

**MASK PLAN**  
**City of Mandan - November 10, 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 Mandan; and

WHEREAS, no vaccine is currently available to prevent COVID-19 and there is limited success in 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 19, 2020 Mandan City Commission President Timothy Helbling issued a State of Emergency Declaration due to COVID-19, which is still in effect, and at this time over 2,639 Morton County residents have been infected and 55 have died; 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 Mask Plan, 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 within the Mandan corporate city limits.

- c. “Social Distancing” or “Physical 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 Mandan adopts a portion of the ND Smart Restart 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 Morton 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 Morton 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 Morton 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 Custer Health. The City of Mandan requires event planners to submit a logistics and emergency operations plan to the City Administrator at 205 2nd Ave NW, Mandan, ND 58554, no later than 7 days prior to the event.
5. Face Coverings Required. Every person within the City of Mandan 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 them from wearing a Face Covering. If a person cannot wear a Face Covering due to a medical condition or disability, a Business shall provide accommodation for their services to be provided by alternate means outside or through other means, if possible.
  - c. Persons swimming while in the swimming pool, as defined by Mandan 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 as provided under the North Dakota Smart Restart Guidelines.
  - g. Persons that are 6 feet from any other individual while they are giving a speech or performance for broadcast or to an audience.
  - h. Persons engaged in religious worship activities; however, Face Coverings are strongly encouraged.

6. Enforcement of Other Applicable Laws. The Mask Plan 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 Mask Plan 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 Mask Plan shall take effect at 12:01 a.m. CT November 11, 2020, and shall expire 30 days from that date. The Plan will be reviewed at the December 15, 2020, City Commission regular meeting.

DATED at Mandan, Morton County, North Dakota this 10th day of November, 2020.



Timothy A. Helbling  
President, Mandan City Commission

## EXHIBIT A

### Guidance for Decision Making: North Dakota Health Criteria and Health Indicator Measures

The ND health criteria and health indicator measures will be used to guide decisions regarding county risk levels. The Department of Health and the Governor's Office, in conjunction with other state agencies, will use these measures to provide a framework for decision making. Additional factors will be taken into consideration to determine the county risk level on a recurring basis. Additional factors may include, but are not limited to, population density, hospitalization rates, current active cases within a county, etc.

Gating Criteria 14 Day	Critical	High Risk	Moderate Risk	Low Risk	New Normal
<b>Active Cases/10K (14 Day Rolling Average)</b>	Over 40	30-39	20-29	10-19	10 or less
<b>Tests/10K (14 Day Rolling Average)</b>	Under 20	21-30	31-40	41-45	46 or more
<b>14 Day Rolling Average Percent Positive Tests</b>	Over 15%	10-14.99%	5-9.99%	2-4.99%	Under 2%



