

City of Jamestown, North Dakota

RESOLUTION

Introduced by Council Member Steele, who moved its adoption; November 12, 2020

Be It Resolved by the City Council of the City of Jamestown, to wit:

ADDITIONAL EMERGENCY MEASURES TO LESSEN THE SPREAD OF COVID-19

WHEREAS, the Mayor declared a state of emergency as a result of the COVID-19 pandemic, by order and proclamation of March 14, 2020 and ratified by the City Council on March 16, 2020;

WHEREAS, the state of emergency as a result of the COVID-19 pandemic is ongoing;

WHEREAS, the Governor of the State of North Dakota has issued revised guidelines for businesses restricting capacity and encouraging the wearing of face coverings;

WHEREAS, the citizens of the City of Jamestown continue to experience an increase in the number of COVID-19 cases;

WHEREAS, the City of Jamestown desires to protect both individuals and businesses experiencing the impacts of the COVID-19 pandemic;

WHEREAS, pursuant to Chapter 40-05.1 of the North Dakota Century Code and the Home Rule Charter of the City of Jamestown, the City has the authority to provide for the public health, safety, and morals of the City;

WHEREAS, the Mayor of the City of Jamestown issued an executive order on October 28, 2020, and the City Council of the City of Jamestown issued a Resolution on November 2, 2020, requiring certain public-facing employees to wear face coverings and strongly encouraging the public to wear face coverings;

WHEREAS, the City Council of the City of Jamestown desires to enact further measures to lessen the spread of COVID-19; and

WHEREAS, the City Council of the City of Jamestown has determined that requiring all individuals within the City of Jamestown to wear face coverings is in the best interest of its citizens and businesses.

NOW, THEREFORE, BE IT HEREBY RESOLVED:

1. Definitions.

a) "Face covering" shall mean a paper or two-layered cloth face mask or face shield that covers the nose and mouth completely.

b) "Household" shall mean a group of individuals who share the same living unit.

2. Wearing of Face Coverings – Required. Every person within the City of Jamestown shall wear a facing covering in all indoor and outdoor environments where they are exposed to non-household members and where social distancing of six (6) feet or more cannot be assured.

3. **Exceptions.** The following shall be exempt from wearing a face covering:

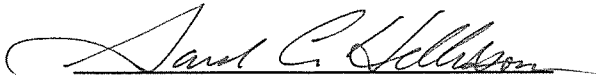
- a) Persons younger than school age, although parents and guardians are encouraged to have such younger children wear face coverings when and where appropriate;
- b) Persons with a medical condition or disability that prevents wearing a face covering;
- c) Persons performing job duties where a six (6) foot distance is not achievable, but a face covering is inhibitory to the ability to safely and effectively perform the job duty;
- d) Persons participating in athletic or physical exercise activities where a six (6) foot distance is not achievable, but a face covering is inhibitory to the activity;
- e) Persons actively consuming food or drink;
- f) Persons driving a motor vehicle alone or with passengers from the driver's household;
- g) 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;
- h) Persons receiving healthcare services or persons rendering aid where a face covering is inhibitory of the services or aid;
- i) Persons engaged in religious worship activities; however, face coverings are strongly encouraged; or
- j) Persons giving a speech or performance for broadcast or to an audience; however, those persons shall safely distance from nearby individuals.

4. **Conflict.** This Resolution shall not be construed to conflict with the policies and procedures of the Jamestown Public School District, the University of Jamestown, and their sponsored activities. This Resolution shall not be construed to conflict with any current or future order of the Governor of North Dakota.

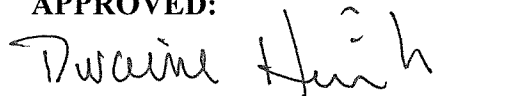
5. **No Penalty.** There are no penalties for non-compliance with this resolution. However, the City Council encourages all businesses and organizations to enforce this Resolution and supports businesses engaging local law enforcement as necessary to enforce existing laws in removing individuals who refuse to abide by this Resolution.

6. **Effective Date and Term.** These additional emergency measures shall continue to be in effect for the duration of the emergency and may be further extended or earlier terminated, as the case may be, by further action of the City Council.

ATTEST:


Sarah Hellekson, City Administrator

APPROVED:


Dwaine Heinrich, Mayor

Council Member Schloegel moved to second the motion for adoption. Roll Call No. 3 showed: 4 ayes, 0 nays, 1 absent.