**ORDINANCE NO. 342**

**AN EMERGENCY ORDINANCE TO ADDRESS A PUBLIC HEALTH CRISIS BY IMPLEMENTING CERTAIN MEASURES WHICH HAVE BEEN DEEMED NECESSARY TO SLOW THE COMMUNITY SPREAD OF CORONAVIRUS (COVID-19).**

WHEREAS, the City of Avon 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, 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, President Donald Trump has declared a national emergency in response to the global pandemic of COVID-19; and

 WHEREAS, Governor Kristi Noem has issued Executive Order 2020-04 which declared a state of emergency to exist in the State of South Dakota in response to the spread of COVID-19; and

 WHEREAS, cases of COVID-19 have been confirmed in South Dakota; and

 WHEREAS, the CDC and health experts have recommended social distancing to slow the spread of COVID-19; 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 transmission; and

 WHEREAS, in response to the need to implement social distancing, all schools in the state of South Dakota are closed until at least May 1, 2020; and

 WHEREAS, the White House has issued guidance recommending that social gatherings of more than ten people be avoided and that people avoid eating or drinking at bars, restaurants, and food courts; and

 WHEREAS, the guidance issued by the White House further recommended 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 White House 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 health care providers; 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 Mayor and City leadership are recommending that the actions recommended by federal authorities be taken in the City of Avon at this time; 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 Council of the City of Avon that:

1. Effective at 12:00 a.m. on Wednesday, April 1, 2020, all restaurants, food courts, coffee houses, bars, breweries, distilleries, wineries, indoor 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 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 closure will remain in effect through 12:00 a.m. on Sunday, May 31, 2020.
2. Effective at 12:00 a.m. on Wednesday, April 1, 2020, all indoor recreational facilities, public pools, health clubs, indoor athletic facilities and theaters, including movie theaters and music or entertainment venues are directed to close and cease operations. This closure will remain in effect through 12:00 a.m. on Sunday, May 31, 2020.
3. Effective at 12:00 a.m. on Wednesday, April 1, 2020, all hookah lounges, cigar bars, vaping lounges or other similar businesses that 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. This closure will remain in effect through 12:00 a.m. on Sunday, May 31, 2020.
4. Effective at 12:00 a.m. on Wednesday, April 1, 2020, all arcades, bingo halls, bowling alleys, casinos, indoor climbing facilities, skating rinks, trampoline parks, and other similar indoor recreational or indoor entertainment facilities are directed to close and cease operations. This closure will remain in effect through 12:00 a.m. on Sunday, May 31, 2020.
5. The prohibitions and closures in this order do not apply to the following businesses:
6. 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 offer on-site consumption which would be subject to the requirements of paragraph #1.
7. Room service in hotels.
8. Health care facilities, residential care facilities, congregate care facilities, and correctional facilities.
9. Crisis shelters, homeless shelters, soup kitchens, senior citizen center, or other similar institutions.
10. Any emergency facilities necessary for the response to the current public health emergency or any other community emergency or disaster.
11. Official meetings of the city, schools, county, or state.
12. The operations and meetings of any state or federal courts.
13. This ordinance shall remain in effect for a period of sixty (60) days, at which time it shall be automatically repealed unless specifically readopted for an additional period of time by the City Council. Any dates identified in the ordinance for closures to automatically end may be adjusted at any time within the sixty (60) day period covered by this ordinance by a resolution of the City Council.
14. Any violation of this ordinance is subject to a $ 100.00 fine. Each day a violation of this ordinance is allowed to occur is considered a separate offense.

**BE IT FURTHER ORDAINED**, that, pursuant to SDCL 9-19-13, 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.

First Reading: March 27, 2020

Final Reading: March 30, 2020

Published: April 1, 2020

Effective: April 1, 2020

ATTEST:

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 Mike Petrik

 Mayor

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 Twyla Simmons

 Finance Officer

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