

RESOLUTION NO.

AN EMERGENCY RESOLUTION REQUIRING THE WEARING OF FACE COVERINGS IN CERTAIN SITUATIONS TO SLOW THE COMMUNITY SPREAD OF THE NOVEL CORONAVIRUS (COVID-19).

WHEREAS, the City of Rapid City has the authority pursuant to SDCL 9-29-1 to pass resolutions for the purpose of promoting the health, safety, morals, and general welfare, of the community; 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, an outbreak of the disease COVID-19, which is caused by the novel coronavirus, has been confirmed in more than 100 countries, including the United States; and

WHEREAS, COVID-19 is a severe respiratory disease transmitted by person-to-person contact, or by contact with surfaces contaminated by the virus. 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, and death; 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, in response to the spread of COVID-19 Governor Kristi Noem issued Executive Order 2020-30 which declared a state of emergency to exist in all counties in the State of South Dakota through December 30, 2020; and

WHEREAS, in the last few weeks the number of active cases of COVID-19 have accelerated rapidly in both South Dakota and Pennington County; and

WHEREAS, over the last month the number of people in South Dakota who are dying from COVID-19 has also been increasing; and

WHEREAS, as of November 17, 2020, the State of South Dakota has 18,624 active cases of COVID-19; and

WHEREAS, the increase in the number of active COVID-19 cases has caused a corresponding increase in the number of people hospitalized which is straining the capacity of the City's medical facilities; and

WHEREAS, if no action is taken to slow the spread of COVID-19 in the community it is likely to overwhelm the hospital's capacity; 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 the vast majority of medical professionals such as our community's own Monument Health are recommending following the three W's, Washing hands, Wearing a mask, and Walk away to social distance by the public to slow the spread of COVID-19; and

WHEREAS, the City is implementing a resolution mandating that people follow the three W's in the hopes that it will slow the spread of COVID-19 and avoid the need for further restrictions on businesses and limitations on public gatherings in the City; and

WHEREAS, the Common Council of the City of Rapid City has determined that it is in the City's best interests to adopt a resolution that face coverings and other interventions be followed in an effort to slow the spread of COVID-19 and prevent the City's medical facilities from being overwhelmed by the recent surge in new positive cases.

NOW THEREFORE, BE IT RESOLVED, by the Common Council of the City of Rapid City that:

I. DEFINITIONS

INDOOR PUBLIC PLACE as used herein shall mean any enclosed facility operating as a bar, restaurant, brewery, café, casino, coffee shop, recreational or athletic facility, health club, grocery store, market, retail store, hardware store, sporting goods store, convenience store, home improvement store, pharmacy, drug store, food pantry, city-owned facility, vehicle for hire, transportation networking company (TNC) vehicle, theater, or entertainment venue.

II. FACE COVERINGS STRONGLY ENCOURAGED

Within the City of Rapid City, all persons are strongly encouraged and invited to wear a face mask/face covering in indoor public places where 6-foot social distancing cannot be achieved or maintained. A "face covering" or "mask" should be worn to cover the nose and mouth completely, and can include a paper or disposable face mask, a cloth mask, a scarf, a bandanna, or neck gaiter. Any business that falls within the definition of an indoor public place should make reasonable efforts to ensure that patrons of the business are complying with the requirements of this resolution including the posting of signage notifying patrons of the requirement that masks or other face coverings must be worn. Nothing in this resolution should be construed as preventing any business, or property owner, from adopting or maintaining rules or restrictions on the wearing of face coverings or

implementing social distancing requirements that are stricter than the provisions in this resolution. The restrictions set forth in the above paragraph shall not apply to an individual:

- a) Under the age of five (5) years old;
- b) Seated at a public place to eat or drink, or while immediately consuming food or beverages;
- c) Who is receiving dental or medical care that prevents them from wearing a face covering;
- d) With a medical condition, mental health condition, or disability that makes it unreasonable for the individual to maintain a face covering;
- e) Individuals who are engaged in swimming or a team sports activity where the level of exertion makes it difficult to wear a face covering; and
- f) Public safety workers actively engaged in a public safety role, including but not limited to law enforcement personnel, fire fighters, or emergency medical personnel, in situations where wearing a face covering would seriously interfere in the performance of the individual's public safety responsibilities;
- g) Participating in religious services, or other religious practices or celebrations.

III. PENALTY

There shall be no monetary, civil, or criminal fine or penalty imposed for failure to follow this resolution. However, if any property owner, or business, requests that a patron wear a mask, or other face covering, and the patron refuses to do so, the business or property owner has the ability to ask the patron to leave the premises and if the patron refuses to comply with such a request they can be charged with a trespass pursuant to Section 9.12.140 of the Rapid City Municipal Code.

IV. EFFECTIVE

This resolution shall remain effective until January 1, 2021, unless extended, amended, or terminated by vote of the Common Council.

V. IMMEDIATE EFFECT

This resolution is hereby declared necessary for the immediate preservation of the public health, safety, and welfare of the city and shall become effective immediately upon its passage and publication pursuant to SDCL 9-19-13.

Dated this ____ day of November, 2020.

CITY OF RAPID CITY

Steve Allender, Mayor

ATTEST:

Pauline Sumption, Finance Director

(SEAL)

First Reading:
Second Reading:
Published:
Effective: