

Reading: _____
 2nd Reading: _____
 Date Adopted: _____
 Date Published: _____
 Effective Date: _____

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, AUTHORIZING INTERIM REVISIONS TO CHAPTER 57 OF THE CODE OF ORDINANCES OF SIOUX FALLS, SD, PERTAINING TO THE NOVEL CORONAVIRUS (COVID-19).

WHEREAS, on March 12, 2020, the Mayor issued Executive Order No. 218 declaring an emergency to address the novel coronavirus COVID-19; and

WHEREAS, on March 13, 2020, the Governor declared an emergency in the state of South Dakota in response to the COVID-19 pandemic; and

WHEREAS, on March 23, 2020, the Governor issued Executive Order 2020-08 setting forth guidelines and recommendations regarding personal, business, and health care precautions to be taken in response to the COVID-19 pandemic; and

WHEREAS, on March 24, 2020, the Governor announced that she is recommending that all K-12 schools in South Dakota remain closed until May 1, 2020; and

WHEREAS, on March 24, 2020, the Sioux Falls School District has closed all K-12 schools through May 1, 2020; and

WHEREAS, as of 12:30 p.m. on March 25, 2020, community spread of COVID-19 has been identified within Beadle, Lyman, Hughes, Lincoln, McCook, and Minnehaha Counties in the state of South Dakota; and

WHEREAS, the Centers for Disease Control and Prevention (“CDC”) recommend certain actions for the preparation and mitigation of community transmission of COVID-19, including, but not limited to, social distancing measures and restricting the size of gatherings; and

WHEREAS, the majority of garbage and recycling haulers serving the city of Sioux Falls have informed the City that they are already experiencing workforce reduction problems stemming from the impacts of COVID-19, including without limitation: school closures, quarantines, and social distancing; and

WHEREAS, the City of Sioux Falls recognizes that the proper and prompt removal of all garbage and recycling is essential for the health, welfare, and safety of the citizens of the city of Sioux Falls; and

WHEREAS, the current and projected future impacts of COVID-19 upon the workforce of garbage and recycling haulers presents a risk to the health, welfare, and safety of the citizens of the city of Sioux Falls; and

WHEREAS, SDCL 9-32-1 confers upon municipalities the power to do what may be necessary or expedient for the promotion of health or the suppression of disease; and

WHEREAS, SDCL 9-32-11 confers upon municipalities the power to regulate the manner of handling of garbage and other waste material;

BE IT ORDAINED BY THE CITY OF SIOUX FALLS, SD:

Section 1. That provisions of Sections 57.022, 57.026, and 57.027 be amended as follows:

Notwithstanding the provisions of Sections 57.022, 57.026, and 57.027 of the Code of Ordinances of the City of Sioux Falls, SD, all residents shall, if requested to do so by their respective garbage hauler, ensure that their garbage, yard waste, and recycling containers are placed curbside on the designated pickup day and that their garbage and recycling containers are removed from the public sidewalk following pickup of the garbage, yard waste, and recycling and returned to an inconspicuous place between pickup days. This temporary change is made in order to facilitate more efficient pickup during a time of lower staffing as a result of the current COVID-19 pandemic.

Section 2. Nothing in this Ordinance shall in any way alter the obligations set forth in Section 57.025 of the Code of Ordinances of the City of Sioux Falls, SD, requiring weekly garbage service.

Section 3. This Ordinance shall remain effective for the period of the declared emergency as set forth in Executive Order No. 218, unless extended, amended, or terminated by ordinance.

Section 4. Immediate Effect: This ordinance is hereby declared necessary for the immediate preservation of the public health and shall become effective immediately upon its passage and publication pursuant to SDCL 9-19-13.

Date adopted: _____.

Paul TenHaken, Mayor

ATTEST:

Thomas Greco, City Clerk