RESOLUTION 2020-6

WHEREAS, the Clear Lake Council has the authority pursuant to SDCL 9-29-1 to pass ordinances and resolutions for the purpose of promoting the health and safety of the residents of the City of Clear Lake; and

WHEREAS, the World Health Organization (WHO), and 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, the President of the United States 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 emergency to exist in the State of South Dakota in response to the spread of COVID-19; and

WHEREAS, COVID-19 is a severe respiratory disease transmitted by person-to-person contact, of by contact with surfaces contaminated by the virus, and 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, or death; and

WHEREAS, it is important that control measures 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 CDC and health experts have recommended social distancing to slow the spread of COVID-19; and

WHEREAS, the Clear Lake City Council encourages business owners to seek methods of operating their business by either online or in a non-personal manner (by calling ahead and picking up an order) and whenever possible maintain a 6’ distance between people; 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 in order to minimize disease transmissions; and

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

BE IT HEREBY RESOLVED by the City Council of the City of Clear Lake, South Dakota, that:

1. effective at 11:00 a.m. on March 26th, 2020, all restaurants, food courts, cafes, coffeehouses, bars, clubs and other places of public accommodation offering food and beverage are closed for dine-in customers and guests and for on premises consumption, including any alcohol licensees with on-sale privileges, are closed to on-site/on-sale patrons. These businesses may continue to operate in order to provide take-out, delivery, curbside service, drive-thru service. Any business continuing to operate in
order to provide off-site service should implement procedures to ensure social distancing and operate in compliance with federal and state health guidance in order to prevent the spread of COVID-19.

2. Effective at 11:00 a.m. on March 26th, 2020, all churches, recreational facilities, public pools, health clubs, athletic facilities, and music or entertainment venues, are directed to close and cease operations.

3. Effective at 11:00 a.m. on March 26th, 2020, all indoor recreational or entertainment facilities are directed to close and cease operations.

4. Effective at 11:00 a.m. on March 26th, 2020, all non-essential businesses shall maintain less than ten (10) people may gather within an “open area”; and

5. The prohibitions and closures in this order do not apply to the following businesses:
   a. Places of public accommodation that offer food and beverages for off-site consumption, including grocery stores, food markets, retail and service businesses, in which less than ten (10) people are gathered or permitted to gather in the facility, pharmacies, drug stores, and food pantries, other than any portion of such business which would be subject to the requirements of paragraph #1.
   b. Health care facilities, residential care facilities, congregate care facilities, and correctional facilities.
   c. Crisis shelters, homeless shelters, or other similar institutions; and
   d. Any emergency facilities necessary for the response to the current public health emergency or any other community emergency or disaster;

6. This Resolution shall remain in effect until such time as it is amended or superseded by an Ordinance or amended or repealed by a Resolution of the Clear Lake City Council.

7. 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;

8. This Resolution shall apply to all locations within the City of Clear Lake and within one (1) mile of the corporate limits of the City of Clear Lake.

9. Each day a violation of this Resolution is allowed to occur is considered a separate offense committed by the person(s) in charge of the facility in violation.

Dated this 25th day of March, 2020.  

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Gary Eide, Mayor  

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Christa Bittner, Finance Officer