



RESOLUTION NO. 20-11-02R

RESOLUTION OF THE ABERDEEN CITY COUNCIL TO ADDRESS A PUBLIC HEALTH CRISIS BY IMPLEMENTING CERTAIN MEASURES WHICH HAVE BEEN DEEMED NECESSARY TO SLOW THE COMMUNITY SPREAD OF THE VIRUS RESPONSIBLE FOR THE COVID-19 DISEASE

WHEREAS, in December 2019, medical professionals detected a novel coronavirus, now designated as “SARS-CoV-2” which causes a severe respiratory disease known as “coronavirus disease 2019”, abbreviated and popularly known as “COVID-19”; and

WHEREAS, COVID-19 is caused by the person to person spread of the novel coronavirus through direct or close proximate contact and presents an imminent threat of widespread illness; and

WHEREAS, on March 11, 2020 the World Health Organization Director General characterized COVID-19 as a pandemic; and

WHEREAS, on March 13, 2020 the President of the United States declared the COVID-19 outbreak a national emergency; and

WHEREAS, Governor Noem on March 13, 2020 issued Executive Order 2020-04 declaring that a state of public health emergency exists within the State of South Dakota due to COVID-19, and that such emergency poses a danger to the public health and safety in all of South Dakota and impacts the daily lives of our citizens, health care systems, businesses, and the function of state and local governments; and

WHEREAS, Governor Noem on July 7, 2020, issued Executive Order 2020-30 declaring the continued state of the public health emergency in the State of South Dakota, which Order shall remain in effect until expiration on December 30, 2020, unless sooner terminated or extended; and

WHEREAS, since the Governor’s original declaration of the public health emergency on March 13, 2020, Brown County has reported consistently increasing numbers of positive COVID-19 tests and hospitalized persons; and

WHEREAS, on October 16, 2020, Mayor Travis Schaunaman joined 15 other mayors from the state’s most populous cities in a letter encouraging all citizens to do their part in preventing the virus by: wearing a mask when physical distancing cannot be maintained, keeping social interactions to small groups, washing hands frequently, cleaning frequently touched

surfaces, and staying home when feeling sick as recommended by the CDC and the SD Department of Health; and

WHEREAS, on October 27, 2020, representatives from the state’s largest medical providers, including Avera and Sanford, launched the “Mask Up South Dakota” campaign encouraging residents to practice good hygiene, social distancing and wearing a mask; and

WHEREAS, while mask use may protect the wearer from some airborne corona virus, the more significant protection is that mask wearing reduces the transmission of the disease from the wearer to healthy bystanders; and

WHEREAS, the recently released study by Vanderbilt University Medical Center and Vanderbilt School of Medicine determined that areas in which masking requirements have remained in place have seen much lower growth in COVID-19 hospitalizations than those areas with no masking requirements; and

WHEREAS, the City Council finds, due to a high rate of growth of COVID-19 cases in South Dakota and the north-central South Dakota region, the present public health emergency requires a response by the City to protect human life; and

WHEREAS, the City Council desires to create a strong community response that could slow the rate of COVID-19 and protect public health and safety; and

WHEREAS, the City Council, in partnership with Brown County Emergency Management and local media outlets, plan to continue to communicate to the community the importance of “doing your part” to prevent COVID-19; and

WHEREAS, the City Council will continue to work with local businesses to ensure continued operation by keeping employees and customers healthy and safe; and

WHEREAS, it is the judgment of the City Council that a continued strong community response could slow the rate of spread of COVID-19 in the City and would protect public health and safety and that the community cannot afford to throttle back its efforts to slow the spread of COVID-19; and

WHEREAS, the use of face coverings, while not the only solution, is a non-intrusive way to reduce the spread of COVID-19. Masking, combined with physical distancing, limits on the number of persons engaging in certain enhanced risk activities together or gathered in higher risk locations, and frequent hand washing, is crucial to reducing illnesses, hospitalization, and deaths associated with the coronavirus pandemic.

NOW, THEREFORE, BE IT HEREBY RESOLVED THAT THE CITY OF ABERDEEN SETS FORTH THE FOLLOWING MEASURES FOR WEARING OF MASKS WITHIN THE CITY LIMITS:

1. Definitions. For purposes of this resolution, the following definitions shall apply:

“*Face covering*” means a paper or two-layered cloth face mask that covers the nose and mouth completely, and includes a paper or disposable face mask or a religious face covering.

“*Business*” and “*businesses*” are broadly defined to include entities that employ or engage workers, including private-sector entities, public-sector entities, non-profit entities, and state, county, and local governments.

“*Social distancing*” means individuals keeping at least six feet (6') of distance from other individuals who are not members of their household.

“*Household*” means a group of individuals who share the same living unit.

2. Face Coverings to be worn in the City.

(a) Every person within the city of Aberdeen should wear a face covering over the mouth and nose:

- (1) In all *indoor* environments where they are exposed to non-household members and where social distancing of six feet (6') or more cannot be assured; and
- (2) In all *outdoor* settings where there is exposure to non-household members, unless ample space of six feet (6') or more exists to permit social distancing.

(b) *Exemptions.* The following are exempt from wearing a face covering:

- (1) Persons younger than school age, although parents and guardians are encouraged to have such younger children wear face coverings when and where appropriate;
- (2) Persons with a medical condition or disability that prevents wearing a face covering;
- (3) Persons performing job duties where a six feet (6') distance is not achievable, but a mask is inhibitory to the ability to safely and effectively perform the job duty;
- (4) Persons participating in athletic activities where a six feet (6') distance is not achievable, but a mask is inhibitory to the activity;
- (5) Persons actively consuming food or drink;
- (6) Persons driving a motor vehicle alone or with passengers from the driver's household;

- (7) Persons receiving services that require access to the face for security, surveillance, or other purposes may temporarily remove a face covering while receiving those services.
- (8) Persons engaged in religious worship activities; however, face coverings are strongly encouraged;
- (9) Persons giving a speech or performance for broadcast or to an audience; however, those persons should safely distance from nearby individuals.

3. Assistance to businesses. Law enforcement officers or local officials are directed to assist businesses and property managers and owners in enforcing trespassing laws or other applicable laws in removing persons who refuse to wear a face covering when requested to do so by the business or property manager or owner.

4. No penalty. Although these measures are set forth with the strongest possible recommendation, there is no penalty imposed by the City for non-compliance with these measures.

5. Immediate effect. This resolution shall take effect immediately and it shall remain in effect until the underlying South Dakota public health emergency has ended unless it is sooner modified or terminated by the City Council.

The foregoing Resolution No. 20-11-02R was adopted at a regular meeting of the Aberdeen City Council on the 2nd day of November, 2020.

Number of AYES: 5

Number of NAYS: 4

Members abstaining: _____

/s/ Travis Schaunaman
Travis Schaunaman, Mayor

ATTEST:

/s/ Karl Alberts
Karl Alberts, Finance Officer