

## **ORDINANCE 20-14**

### **AN EMERGENCY ORDINANCE RELATING TO THE PANDEMIC OUTBREAK OF THE NOVEL CORONAVIRUS (COVID-19) PROVIDING FOR THE CLOSURE OF CERTAIN BUSINESSES TO ON-SITE/ON-SALE PATRONS**

**WHEREAS** the City Council of the City of Watertown, following emergency declarations by the President of the United States and the Governor of the State of South Dakota, unanimously approved Resolution 20-15 declaring a public health emergency to exist in the City concerning the pandemic outbreak of COVID-19; and

**WHEREAS** at least five residents of Codington County, and at least three residents of surrounding counties, have tested positive for COVID-19; and

**WHEREAS** COVID-19 is a severe respiratory disease transmitted by person-to-person contact, or by contact with surfaces contaminated by the virus, which, in some cases, especially among older adults and persons with serious underlying health conditions, can result in serious illness requiring hospitalization, admission to an intensive care unit, and death; and

**WHEREAS** the Centers for Disease Control and Prevention, and all other Federal, State, and Local health and political authorities, recommend social distancing, limitations on group gatherings, and the suspension of business practices incompatible with those recommendations, in order to slow the spread of COVID-19 for the protection of the public health, especially the health of our most vulnerable citizens, and to prevent inundation of the City's health care providers; and

**WHEREAS** the City of Watertown has the authority pursuant to SDCL 9-29-1 and 9-32-1 to pass ordinances for the purpose of promoting the health, safety, morals and general welfare, of the community and to do what may be necessary or expedient for the promotion of health or the suppression of disease; and

**WHEREAS** Section 2.13 of the City of Watertown Home Rule Charter provides for the adoption and immediate effectiveness of emergency ordinances "to meet a public emergency affecting life, health, property or the public peace;"

**NOW, THEREFORE, BE IT ORDAINED** by the City Council of the City of Watertown, that, in consideration of the above-referenced authority during this public health emergency, the following emergency ordinance is hereby enacted:

1. Effective at 12:00 a.m. on Thursday, March 26, 2020, all restaurants, food courts, 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, and/or 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 12:00 a.m. on Thursday, March 26, 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.
3. Effective at 12:00 a.m. on Thursday, March 26, 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 #1.
4. Effective at 12:00 a.m. on Thursday, March 26, 2020, all arcades, bingo halls, bowling alleys, indoor climbing facilities, skating rinks, trampoline parks, and other similar recreational or entertainment facilities are directed to close and cease operations.
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, markets, retail stores that offer food, convenience stores, pharmacies, drug stores, and food pantries, other than any portion of such business which would be subject to the requirements of paragraph #1.
  - 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. Airport concessionaires.
  - f. Any emergency facilities necessary for the response to the current public health emergency or any other community emergency or disaster.
6. Any violation of this ordinance is subject to the general penalty provision in Section 13.0101 (Penalty Where No Specific Provision) of the Revised Ordinances of the City of Watertown which states:

Wherever in any of the ordinances of this City in which any act is declared to be unlawful, illegal or is prohibited, if there is no other penalty specifically provided for the violation of such ordinance, a violation of any such ordinance shall be punished by a fine of not more than two hundred dollars (\$200.00) or by

imprisonment not exceeding thirty (30) days or by both such fine and imprisonment.

7. Each day a violation of this ordinance is allowed to occur is considered a separate offense.
8. Pursuant to Section 2.13 of the City Charter, this Ordinance shall be repealed on May 23, 2020 (i.e. the 61<sup>st</sup> day following emergency adoption and First Reading of the Ordinance) unless earlier repealed or readopted for an additional length of time. At each regular or special City Council meeting during the effectiveness of this Ordinance, the City Council will have as an agenda item consideration of the repeal, modification, or continuation of the restrictions imposed by this Ordinance. Any restriction contained in this Ordinance may be modified at any time by a resolution of the City Council and such modifications may expand its scope to encompass additional businesses, activities, or operations.
9. At the April 20, 2020 City Council meeting, the City Council approved an amendment to this Ordinance to provide for its repeal at 11:59 p.m. on April 27, 2020. At the same meeting, the City Council approved the continued effectiveness of this Ordinance as amended.

**BE IT FURTHER ORDAINED** that, pursuant to SDCL 9-19-13 and Section 2.13 of the City Charter, this ordinance is necessary for the immediate preservation of the public peace, health, safety, and welfare of the City and shall become effective immediately upon passage.

Dated this 20<sup>th</sup> day of April, 2020.

CITY OF WATERTOWN

ATTEST:

\_\_\_\_\_  
Kristen Bobzien  
Finance Officer

\_\_\_\_\_  
Sarah Caron, PE, CFM  
Mayor

The above and foregoing Ordinance was moved for adoption by Alderperson \_\_\_\_\_, seconded by Alderperson \_\_\_\_\_, and upon unanimous voice vote, motion carried, whereupon the Mayor declared the Ordinance duly passed and adopted.

I certify that Ordinance 20-14 was published in the Watertown Public Opinion, the official newspaper of said City, on this \_\_\_\_ day of April, 2020.

Kristen Bobzien, Finance Officer