**Figure 6: Industry Summary of Color-Coded Health Guidance**

Select Industry	Critical	High Risk	Moderate Risk	Low Risk	New Normal
<b>Essential* Workplaces/ Manufacturing</b>	<p>See DOH <a href="#">Essential Workers Fact Sheet*</a></p> <p>Employers of functioning <u>critical infrastructure sectors</u> exercise caution, with employees working remotely when possible, evaluating workforce concerns, implementing policies informed by industry best practices, and enacting strategies to minimize economic impact. Businesses that necessitate on-site work should pre-screen and monitor employees for symptoms; comply with social distancing guidelines; ensure workers use face coverings in accordance with <a href="#">CDC and OSHA guidance</a> and <a href="#">Smart Restart protocols</a>; and follow <a href="#">cleaning guidelines</a>. Restrict unnecessary visitors from entering the workplace. Encourage <a href="#">testing</a> for symptomatic employees and close contacts identified in the workplace.</p>			<p>Employers are encouraged to allow flexible working arrangements (rotating shifts, remote, etc.). Pre-screen and monitor employees for symptoms. Follow social distancing guidelines. Ensure workers use face coverings in accordance with <a href="#">CDC and OSHA guidance</a> and <a href="#">Smart Restart protocols</a>. Follow cleaning guidelines. Encourage testing for symptomatic employees and close contacts identified in the workplace.</p>	<p>Operate under heightened hygiene and cleaning standards. Monitor employees for symptoms.</p>
<p><b>General Employer Standards for All Industries</b></p> <p><b>Specific Types of Employers expanded below</b></p>	<p>██████████ Employers exercise caution, with employees working remotely when possible, evaluating workforce concerns, implementing policies informed by industry best practices, and enacting strategies to minimize economic impact. Businesses that necessitate on-site, essential work <a href="#">pre-screen</a> and monitor employees for symptoms; comply with social distancing guidelines; require use of face coverings; and follow cleaning guidelines. Limit occupancy ratings of room and confined spaces to 25% capacity ██████████. Restrict unnecessary visitors from entering the workplace. Encourage testing for symptomatic employees and close contacts identified in the workplace. Cancel work-related gatherings (staff meetings, after-work functions).</p>	<p>Non-essential services may reopen. Employers exercise caution, with employees working remotely, evaluating workforce concerns, and enacting strategies to minimize economic impact. Businesses that necessitate on-site work <a href="#">pre-screen</a> and monitor employees for symptoms; comply with social distancing guidelines; require use of face coverings; and follow cleaning guidelines. Limit occupancy ratings of room and confined spaces to 50% capacity ██████████. Restrict unnecessary visitors from entering the workplace. Encourage testing for symptomatic employees and close contacts identified in the workplace. Cancel work-related gatherings (staff meetings, after-work functions).</p>	<p>Employers are encouraged to allow flexible working arrangements (rotating shifts, remote, etc.). <a href="#">Pre-screen</a> and monitor employees for symptoms. Follow social distancing guidelines. Limit occupancy ratings of room and confined spaces to 75% capacity ██████████. Strongly recommend or require use of face coverings. Follow cleaning guidelines. Encourage testing for symptomatic employees and close contacts identified in the workplace.</p>	<p>Operate under heightened hygiene and cleaning standards. Monitor employees for symptoms.</p>	
<b>Restaurants, Bars &amp; Food Service</b>	<p>Curbside pickup, takeout, and delivery is recommended. No ██████████ customer self-service and caution taken in food prep. If dine-in service is open, limit to 25% of normal seating capacity. No standing room options. No customer self-service of food or beverage (salad bars, buffets, fountain drinks, coffee). <a href="#">Pre-screen</a> and monitor employees for symptoms, comply with guidelines for social distancing, require use of face coverings, follow cleaning guidelines. Contactless payment encouraged. Create a safe environment for staff. ██████████</p>	<p>Curbside pickup, takeout, and delivery options preferable. Dine-in service limited to 50% of normal seating capacity. No standing room options; dine-in seating only. Customer self-service of food and beverage (salad bars, buffets, fountain drinks, coffee) is restricted following Smart Restart protocols. <a href="#">Pre-screen</a> and monitor employees for symptoms; comply with social distancing guidelines; require use of face coverings; and follow cleaning guidelines. Strongly recommend dine-in seating customers follow CDC's guidance for wearing face coverings before and after meal service. Contactless payment encouraged. ██████████ Limited use of gaming machines may be considered following distancing guidance and Smart Restart protocols. ██████████</p>	<p>Employers are encouraged to allow flexible working arrangements (rotating shifts, remote, etc.). Dine-in service is limited to 75% of normal seating capacity with caution. Standing room options may be considered with caution while maintaining social distancing. Limited customer self-service of food and beverage (salad bars, buffets, fountain drinks, coffee) may be considered following Smart Restart protocols. <a href="#">Pre-screen</a> and monitor employees for symptoms; comply with social distancing guidelines; strongly recommend or require use of face coverings; and follow cleaning guidelines. Blackjack and gaming tables can resume with precautions taken for social distancing while minimizing transmissible moments.</p>	<p>Operate under heightened hygiene and cleaning standards. Monitor employees for symptoms. Resume to normal capacity and operations (dance floors, standing, blackjack) while continuing to follow new protocols.</p>	

