



CITY OF YANKTON HEALTH BOARD

Friday, February 5, 2021

9:00 am

Due to the COVID-19 virus, this meeting will be conducted electronically in compliance with SDCL. If you would like to watch the City Commission meeting you can do so by accessing the City of Yankton's YouTube Live Channel.

<https://www.youtube.com/channel/UCD1a1hf1dIkiLVSXnmdRQg/live>

1. Roll Call
2. Discuss and make recommendation for Temporary Ordinance Extension regarding Masks
3. Other Business
- 4, Adjourn

TEMPORARY ORDINANCE NO. 1046

AN EMERGENCY ORDINANCE SUPERSEDING AND EXTENDING THE REGULATIONS CONTAINED WITHIN TEMPORARY ORDINANCE NO. #1044, REQUIRING THE WEARING OF FACE COVERINGS IN PREMISES OPEN TO THE PUBLIC TO SLOW THE COMMUNITY SPREAD OF THE NOVEL CORONAVIRUS CAUSING COVID-19 DISEASE.

WHEREAS, the City of Yankton 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, 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 caused by a virus 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 disease as a public health emergency; and
WHEREAS, in response to the spread of COVID-19 Governor Kristi Noem issued Executive Order 2020-34 which declared a state of emergency to exist in all counties in the State of South Dakota through June 30, 2021; and

WHEREAS, through January 25, 2021, the South Dakota Department of Health reported that Yankton County has experienced 2719 total confirmed cases and 27 deaths since the pandemic began; and

WHEREAS, it is important that control measures continue to be taken to reduce or slow down the spread of the virus causing COVID-19 in order to preserve the functional workforce and 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, until such time that an FDA approved vaccine become widely available to the general public; and

WHEREAS, the CDC and the vast majority of medical professionals continue to recommend the use of face coverings by the public to slow the spread of the virus causing COVID-19; and

WHEREAS, on December 9, 2021, the Board of City Commissioners of the City of Yankton passed Temporary Ordinance No. #1044, which required the wearing of Face Coverings in all premises open to the public as those terms are defined therein, which ordinance was drafted to “sunset” 12:01 a.m. on March 1, 2021; and

WHEREAS, the implementation of face covering regulations contained within Temporary Ordinance No. #1044 corresponded with a decrease in the number of active COVID-19 cases in Yankton County; and

WHEREAS, an extension of the regulations contained within Temporary Ordinance #1044 beyond its sunset date is necessary because current information available to the City of Yankton indicates that an FDA approved vaccine for the virus causing COVID-19 disease will not be widely available to the general public until mid-to-late spring of 2021, which is a considerable period of time beyond the original sunset date of March 1, 2021.

NOW THEREFORE, BE IT ORDAINED, by the Board of City Commissioners of the City of Yankton that:

I. DEFINITIONS

“FACE COVERING” as used herein shall mean a covering which, when worn properly, must cover the nose and mouth completely and can include a paper or disposable face mask, a cloth face mask, a scarf, a bandanna, a neck gaiter, or a religious face covering. Masks that incorporate a valve designed to facilitate easy exhaling, mesh masks, or masks with openings, holes, visible gaps in the design or material. or vents are not sufficient face coverings because they allow exhaled droplets to be released into the air.

“PREMISES OPEN TO THE PUBLIC” is broadly defined to mean any location or entity that employs or engages workers, including all private-sector entities, public-sector entities, non-profit entities of every variety, regular commercial or business establishments, private clubs, public transportation (including buses, taxis, ride-sharing vehicles, or vehicles used for business purposes) and any place which is generally open to the public, including daycare facilities.

II. FACE COVERINGS REQUIRED

Within the City of Yankton, all persons must wear a face covering in a manner that completely covers the nose and mouth in premises open to the public where 6-foot social distancing cannot be achieved or consistently maintained. The owner or operator of each premises open to the public must make reasonable efforts to ensure that all patrons, employees, and other persons within the indoor public place are complying with the requirements of this ordinance. The owner or operator of each premises open to the public shall post a visible sign at each public entrance notifying patrons of the requirement that face coverings must be worn upon the premises. Nothing in this ordinance should be construed as preventing any business, organization, or property owner, from adopting and enforcing rules or restrictions on the

wearing of face coverings or social distancing requirements that are more restrictive than the provisions in this Ordinance. The restrictions set forth in the above paragraph shall not apply to an individual:

- (a) Under the age of five (5) years old; however, parents and guardians of each child aged three or four are encouraged to have such child wear a face covering if the child can remove the face covering without assistance;
- (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) Who is obtaining or receiving services that reasonably requires the temporary removal of a face covering in order to obtain or receive the service;
- (e) With a medical condition, mental health condition, or disability that makes it unreasonable for the individual to wear a face covering;
- (f) Who is engaged in swimming, showering, exercising, or a sports activity where the nature of the activity or the level of exertion makes it reasonably impractical to wear a face covering, provided that minimum social distancing of six feet or more is maintained to the extent possible and further provided that all spectators, coaches, and non-participants wear a face covering;
- (g) Who is a public safety worker 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;
- (h) Who is engaged in an occupation reasonably preventing the wearing of a face covering;
- (i) Who is asked to temporarily remove a face covering to verify his or her identity for lawful purposes;
- (j) Who is providing a speech, lecture, sermon, or broadcast to an audience or officiating a ceremony or religious service so long as six feet of distancing from other individuals is maintained;
- (k) Who is seated at a desk or standing at a stationary workstation provided that the desk or workstation is shielded from the public or other employees by a solid wall or protective glass, plexiglass, or plastic barrier or partition;

- (l) Who is alone in an office, room, vehicle, the cab of equipment or machinery, or an enclosed work area; however, in such situations, the individual should carry a face covering to be used when the person is no longer alone;
- (m) Who is communicating with an individual who is deaf or hard of hearing or who has a disability, medical condition, or mental health condition that makes communication with that individual impractical while wearing a face covering, provided that minimum social distancing of six feet or more is maintained to the extent possible;
- (n) Who is playing a musical instrument that cannot be played while wearing a face covering, provided that a minimum social distancing of six feet or more is maintained at all times; or
- (o) Who is only in close proximity to those individuals who reside within the individual's own household and no others.

III. NO PENALTY

There shall be no fine or other penalty for any violation of this Ordinance; however, all property and business owners are encouraged and directed to refuse service and turn out all persons refusing to cooperate with the terms of this Ordinance with enforcement assistance provided by the Yankton Police Department under existing laws applicable to trespass.

IV. ORDINANCE SUNSET DATE

This ordinance shall remain effective until **12:01 a.m. on Friday, May 28, 2021**, unless extended, amended, or terminated by ordinance. Following recommendation of the City Board of Health, the City Commission may suspend or, once suspended, reinstate enforcement of this Ordinance by resolution at any time before the expiration of the ordinance.

V. IMMEDIATE EFFECT

This ordinance 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.

VI. SUPERSEDING PRIOR TEMPORARY ORDINANCE

This ordinance fully supersedes and replaces Temporary Ordinance No. #1044.

Dated this ____ day of February, 2021.

CITY OF YANKTON

Nathan V Johnson, Mayor

ATTEST:

Al Viereck, Finance Officer

(SEAL)

First Reading:
Second Reading:
Published:
Effective: