be disposable.
- d) all retail stores should consider a one-way aisle travel plan.
- e) in casinos, video lottery machines be cleaned and disinfected between each customer.
- f) all retail and service employees should be encouraged to wear a mask which covers the employee's nose and mouth.
- g) enhanced cleaning/disinfecting procedures should be established.

Be It Further Resolved that businesses can request, in writing, exceptions from the City Council allowing them to modify compliance with these requirements so long as their proposal contains alternative means to implement social distancing requirements. The City Council will not approve exceptions which completely exempt a business from implementing social distancing, or from following the CDC guidelines.

Be It Further Resolved that any business entity, owner or supervising manager of any business that is not in compliance with these regulations, or an exception approved by City Council shall be in violation of Ordinance #836 and this Resolution.

Be It Further Resolved that the following penalties shall be assessed for any business owner, operator or manager found to be in violation of Ordinance #836, as amended by this Resolution.

*First violation shall be a written notice of violation, which shall be hand delivered by either City Staff or Custer County Sheriff's Office Staff.

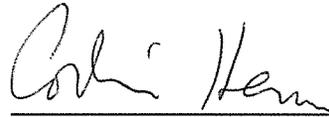
*Second and subsequent violations thereafter shall be charged against the owner, operator or manager of such establishment, as a class 2 misdemeanor, punishable by up to \$500 maximum fine per violation; in addition, if the establishment is subject to an operating

agreement with the City of Custer, such operating agreement may be subject to suspension up to 60 days upon notice and hearing.

Be It Further Resolved this Resolution shall remain in effect until May 31, 2020, unless otherwise repealed, modified, or extended.

Be It Further Resolved, by the City of Custer City, that due to the fact a national and statewide emergency has been declared and one of the primary recommendations to combat this emergency is to practice social distancing and limiting person to person contact, this resolution is considered necessary for the immediate preservation of the public peace, health and safety of the City of Custer City and shall be effective immediately upon publication thereof.

Dated this 28th day of April, 2020.



City of Custer City
Corbin Herman, Mayor

Attest:



Laurie Woodward, Finance Officer



Vote:

Fischer: Yes
Nielsen: Yes
Moore: Yes

Whittaker: Yes
Blom: Absent
Ryan: Yes