

## **RESOLUTION NO. 2020-11**

### **A RESOLUTION DECLARING THE EXISTENCE OF AN EMERGENCY, ESTABLISHING PUBLIC HEALTH REGULATIONS PURSUANT TO ORDINANCE 2020-05, AND REPEALING ORDINANCE 2020-03.**

**WHEREAS**, an outbreak of the severe respiratory disease, COVID-19, which is caused by and is transmitted by person-to-person spread of the novel coronavirus, started in late 2019 and has currently been detected across the world, including the United States;

**WHEREAS**, COVID-19 is spread by person-to-person contact via both airborne and fecal-oral transmission, 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;

**WHEREAS**, COVID-19 is an imminent hazard to public health, safety, or welfare;

**WHEREAS**, the World Health Organization (WHO) has designated COVID-19 a pandemic, and the U.S. Centers for Disease Control and Prevention (CDC) has declared a public health emergency;

**WHEREAS**, on March 13, 2020, the President of the United States declared a national emergency in response to the global pandemic of COVID-19;

**WHEREAS**, cases of COVID-19 have been confirmed in several counties in South Dakota;

**WHEREAS**, on March 13, 2020, Executive Order 2020-04 declared a state of emergency to exist in the State of South Dakota in response to the spread of COVID-19, which was extended through May 31, 2020 by Executive Order 2020-15;

**WHEREAS**, the CDC & SD Department of Health (SD DOH) have issued guidance to state and local governments and all citizens recommending steps to prevent community spread and guard against the COVID-19 outbreak;

**WHEREAS**, on April 7, 2020, the City Council of the City of Harrisburg (the "City") passed Ordinance 2020-03 in support of the directives of the executive orders and CDC guidance as it relates to COVID-19 in the state of South Dakota;

**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 that the recommendations, as found in the White House Guidelines for Opening Up America Again, are to reopen in phases when certain criteria have been met; and

**WHEREAS**, the failure to continue effective social distancing techniques will likely result in higher numbers of infected individuals, hospitalizations, and fatalities, and has the potential to overwhelm the capacity of the City's health care providers; and

**WHEREAS**, it remains important that control measures be in place 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

**NOW THEREFORE, BE IT RESOLVED**, by the Harrisburg City Council that the City, surrounding community, State of South Dakota, and the nation continue to be in a public health emergency due to the COVID-19 pandemic and that the City shall be in a declared state of emergency pursuant to Ordinance 2020-5 until May 31, 2020, unless extended by resolution of the City Council.

**BE IT FURTHER RESOLVED**, that pursuant to Ordinance 2020-5, the City adopts the public health recommendations of the CDC and SD DOH to prevent the community spread and guard against a COVID-19 outbreak.

**BE IT FURTHER RESOLVED**, that pursuant to Ordinance 2020-5, the City adopts the public health recommendations of the Governor's Executive Order 2020-20 and any other current executive orders issued by the Governor related to the COVID-19 public health emergency.

**BE IT FURTHER RESOLVED**, that in order to assist with the implementation of these recommendations, the City shall post current Executive Orders and the latest CDC and SD DOH guidelines on its website and at City Hall. Recommendations shall be updated as soon as reasonably possible as new guidelines are issued.

**BE IT FURTHER RESOLVED**, that pursuant to Ordinance 2020-05, failure of individuals and/or businesses to follow the health recommendations adopted herein, may be declared a nuisance subject to abatement and any other penalties set out in Ordinance 2020-05.

**BE IT FURTHER RESOLVED**, that Ordinance 2020-03 is hereby repealed.

**BE IT FURTHER RESOLVED**, that, pursuant to SDCL 9-19-13, this resolution is necessary for the immediate preservation of the public peace, health, safety, welfare, and support of the City and shall become effective immediately upon passage and publication.

Dated this 5<sup>th</sup> day of May, 2020.

**CITY OF HARRISBURG, SOUTH DAKOTA**

Ryan Olson  
City Council President

ATTEST:

Mary McClung, Finance Officer

(SEAL)

Reading and Adoption: May 5, 2020

Publication: May 14, 2020

Effective Date: May 14, 2020

Published once at the approximate cost of \_\_\_\_\_.