

MAYOR BRANDON BOCHENSKI
GRAND FORKS, NORTH DAKOTA

EMERGENCY ORDER 2020-21

1. INTRODUCTION.

1.1 Pursuant to the Declaration of Public Health Emergency dated March 16, 2020, that has been confirmed and extended by City Council resolutions on April 13, 2020, June 1, 2020, July 6, 2020 and September 8, 2020 and the authority set forth in Grand Forks City Code of 1987 § 2-0301, I, Brandon Bochenski, Mayor of the City of Grand Forks, North Dakota, hereby is the following:

2. FACTUAL FINDINGS/BACKGROUND.

2.1 A novel coronavirus, now designated COVID-19, was detected in Wuhan City, Hubel Province, China.

2.2 On January 27, 2020 the United States Department of Health and Human Services Secretary Alex Azar declared a national public health emergency because of COVID-19.

2.3 On January 30, 2020 the World Health Organization declared the outbreak of COVID-19 as a public health emergency of international concern advising countries to prepare for the containment, detection, isolation and case management, contact tracing and prevention of onward spread of the virus.

2.4 On March 11, 2020 the World Health Organization declared COVID-19 a global pandemic.

2.5 On March 13, 2020 President Donald J. Trump issued a declaration of national emergency due to the growing COVID-19 crisis in the United States.

2.6 On March 13, 2020 Governor Doug Burgum declared a state of emergency in the State of North Dakota in response to the public health crisis resulting from the international spread of COVID-19.

2.7 Former Mayor Michael R. Brown issued a Declaration of Public Health Emergency on March 16, 2020.

2.8 As of November 11, 2020 the Centers for Disease Control and Prevention report that there are more than 10 million confirmed cases of COVID-19 and more than 230,000 deaths attributable to COVID-19 in the United States.

2.9 As of November 11, 2020, the North Dakota Department of Health reported more than 11,500 current active COVID-19 cases, more than 680 deaths attributable to COVID-19, and more than 57,000 total positive individuals in the State of North Dakota since the pandemic began.

2.10 The existence of COVID-19 poses an imminent proximate threat to public health due to the introduction of a contagious, infectious or communicable disease.

2.11 Proactively implementing preparedness, containment, mitigation measures and other efforts to slow the transmission and reduce the impact of the virus is in the best interests of

the residents of Grand Forks.

2.12 The conditions warranting the Declaration of Public Health Emergency have continued as described in the Declaration of Public Health Emergency, dated March 16, 2020, that has been confirmed and extended by City Council resolutions on April 13, 2020, June 1, 2020, July 6, 2020 and September 8, 2020.

2.13 The Mayor has been in communication with experts and community institutional partners regarding the measures to mitigate against the spread of the virus.

2.14 In seeking to protect the best interests of the City of Grand Forks and its citizens to reduce the possibility of exposure to COVID-19, control the risk and promote health, measures were undertaken that were employed to, and appeared to assist, in preventing, controlling and reducing the spread of and rate of positivity of the disease.

2.15 These measures included the issuance of Emergency Order 2020-19.4, currently in effect, that limit the hours of operation for on-sale and off-sale dispensing and sale of alcoholic beverages, Emergency Order 2020-20 relating to wearing of face masks within City Property and the City Council's October 26, 2020 requiring of face masks across the City of Grand Forks.

2.16 However, the North Dakota Department of Health reported that as of November 11, 2020 within Grand Forks County the following data: more than 1,300 active cases, (the highest total since the pandemic statistics have been kept), a 14 day rolling average cumulative positivity rate of exceeding 18.5%, (the highest rate since April, 2020), a daily positivity rate exceeding 14.5%, and positivity rates per 10,000 people for a fourteen day period to be the second highest since the pandemic statistics have been kept; and the Grand Forks Health Department has reported similar data.

2.17 Reducing the possibility of exposure to disease, controlling the risk, promoting health, and undertaking measures to prevent or control the spread of disease continues in the best interests of the City of Grand Forks.

2.18 Given the increase of positivity of COVID-19, individuals engaging in social activities involving the sale and/or dispensing of food and alcoholic beverages, involved in special event gatherings and sporting/athletic events may spread the disease, and therefore the ability to reduce the possibility of exposure to disease to COVID-19, control the risk from this disease and promote health and welfare of the residents of the City of Grand Forks necessitates further mitigation efforts to reduce or minimize this possible mechanism for the spread of the disease is justified.

3. ORDER – LIMITATION OF OCCUPANCY.

3.1 Based upon the findings and background above, and pursuant to Grand Forks City Code of 1987 §2-0301, I have determined the City and various parts of the City have suffered and are continuing to suffer from a natural or manmade disaster as result of the COVID-19 pandemic.

