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Face Covering Ordinance - Frequently Asked Questions

What You Need to Know About the Face Covering Ordinance

The Sioux Falls City Council passed an ordinance on November 17, 2020 requiring individuals to wear a face covering in indoor retail businesses and city-owned facilities (see definitions and exceptions below). This ordinance is effective through March 13, 2021, unless the Council takes additional action to extend, change, or end the ordinance.

[Ordinance 114-20](#)

What Can Be Used as a Face Covering?

A face covering or mask should be worn to cover the nose and mouth completely and can include a paper or disposable face mask, a cloth mask, a scarf, a bandanna, or a neck gaiter.

Where Does This Ordinance Apply?

Within the City of Sioux Falls, individuals must wear a face covering in an indoor retail business and city-owned facilities where they cannot maintain 6-foot social distancing. An “indoor retail business” is defined as an enclosed business operating as the following: bar, restaurant, brewery, café, casino, coffee shop, recreational or athletic facility, health club, grocery store, market, retail store, hardware store, sporting goods store, convenience store, home improvement store, pharmacy, drug store, food pantry, vehicle for hire, transportation networking company (TNC) vehicle, theater, or entertainment venue.

Are There Any Exceptions?

This ordinance does NOT apply to:

- An individual under the age of five (5) years old
- An individual seated at a public place to eat or drink, or while consuming food or beverages
- An individual who is receiving dental or medical care that prevents them from wearing a face covering
- An individual with a medical condition, mental health condition or disability that makes it unreasonable for them to maintain a face covering
- Individuals engaged in swimming or a team sports activity where the level or exertion makes it difficult to wear a face covering
- Public safety workers actively engaged in a public safety role, including but not limited to law enforcement, fire fighters, or emergency medical personnel, where the face covering would seriously interfere in the performance of their job responsibilities

- Any member of a group of people who are in an indoor retail business together and live in the same household or are a party of ten or less, as long as they maintain 6-foot physical distance from others who are not part of their household or party (example: a group of ten people or less at a movie together would not have to wear face coverings as long as they maintain 6-foot social distancing from other movie patrons).

Can the City Council Pass an Ordinance Like This?

There are state laws that grant municipalities like Sioux Falls the ability to take actions they see as necessary to promote and protect health or reduce disease in the community. In addition, as a home rule chartered municipality organized under the Constitution of the State of South Dakota, Sioux Falls is afforded specific flexibilities and authorities – such as passing ordinances – to protect public health and better meet the needs of citizens.

How Will This Be Enforced?

This ordinance does not include a specific fine or penalty and, therefore, the police department is not obligated to respond to calls regarding an individual not wearing a mask. However, it is still a local law that individuals are expected to follow. There are also additional laws that support mask wearing. For example, a business that adopts its own policy requiring face coverings can ask patrons to wear one. If the patron does not wish to comply, the business can ask the patron to leave, just as they might if the patron was being disrespectful or disruptive to the business. If the patron refuses, the police may be contacted upon the basis of trespass or a failure to vacate.

We have a great community where people care about one another, and it is essential that we treat each other with respect. Wearing face coverings is one way we can do so.

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