

**CITY OF DE SMET, SOUTH DAKOTA
AMENDED RESOLUTION 2020-1**

WHEREAS, on March 11, 2020, the World Health Organization (WHO) declared the coronavirus COVID-19 disease to be a pandemic; and

WHEREAS, on March 13, 2020, the President of the United States declared a National Emergency; due to the COVID-19 Virus pandemic; and

WHEREAS, on March 13, 2020, the Governor of the State of South Dakota has declared a public health emergency caused by the impending threat of COVID-19 to the people of this State and the public's peace, health and safety; and

WHEREAS, on March 24, 2020, the De Smet City Council met in an emergency meeting at 5:00pm to discuss the COVID-19 Pandemic and local public health issues and considerations, and take further action relating to the COVID-19 Pandemic; and,

WHEREAS, on March 24, 2020, the De Smet City Council approved Resolution 2020-1, declaring the existence of a health emergency in the City of De Smet as a result of COVID-19; and

WHEREAS, SDCL §9-32-1 gives a municipal governing body power to do what may be necessary or expedient for the promotion of health and suppression of disease.

WHEREAS, the Governor of the State of South Dakota has announced a Back to Normal Plan when a downward trajectory of coronavirus cases is demonstrated; and

WHEREAS, Kingsbury County has not experienced a positive coronavirus case since the inception of the pandemic; and

WHEREAS, while the need for coronavirus precautions remain, some relaxation of restrictions are warranted given the present facts as reported by the appropriate governmental authorities.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DE SMET, SOUTH DAKOTA, PURSUANT TO SDCL §9-32-1 AND THE POLICE POWERS GRANTED BY STATUTE, THAT DUE TO THE POTENTIAL FOR RAPID COMMUNITY SPREAD AND TRANSMISSION OF THE COVID-19 VIRUS IMMEDIATE ATTENTION IS REQUIRED TO PROTECT THE PUBLIC HEALTHY, SAFETY, AND WELFARE, IT SO HEREBY DECLARED AND ORDERED, AS FOLLOWS: ,

1. Restaurants, food courts, cafes, coffeehouses, and other places of public accommodation offering food and beverage are restricted to fifty (50) percent, of capacity or occupancy rating for the total persons in the premises at the same time for dine-in customers and guests and for on-premises consumption

this shall not include employees working in the establishment. Curbside, drive thru, takeout and delivery services are not restricted. The following exclusions apply: institutional or in-house food cafeterias that serve residents, employees, and clients of businesses, child care facilities, hospitals, assisted living, and long-term care facilities.


Such establishments shall require six foot spacing between tables to encourage social distancing.

2. The following commercial establishments and places of public accommodation are restrictions to fifty percent 50% of the allowable occupancy for the total number of persons: in the establishment and place of public accommodation at the same time, this shall not include employees working in the establishment.
 - a. Bars, taverns, and other places of public accommodation offering alcoholic beverages for on-premises consumption. Such establishments shall require six foot spacing between tables to encourage social distancing. If video lottery machines are located on the premises there shall be six foot spacing between operating machines.
 - b. Indoor and outdoor performance venues, and museums.
 - c. Gymnasiums, fitness centers, recreation centers, indoor sports facilities, indoor exercise facilities, exercise studios, and spas. Such facilities may operate no more than fifty percentage (50%) of the allowable occupancy for the total number of persons inside the facility at any time.
 - d. Arcades, bowling alley, and other similar recreational or entertainment facilities.
3. This Order does not prohibit an employee, contractor, vendor, or supplier of a place of public accommodation from entering, exiting, using, or occupying that place of public accommodation in their professional capacity.
4. The restrictions imposed by this Order do not apply to any of the following:
 - a. Places of public accommodation that offer food and beverage not for on-premises consumption, including grocery stores, markets, convenience stores, pharmacies, drug stores, and food pantries, other than those portions of the place of public accommodation subject to the requirements of section;
 - b. Health care facilities, child care facilities, residential care facilities and congregate care facilities.

However, owners, operators, and managers of such are strongly encouraged to implement CDC recommendations, to include social distancing, encourage people to wear a mask, and sanitization guidelines, in their place of business, until the expiration of this emergency order.

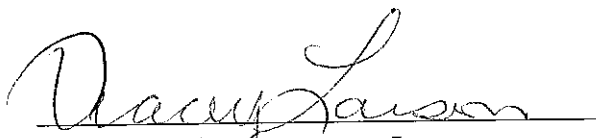
5. For purposes of this Order, "place of public accommodation" means a business, or an educational, refreshment, entertainment, or recreation facility, or an institution of any kind, whether licensed or not, whose goods, services, facilities, privileges, advantages, or accommodations are extended, offered, sold, or otherwise made available to the public.
6. All other businesses not mentioned in this order are strongly encouraged to implement CDC recommendations, to include social distancing, encouraged to wear a mask, and sanitation guidelines in their place of business, until the expiration of this emergency order.
7. This Order does not alter any of the obligations under law of an employer affected by this Order to its employees or to the employees of another employer.
8. That any violation of this Resolution and Order shall be punishable as a Class II Misdemeanor with a fine not to exceed \$500 and or 30 days in jail or both for each violation.
9. That this resolution is necessary for the immediate preservation of the public peace, health, safety, and welfare of the City of De Smet, South Dakota and shall become effective immediately upon passage.
10. This Order shall take effect October 21, 2020 at 8:00 P.M. and continue until November 10, 2020; unless extended or terminated by further resolution.

AND I DO FURTHER PROCLAIM, that public notice of this amended resolution shall be given to and filed with the City Finance Officer of the City of De Smet. ADOPTED and SIGNED this 21st day of October, 2020.



Mayor Gary Wolkow

ATTEST:



Finance Officer - Tracey Larson