

RESOLUTION #06-22-2020A

A RESOLUTION TO TERMINATE AND REPEAL ORDINANCE NO. 836, RESOLUTION #04-28-2020A, RESOLUTION #05-04-2020A, RESOLUTION #05-18-2020A AND ALL PROVISIONS AND MANDATORY ORDERS RELATING TO PUBLIC GATHERINGS CONTAINED THEREIN

WHEREAS, the City of Custer has the authority pursuant to SDCL 9-29-1 to pass ordinances for the purpose of promoting the health, safety, morals, and general welfare, of the community; 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 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 CDC and health experts have recommended social distancing to slow the spread of COVID-19; 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; and

WHEREAS, the City adopted emergency Ordinance No. 836 pursuant to SDCL 9-29-1 and 9-32-1 which implemented social distancing guidelines recommended by the Centers for Disease Control (CDC) to stop the outbreak of the disease COVID-19; and

WHEREAS, the purpose of social distancing is to slow the spread of the disease so that the region's health care system is not overwhelmed; and

WHEREAS, since the original emergency declarations, both the President of the United States and Governor of South Dakota have announced plans to ease restrictions on businesses and restart the country's economy; and

WHEREAS, the number of cases in the Black Hills area does not appear to be on a trajectory to overwhelm the local health care system at this time; and

WHEREAS, the Common council of the City of Custer believe that it is in the City's best interests to continue encouraging citizens and businesses to follow recommended state and Centers for Disease Control guidelines and practice social distancing, while removing formal legal requirements that could result in criminal punishment for those who fail to do so.

NOW THEREFORE, BE IT RESOLVED, by the Common Council of the City of Custer, that the following recommendations shall be considered to control the spread of COVID-19 within the City of Custer:

Section 1: Safe Practices. The City of Custer encourages all individuals within the City to continue to follow the CDC guidelines and recommended hygiene practices. Individuals should continue to practice good respiratory hygiene, cover coughs and sneezes with a tissue or use the inside of their elbow, wash hands often, disinfect surfaces frequently, avoid touching their face, and adhere to social distancing guidelines. Additionally, consistent with current CDC guidance, residents over the age of two who do not have trouble breathing should consider wearing cloth face masks when they are in public areas outside of their homes, such as, by

way of example and not limitation, the grocery store or medical clinic. Such masks should not be used as a substitute for social distancing, which is vital for slowing down the spread of COVID-19.

Section 2: Vulnerable Populations. To help avoid contracting the virus that causes COVID-19, adults over the age of sixty-five (65) and people of any age who have serious underlying medical conditions, collectively referred to as "Vulnerable Individuals," should be especially diligent and cautious in their actions and behaviors. A serious underlying medical condition may include chronic lung disease, severe respiratory disorder, moderate to severe asthma, serious heart or cardiac condition, immunosuppression, diabetes, liver disease, chronic kidney disease or someone undergoing dialysis, or other condition identified by one's medical provider, Vulnerable Individuals should also take the following actions to reduce their risk of getting the disease COVID-19 as recommended by the CDC:

- Wash hands often;
- Take precautions every day to keep space between others (stay a minimum of 6 feet away);
- Keep away from people who are sick;
- Maintain an adequate supply of essential items;
- Clean and disinfect frequently touched surfaces;
- Avoid all non-essential travel; and
- Call a health care professional with questions about underlying medical condition, COVID-19, or if you are sick.

Section 3: Businesses. Businesses should exercise good judgment and follow the recommendations of the CDC, State Department of Health, and other health experts to protect the health and safety of their employees and patrons, such as, by way of example and not limitation, protective barriers at points of sale, cloth face coverings for employees and patrons, social distancing, and frequent cleaning of frequently touched surfaces. Licensed food establishments in particular may consider disposable or touchless menus, biodegradable serving ware and utensils, separating all parties by at least 6 (six) feet, and limiting self-service food and drink stations.

BE IT FURTHER RESOLVED, by the Common Council of the City of Custer, that, this Resolution shall terminate and repeal Ordinance No. 836, Resolution #04-28-2020A, Resolution #05-04-2020A, Resolution #05-18-2020A, and all provisions and mandatory orders relating to public gatherings contained therein.

BE IT FURTHER RESOLVED, by the Common Council of the City of Custer, that, due to the fact a national and statewide emergency was declared and one of the primary recommendations to combat this emergency is to practice social distancing and limit 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 and shall be effective immediately upon passage and publication thereof.

Dated this 22nd day of June, 2020.

City of Custer City
Corbin Herman, Mayor

Attest:

Laurie Woodward, Finance Officer

Vote:

Fischer: Yes	Whittaker: Yes
Nielsen: Yes	Blom: Yes
Moore: Yes	Ryan: Yes