3.2 Based upon the findings and background above, I have further determined that limiting the number of individuals within buildings and other enclosed structures where dine-in or on-sale dispensing of food and alcoholic beverages occurs, or where special event gatherings and sporting/athletic events occur is justified as a measure to prevent or control the spread of disease

is in the best interests of the City of Grand Forks and pursuant to Grand Forks City Code §2-0301(29) that I reasonably believe is required or appropriate to protect the health, safety, and welfare of persons or property within the City.

3.3 Definitions. The following defined terms and definitions apply to this Order:

- (a) “Business” shall mean includes a sole proprietorships, partnerships, corporations, limited liability companies, limited liability partnerships, limited liability limited partnerships, joint ventures, association, cooperatives, real estate investment trusts, trusts, municipal, or other form entity or group, whether or not organized to operate for profit or not for profit. Without in any manner limiting the foregoing, a Business shall include any and all private-sector, public-sector, non-profit operations or enterprises, and state, county, and local governments.
- (b) “Food establishment” shall have the same meaning as the term food establishment defined Grand Forks City Code § 21-0701.
- (c) “On-sale” shall have the same meaning as the term on-sale defined in Grand Forks City Code § 21-0201(8).
- (d) “Special gathering events” shall mean receptions for a wedding or wedding anniversary, similar private invitation celebration events, public celebration sponsored events or business or corporate sponsored events. A special gathering event shall exclude any event held for public health and safety, including events to conduct COVID-19 testing or vaccinations.
- (e) “Sport/athletic activities” shall mean any physical assertion or activity pursued for exercise or pleasure, including competitive or non-competitive team or individual sports or games, running, walking, weight-lifting, biking, bowling, throwing sports, gymnastics, and swimming.

3.6 Dance floors shall not be permitted to be used or allowed to used (a) in or by any Business engaged in, operating or conducting a food establishment for dine-in service and consumption of food or on-sale dispensing or sales of alcoholic beverages or (b) at special gathering events.

3.7 All Businesses engaged in, operating or conducting a food establishment for dine-in service and consumption of food or on-sale dispensing or sales of alcoholic beverages shall require all patrons and customers to be seated except when entering or exiting the Business location or to use the restroom.

3.8 Business engaged in, operating or conducting a food establishment for dine-in service and consumption of food or on-sale dispensing or sales of alcoholic beverages shall not permit any table games of chance activities (blackjack and paddlewheels) or permit the use of pool tables, dart boards, shuffle boards, non-game of chance video games or other similar games within their location.

3.9 The total number of individuals allowed to be within or upon any building or other enclosed structure owned, leased or otherwise under the control of a Business, in which the

Business conducts or operates the following activities therein, shall not exceed fifty percent (50%) of the permitted occupancy capacity:

- (a) Special gathering events;
- (b) Sport/athletic activities;
- (c) Food establishments for dine-in service and consumption of food; and
- (d) On-sale dispensing, sales and/or selling of alcoholic beverages.

3.10 Any special gathering event or sport/athletic activity where the number of individuals present is 500 or more individuals shall require review by the City of Grand Forks Public Health Department and approval of the City Administrator of the City of Grand Forks, in consultation with the Mayor.

3.11 An exception to the application of this Order may be issued for special gathering events and sport/athletic events upon review by the City of Grand Forks Public Health Department and approval of the City Administrator of the City of Grand Forks, in consultation with the Mayor.

3.12 Nothing herein waives or alters any other provision of Grand Forks City Code of 1987 or any resolution, policy or procedure of the City, or any other order, provided, however, if any conflict exists, the terms of this Emergency Order shall prevail.

3.13 Pursuant to Grand Forks City Code § 2-0301(3)(7) and for application to this Order only, the Mayor suspends Grand Forks City Code § 2-0301(4) regarding penalties. A person violating this Order shall be subject to a fine of up to five hundred dollars (\$500.00) for the first violation and up to one thousand dollars (\$1,000.00) for each violation thereafter.

3.14 If any provision of this Emergency Order or the application thereof to any person or circumstance is held to be invalid by a court of competent jurisdiction, the remainder of this Emergency Order, including the application of such part or provision to other persons or circumstances shall not be affected and shall continue in full force and effect. To this end, the provisions of this Emergency Order are severable.

3.15 Any modification, suspension or revocation of all or any part of this Order shall be in the sole discretion of the Mayor, considering information then available to the Mayor, including information on the rolling average of COVID-19 positive patients within Altru's hospital facility and any other information the Mayor deems relevant.

3.16 This Emergency Order shall be effective at 8:00 a.m. central time on November 13, 2020 and shall continue to be effective until modified, suspended, or revoked by further order of the Mayor.

DATE: Nov. 12th, 2020

TIME: 3:51 pm



BRANDON BOCHENSKI, Mayor