NORTH Dakota | Governor Doug Burgum

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EXECUTIVE ORDER 2020-43

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, despite consistent efforts to promote widespread use of face coverings and physical distancing as public health measures, many North Dakotans continue to congregate without face coverings or physical distancing; in these settings one individual can infect many others; and,

WHEREAS, the number of COVID-19 cases in North Dakota has sharply increased, resulting in significantly greater need for health care workers and health care resources; and,

WHEREAS, new standards are needed to slow and mitigate the rapid spread of COVID-19 throughout our state; and,

WHEREAS, State Health Officer Order 2020-08, issued November 13, 2020, 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 November 16, 2020, occupancy of banquet, ballroom and event venues is limited to 25% 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, 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.

2. Bars, Restaurants and Food Service Establishments.
    a. Effective November 16, 2020, occupancy of bars, restaurants and food service establishments is limited to 50% of the licensed seating capacity, not to exceed a maximum of 150 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. Seating arrangements and tables must allow at least six feet of physical distance between individual parties;
    d. As required under State Health Officer Order 2020-08, 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;
    e. In-person dining and service may be conducted between the hours of 4:00 a.m. and 10:00 p.m.;
    f. Take-out, curbside and delivery services may continue to be provided with no time or hour restrictions;
    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.
    i. More restrictive measures may be adopted by local government entities.

3. School and Community Activities.
    a. Effective 12:01 a.m. November 16, 2020 all high school winter sports and all association, community, and club sports for youth and adults are suspended until December 14, 2020;
    b. Effective 12:01 a.m. November 16, 2020 all other extra-curricular K-12 school activities, competitions and non-school related activities are suspended until December 14, 2020;
    c. North Dakota High School Activities Association sponsored playoff championship contests and performance events previously scheduled during the month of November may continue following the NDHSAA requirements;
    d. Collegiate and intercollegiate activities must follow all guidance issued by the North Dakota University System and respective national organizations;
    e. Religious activities are exempt.

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 shall remain in effect until 11:59 p.m. Sunday, December 13, 2020.

Executed at the State Capitol in Bismarck, North Dakota, this 13th day of November, 2020.

Doug Burgum
Governor

ATTEST:

Secretary of State