ORDINANCE NO. 2020-1

AN ORDINANCE OF THE CITY OF LEMMON, SOUTH DAKOTA DECLARING A HEALTH EMERGENCY AND LIMITING PUBLIC GATHERINGS WITHIN THE CITY AND WITHIN ONE MILE OF THE CITY LIMITS

WHEREAS, the City of Lemmon 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 guidance issued by the President of the United States and Centers for Disease Control and Prevention recommend that in states with evidence of community transmission, bars, restaurants, food courts, gyms, and other indoor and outdoor venues where people congregate should be closed; and

WHEREAS, many states and communities across the country have already implemented the 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 will likely result in higher numbers of infected individuals and has the potential to overwhelm the capacity of the City’s and region’s health care providers; and

WHEREAS, pursuant to SDCL 9-32-1, the City has the power to do what is necessary or expedient for the promotion of health or the suppression of disease; 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, while this ordinance cannot become legally effective for at least five (5) days due to the requirements of state law, the City strongly urges all businesses to start voluntarily complying with these regulations immediately.

NOW THEREFORE, BE IT ORDAINED, by the City of Lemmon, South Dakota:

1. A public health emergency, due to COVID-19 is hereby declared by the City of Lemmon.

2. Effective at 12:00 a.m. on April 8, 2020, all restaurants, food courts, food service locations, coffee houses, bars, breweries, distilleries, wineries, clubs, cafes and other similar places of public accommodation offering food and beverages for on-site 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. This provision shall also apply to the clubhouse at the Lemmon Country Club.
3. Effective at 12:00 a.m. on April 8, 2020, all recreational facilities, public pools, health clubs, athletic facilities and theaters, including movie theaters and music or entertainment venues are directed to close and cease operations.

4. Effective at 12:00 a.m. on April 8, 2020, all hookah lounges, cigar bars, vaping lounges or other similar business which allow for on-site consumption are directed to cease allowing on-site consumption, but may continue to offer products for sale to consume off-site under the same conditions as bars and restaurants outlined in paragraph #2.

5. Effective at 12:00 a.m. on April 8, 2020, all indoor recreational or entertainment facilities are directed to close and cease operations.

6. All churches should practice social distancing and guidelines set forth by the CDC and South Dakota Department of Health. Limit gatherings to 10 or less and seek to utilize innovative methods such as radio, teleconferencing, live streaming or video recording to meet the needs of the public.

7. Effective at 12:00 a.m. on April 8, 2020, all cosmetologists, including estheticians, beauticians and manicurists, and all salons operated by cosmetologists, including esthetician and manicurist salons or services and barbers and barber shops are directed to close and cease operations.

8. Effective at 12:00 a.m. April 8, 2020, all arcades, bingo halls, bowling alleys, casinos, indoor climbing facilities, skating rinks, trampoline parks, public playground equipment and other similar recreational or entertainment facilities are directed to close and cease operations.

9. Effective at 12:00 a.m. on April 8, 2020, all elective personal care services provided in a) tattoo and body art facilities, to include individuals providing tattoo and body art services; b) tanning facilities and c) massage facilities and individual massage therapists are directed to close and cease operations.

10. Effective at 12:00 a.m. on April 8, 2020, all peddlers as defined by Lemmon City Ordinance Section 7.0501 shall cease operations and no Peddler’s Permits shall be issued.

11. The City of Lemmon strongly recommends that all citizens follow the directives from the Centers of Disease Control and Prevention and the South Dakota Department of Health.

12. Pursuant to this ordinance, the City Council may by resolution expand the list of mandatory closures and enact further restrictions on public gatherings and public movements it deems necessary to address the current public health emergency. Any such closures, or restrictions, will take into account the needs of essential businesses and infrastructure and the employees of such businesses. Any additional closures, or restrictions, adopted pursuant to this sub-section shall be for a specific duration and be periodically reviewed to insure the continued necessity of such restrictions or closures.

13. 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 #2. b. Room service in hotels. c. Health care facilities, residential care facilities, congregate care facilities, and correctional facilities. d. Crisis shelters, homeless shelters, soup kitchens, or other similar institutions. e. Municipal Airport f. Any emergency facilities necessary for the response to the current public health emergency or any other community emergency or disaster. g. Any outdoor facility, such as a golf course or archery range, consistent with CDC recommendations on social distancing and safe distances between patrons can be maintained. h. Any other business, organization, or location exempted from this ordinance by resolution of the City Council.

14. This ordinance shall remain in effect until such time as it is amended by Ordinance or repealed by Resolution of the Lemmon City Council.

15. Any person that has traveled internationally or locations and states in the United States that have been classified as having widespread disease by the CDC is strongly encouraged to self-quarantine for a period of fourteen days.

16. Any violation of this ordinance is subject to the general penalty provision in Section 1.07.

17. This Ordinance shall apply to all locations within the City of Lemmon and within 1 mile of the corporate limits of the City of Lemmon.

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

BE IT FURTHER ORDAINED, that, pursuant to SDCL 9-19-13, this ordinance is necessary due to a health emergency, the immediate preservation of the public peace, health, safety, and welfare of the City and shall become effective immediately upon passage and publication.

Dated this ___ day of April, 2020.

CITY OF LEMMON

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Neal Pinnow, Mayor

ATTEST:

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Chad Abel, Finance Officer

(SEAL)