Select Industry	Critical	High Risk	Moderate Risk	Low Risk	New Normal
<b>Retail* (Including grocery stores, C-stores &amp; pharmacies)</b>	Employers exercise caution, with employees working remotely when possible, evaluating workforce concerns, managing risk, implementing policies informed by industry best practices, and enacting strategies to minimize economic impact. Businesses that necessitate on-site work <u>pre-screen</u> and monitor employees for symptoms; comply with social distancing guidelines; require use of face coverings; and follow cleaning guidelines. Restrict unnecessary visitors from entering. Retail stores with foodservice must follow Smart Restart protocols for restaurants and bars (above).		Employers exercise caution, with employees working remotely when possible. Businesses that necessitate on-site work <u>pre-screen</u> and monitor employees for symptoms. Non-essential services may consider opening following Smart Restart protocols with social distancing guidelines; require use of face coverings; and follow cleaning guidelines. Restrict unnecessary visitors from entering the workplace. Encourage testing for symptomatic employees and close contacts identified in the workplace. Cancel work-related gatherings (staff meetings, after-work functions). Retail stores with foodservice must follow Smart Restart protocols for restaurants and bars (above).	Employers are encouraged to allow flexible working arrangements (rotating shifts, remote, etc.). <u>Pre-screen</u> and monitor employees for symptoms; comply with social distancing guidelines; strongly recommend or require use of face coverings; and follow cleaning guidelines. Retail stores with foodservice must follow Smart Restart protocols for restaurants and bars (above).	Operate under heightened hygiene & cleaning standards. Monitor employees for symptoms. Resume to normal capacity of foodservice operations while continuing to follow new protocols.
<b>Hotel, Tourism, &amp; Accommodations</b>	Limited operations. Take precaution for staff & guests. No customer self-service of food or beverage (continental breakfast, coffee). <u>Pre-screen</u> and monitor employees for symptoms, comply with guidelines for social distancing, require use of face coverings, follow cleaning guidelines. For gatherings, limit occupancy to 25% of rated room capacity [redacted] when social distancing precautions can be met. Cancel gatherings of any size where distancing cannot be maintained. Dance floors are closed. Hotels with amenities of foodservice must follow guidelines for restaurants and bars. Amenities such as fitness rooms, and recreational pool facilities must follow guidelines for fitness centers and recreational pools and water venues.		Hotels with amenities such as foodservice, fitness rooms, and recreational pool facilities may resume following Smart Restart protocols. Gatherings of 50% room capacity [redacted] are allowed provided health criteria is met and Smart Restart protocols are followed. Businesses that necessitate on-site work <u>pre-screen</u> and monitor employees for symptoms; comply with social distancing guidelines; require use of face coverings; and follow cleaning guidelines. Cancel gatherings of any size where distancing cannot be maintained. Dance floors are closed. Pools may open following social distancing guidelines, CDC recommendations, aquatic health codes, and pool operator protocols.	Hotels with amenities such as foodservice, fitness rooms, and recreational pool facilities follow Smart Restart protocols. Gatherings of up to 75% room capacity [redacted] are allowed provided health criteria is met, and Smart Restart protocols are followed. <u>Pre-screen</u> and monitor employees for symptoms; comply with social distancing guidelines; strongly recommend or require use of face coverings; follow cleaning guidelines. Limit occupancy of gatherings where distancing cannot be maintained. Pools may open following social distancing, CDC recommendations, aquatic health codes, and pool operator protocols.	Operate under heightened hygiene & cleaning standards. Monitor employees for symptoms. Conventions and large events are permitted with safety guidance and procedures. Resume to normal capacity of foodservice operations while continuing to follow proper safety guidance and procedures.
<b>Events &amp; Gatherings</b>	For gatherings, limit occupancy to 25% of rated room capacity [redacted] when social distancing precautions can be met. Cancel gatherings of any size where distancing cannot be maintained. Require face coverings. Catering and foodservice must follow Smart Restart protocols for restaurants and bars (see above).		Limited operations. Take precaution for staff & guests. Gatherings in facilities can be up to 50% certificate of occupancy for that room [redacted] provided that health criteria is met and Smart Restart protocols are followed. Businesses that necessitate on-site work <u>pre-screen</u> and monitor employees for symptoms; comply with social distancing guidelines; require use of face coverings; and follow cleaning guidelines. Cancel gatherings of any size where distancing cannot be maintained. Catering and foodservice must comply with restaurant and Smart Restart protocols (see above).	Expanded operations. Take precaution for staff & guests. Gatherings in facilities can be up to 75% certificate of occupancy for that room [redacted] provided that health criteria is met, and Smart Restart protocols are followed. Strongly recommended or require face coverings for all workers and attendees. Limit occupancy where social distancing cannot be maintained. Catering and foodservice must comply with restaurant Smart Restart protocols (see above).	Operate under heightened hygiene & cleaning standards. Monitor employees for symptoms. Large groups allowed such as festivals and sporting events. Mass gatherings are permitted when following proper safety guidance and procedures.

Select Industry	Critical	High Risk	Moderate Risk	Low Risk	New Normal
<b>Personal Care Services (Salons, Barbers, Tanning, Tattoo/Body Art, Massage Therapists)</b>	Personal care services may open if face coverings are required for both clients and staff. If necessary, increase 6-ft distance between workstations. Keep records of clients for contact tracing purposes if needed. Set specific shopping/business hours for only customers that are at higher risk. Screen clients and employees for symptoms that includes temperature checks.		Personal care services may consider opening following Smart Restart protocols. Operate under strict hygiene protocols.  <u>Pre-screen</u> and monitor employees for symptoms; comply with social distancing guidelines; require use of face coverings; and follow cleaning guidelines.	Operate under strict hygiene protocols. <u>Pre-screen</u> and monitor employees for symptoms; comply with social distancing guidelines; require use of face coverings; and follow cleaning guidelines.	Operate under heightened hygiene & cleaning standards. Monitor employees for symptoms.
<b>Vulnerable Individuals in public places</b>	Shelter in place	Stay Home. Stay Healthy. Stay Connected. Avoid crowds. Members of households with vulnerable residents take precautions. Public places require use of face coverings.	Stay Home. Stay Healthy. Stay Connected. Avoid crowds. Members of households with vulnerable residents take precautions. Public places should require use of face coverings.	Use caution; avoid large crowds when communities have resurgence of cases. Public places should strongly recommend or require face coverings.	Take every day public health and hygiene precautions and stay home when sick.

Source: North Dakota Department of Health.

Further details on protocols created for individual industries available at [BeLegendary.link/NDSmartRestart](https://BeLegendary.link/NDSmartRestart) If your business is not on this list, we thank you for exercising your best judgement and taking responsibility for keeping your customers and employees healthy