PANDEMIC MITIGATION STRATEGY
City of Bismarck-October 27, 2020

WHEREAS, COVID-19 is a severe respiratory illness, caused by the SARS-CoV-2 virus, a new strain of coronavirus that is spread from person to person, posing a threat to the health and safety of the residents of the City of Bismarck; and

WHEREAS, no vaccine is currently available to prevent COVID-19 and there is limited success is treating COVID-19; and

WHEREAS, United States Department of Health and Human Services Secretary Alex Azar declared a national public health emergency for COVID-19 on January 27, 2020; and

WHEREAS, the World Health Organization declared COVID-19 a global pandemic on March 11, 2020; and

WHEREAS, on March 13, 2020, President Donald Trump issued a declaration of a national emergency due to the growing COVID-19 crisis in the United States; and

WHEREAS, on March 13, 2020, Governor Doug Burgum issued a declaration of a state emergency in response to the public health crisis resulting from the novel coronavirus (COVID-19); and

WHEREAS, on March 13, 2020, Chairperson Jerry Woodcox issued a health Emergency Declaration and from March until October 26, 2020, Bismarck City Commission President Steve Bakken has issued a State of Emergency Declaration due to COVID-19, which are both still in effect and at this time over 6,000 Burleigh County residents have been infected and 75 have died; and

WHEREAS, Bismarck ordinance 2-08-03(B) allows for a written declaration during an emergency to prohibit or limit the number of persons who may gather, control the use of clothing or goods, utilize all available resources reasonably necessary to manage the emergency and order segregation of persons when reasonably necessary to prevent transmission of infectious or contagious agents; and

WHEREAS, N.D.C.C. § 23-35-08(5) provides that a local Board of Health, which is entirely comprised of the City Commission, may make rules regarding any cause of sickness which are necessary for public health and safety, and

WHEREAS, the layered mitigation approach of wearing a mask, social distancing and practicing good hand hygiene decreases the spread of COVID 19 when practiced in a consistent manner across populations.

NOW, THEREFORE, BE IT RESOLVED:
1. Definitions. For purposes of the Pandemic Mitigation Strategy, the following definitions shall apply:
   a. "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. Face Coverings 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 because they allow exhaled droplets to be released into the air.
   b. "Business" or "Businesses" are broadly defined to include entities that employ or engage workers, or are open to the public, including private-sector entities, public-sector entities, non-profit entities, and state, county, and local governments that are in the Bismarck corporate city limits.
   c. "Social Distancing" means individuals keeping at least 6 feet of distance from other individuals for any amount of time who are not members of their Household.
   d. "Household" means a group of individuals who share the same living unit.

2. Implementation. The City of Bismarck adopts a portion of the ND Smart Restart Plan guidelines that became effective on October 15, 2020, with modifications as attached Exhibit A or as detailed below, to help reduce the spread of COVID-19.

3. Businesses. All Businesses shall follow the limit on the number of occupants allowed inside the Business at any one time. Businesses shall limit occupancy to a percent of the maximum occupancy of the building as listed in Exhibit A for the Risk Level established for Burleigh County so long as Social Distancing can be maintained. Businesses shall implement Social Distancing practices and require all occupants to wear Face Coverings. The following Businesses shall incorporate the following practices:
   a. Restaurants. All individuals who enter restaurants, bars, breweries, and similar on-site establishments must wear a Face Covering from the time they enter the establishment to the time they are seated. Individuals shall wear a Face Covering when they are not seated at their table.
   b. Liquor Establishments. All restaurants, bars, breweries, and similar on-site establishments who partake in the sale of liquor shall implement Social Distancing practices and limit occupancy to a percent of the maximum occupancy of the building as the percentage is listed in Exhibit A for the Risk Level established for Burleigh County, so long as Social Distancing can be maintained.
   c. Public Transportation, Rideshares, Uber, Lyft, Bis-Man Transit, Paratransit and Taxi. All individuals providing public transportation, rideshare, Uber, Lyft, Bis-Man Transit, Paratransit or taxi services shall wear a Face Covering while transporting passengers. Passengers shall wear a Face Covering from pick-up to arrival at the destination.

4. Large Gatherings. All individuals holding large indoor and/or outdoor gatherings shall follow the following practices:
   a. Limit Occupants. All indoor and/or outdoor gatherings expecting 50 or more people shall limit occupancy to a percent of the maximum occupancy of the building as the percentage is listed in Exhibit A for the Risk Level established for Burleigh County, so long as Social Distancing can be maintained. Any indoor and/or outdoor gathering
expecting 15 or more people shall require Face Coverings for all attendees, except if at a wedding, the bride and groom are exempted from this on the date of their marriage.

b. Authorization. Indoor and/or outdoor gatherings expecting 50 or more people are allowed if approved by the City of Bismarck Environmental Health division. The City of Bismarck requires event planners to submit a logistics and emergency operations plan to the City Administrator at 221 North 5th Street, Bismarck, ND 58501 no later than 7 days prior to the event.

5. Face Coverings Required. Every person within the City of Bismarck shall wear a Face Covering in all indoor settings open to the public where a person is exposed to non-Household members and where Social Distancing of 6 feet or more cannot be assured. The following shall be exempt from wearing a Face Covering:
   a. Persons younger than age 2.
   b. Persons with a medical condition or disability that prevents wearing a Face Covering, except that in a Business, if a person cannot wear a Face Covering due to disability, the Business shall provide accommodation for their services to be provided by alternate means outside or through other means. If a documented medical condition cannot be accommodated through other means, a plan approved by the City of Bismarck Environmental Health will also be an approved exception.
   c. Persons swimming while in the swimming pool, as is defined by Bismarck zoning ordinances.
   d. Persons driving a motor vehicle alone or with passengers from the driver's Household; however, Face Coverings are required for those described in Section 3(c) relating to public transportation, rideshares, Uber, Lyft, and taxi.
   e. Persons receiving services that require access to the face for security, surveillance, medical or dental services may temporarily remove a Face Covering while receiving those services that necessitate the removal of the Face Covering for the service to be conducted.
   f. Persons receiving personal care services, so long as they follow the guidelines for personal care services guidelines as provided under the North Dakota Smart Restart.
   g. Persons voting; however, Face Coverings are strongly encouraged.
   h. Persons that are 6 feet from any other individual while they are giving a speech or performance for broadcast or to an audience.
   i. Persons engaged in religious worship activities; however, Face Coverings are strongly encouraged.

6. Enforcement of Other Applicable Laws. The Pandemic Mitigation Strategy shall not prohibit law enforcement officers or local officials from enforcing trespassing laws or other applicable laws in removing violators at the request of Businesses or other property owners.

7. Application. This Strategy shall not apply to education facilities under the requirements of Department of Public Instruction, daycares and preschools under Department of Health requirements for COVID-19, colleges, universities, hospitals, long term care, basic care and assisted living facilities, which are already under their own regulations.
8. **Effective Date and Term.** The New Strategy shall take effect at 12:01 a.m. CT November 1, 2020, and shall end on the day that the 14-day rolling average positivity rate for Burleigh County is 8% or less. The Strategy will be reviewed at the December 8, 2020, City Commission regular meeting.

DATED at Bismarck, Burleigh County, North Dakota this 27th day of October, 2020.

[Signature]

Steve Bakken
President, Bismarck City Commission