NORTH Dakota | Governor Doug Burgum

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EXECUTIVE ORDER 2020-43.4

WHEREAS, a state of emergency was declared by Governor Doug Burgum on March 13, 2020, in response to the global COVID-19 pandemic; Executive Order 2020-03 activated the State Emergency Operations Plan (SEOP), implementing appropriate response and recovery actions and future mitigation measures; and,

WHEREAS, COVID-19 is a transmissible, potentially fatal respiratory illness that spreads in the air through droplets from infected persons, including individuals who have no symptoms and do not know they are infected; and,

WHEREAS, epidemics and outbreaks of dangerous diseases have been experienced through the history of North Dakota; our courts have acknowledged the State's authority to issue orders for the protection of public health and to prevent the spread of contagious diseases; and,

WHEREAS, throughout the COVID-19 pandemic, use of face coverings and physical distancing have been promoted consistently as public health measures to slow and mitigate the spread of COVID-19 throughout the state; and,

WHEREAS, State Health Officer Order 2020-08.1 requires face coverings be worn in all indoor public spaces, and all outdoor spaces where physical distancing of six feet or more is not possible; this Order is incorporated herein by reference.

NOW THEREFORE, Doug Burgum, Governor of North Dakota, by virtue of the authority under Article V, Section 1 of the North Dakota Constitution and North Dakota Century Code 37-17.1, in consultation with the State Health Officer and the co-leaders of Unified Command, hereby orders:

1. Banquets, Ballrooms, Weddings and Event Venues:
    a. Effective 8:00 a.m. Friday, January 8, 2021, occupancy of banquet, ballroom and event venues is limited to 50% of occupancy not to exceed the capacity limits identified within the ND Smart Restart Large Gathering Tiered Capacity document.
    b. Event organizers are encouraged to provide a health plan to their local elected leaders and local public health units for review.
    c. Food and beverage service must be provided to seated patrons; no "stand-up" service, or service to patrons in a waiting area is permitted;
    d. Dance areas must be closed;
    e. Seating arrangements and tables must allow at least six feet of physical distance between individual parties;

f. As required under State Health Officer Order 2020-08.1, face coverings must be worn by all owners, managers and employees at all times; face coverings must be worn by all patrons except when consuming food or beverages;
g. Post signs in conspicuous public areas of the establishment that:
    i. Display face covering and physical distancing requirements;
    ii. Include symptoms of COVID-19;
    iii. Instruct anyone experiencing symptoms to stay at home.
h. Religious events, governmental meetings and academic instructional delivery settings are exempt from this order. Religious organizations are strongly encouraged to utilize COVID-19 mitigation strategies from the ND Department of Health and the Centers for Disease Control.
i. Banquets, ballrooms and other event venues operated under Tribal Code or Tribal ordinance are exempt from this order, but are strongly encouraged to utilize the COVID-19 mitigation strategies from the ND Department of Health and the Centers for Disease Control.
j. More restrictive measures may be adopted by local government entities.
k. The requirements defined in Section (1)(a)-(h), above, will remain in effect until 8:00 a.m., Friday, January 29, 2021.

2. Bars, Restaurants and Food Service Establishments.
    a. Effective 8:00 a.m. Friday, January 8, 2021, occupancy of bars, restaurants and food service establishments is limited to 65% of the licensed seating capacity, not to exceed a maximum of 200 patrons;
    b. Food and beverage service must be provided to seated patrons; no "stand-up" service or service to patrons in a waiting area is permitted;
    c. Dance areas must be closed;
    d. Seating arrangements and tables must allow at least six feet of physical distance between individual parties;
    e. As required under State Health Officer Order 2020-08.1, face coverings must be worn by owners, managers and employees at all times; face coverings must be worn by all patrons except when consuming food or beverages;
    f. In-person dining and service may resume under normal business hours, consistent with state and local regulations;
    g. Post signs in conspicuous public areas of the establishment that:
        i. Display face covering and physical distancing requirements;
        ii. Include symptoms of COVID-19;
        iii. Instruct anyone experiencing symptoms to stay at home.
    h. Bars, restaurants and food service establishments operated under Tribal Code or Tribal ordinance are exempt from this order, but are strongly encouraged to utilize the COVID-19 mitigation strategies from the ND Department of Health and the Centers for Disease Control. More restrictive measures may be adopted by local government entities.
    i. The requirements defined under Section (2)(a)-(g), above, will remain in effect until 8:00 a.m., Friday, January 29, 2021.

This order is issued on the following bases and for the following reasons:

1. The Governor is vested with the executive authority pursuant to Article V, Section 1, of the North Dakota Constitution.
2. The Governor is vested with statutory authority to issue executive orders, to minimize or avert the effects of a disaster or emergency pursuant to Chapter 37-17.1 of the North Dakota Century Code.
3. Executive Orders have the force and effect of law under NDCC § 37-17.1-05 (2).
4. A coordinated and effective effort of appropriate government departments is required to minimize the impact of emergencies and disasters in this state.
5. All local, county and state law enforcement officers are authorized and directed to enforce the provisions of this Executive Order.

This Order will take effect at 8:00 a.m. Friday, January 8, 2021.

Executed at the State Capitol in Bismarck, North Dakota, this 7th day of January 2021.

Doug Burgum
Governor

ATTEST:

Secretary of State