

ORDINANCE NO. 2020- 10

AN ORDINANCE OF THE CITY OF PRYOR CREEK, OKLAHOMA AMENDING PRYOR CREEK ORDINANCE NUMBER 2020-10 DECLARING THE CONTINUATION AND ESCALATION OF A STATE OF LOCAL CIVIL EMERGENCY WITH RESPECT TO THE PUBLIC HEALTH, SAFETY AND WELFARE REGARDING THE CORONAVIRUS COVID-19 PANDEMIC; AMENDMENTS TO PROVISIONS OF THE ORDINANCE AS FOLLOWS:

- 1. RESTRICTIONS ON MEMBERS OF THE PUBLIC AT LARGE TO STAY AT HOME;**
- 2. CLOSURE TO THE PUBLIC OF ALL BUSINESSES NOT CLASSIFIED WITHIN A CRITICAL INFRASTRUCTURE SECTOR AS DEFINED BY THE U.S. DEPARTMENT OF HOMELAND SECURITY AND THE AMENED EXECUTIVE MEMORANDUM NUMBER 2020-01 FILED WITH THE OKLAHOMA SECRETARY OF STATE ON MARCH 25, 2020 BY J. KEVIN STITT, GOVERNOR OF THE STATE OF OKLAHOMA;**
- 3. ESTABLISHING A CURFEW FROM THE HOURS OF 9:00 P.M. TO 6:00 A.M. FOR CITIZENS;**
- 4. ELIMINATION OF ALLOWED RESTRICTED OPERATION OF GYMNASIUMS, FITNESS CENTERS, RECREATION CENTERS, INDOOR SPORTS FACILITIES, INDOOR EXERCISE FACILITIES, EXERCISE STUDIOS, HAIR SALONS, NAIL SALONS AND SPAS.**

**PROVIDING FOR IMMEDIATE EFFECTIVENESS OF AMENDED ORDINANCE UPON PASSAGE;
PROVIDING FOR DURATION OF ORDINANCE, AND REPEALER AND SEVERABILITY.**

WHEREAS, on March 11, 2020 the World Health Organization (WHO) declared the coronavirus COVID-19 disease to be a pandemic; and

WHEREAS, on March 13, 2020 the President of the United States declared a National Emergency; due to the COVID-19 Virus pandemic and

WHEREAS, on March 15, 2020, the Governor of the State of Oklahoma has declared an emergency caused by the impending threat of COVID-19 to the people of this State and the public's peace, health and safety; and

WHEREAS, the Centers for Disease Control and Prevention (CDC) has issued conclusions that the disease is spread between people who are in close contact with one another (within about 6 feet), through respiratory droplets produced when an infected person coughs or sneezes and by touching surfaces or objects that has the virus on it and then touching their own mouth, nose, or eyes; the CDC findings indicate the virus is spreading easily and sustainably among the human community; and

WHEREAS, State and Federal authorities and leading health professionals advise that it is critical to the health, safety and welfare of the public that aggressive measures be taken by citizens and governing authorities immediately to effect restrictions and limitations on human environments and activities to reduce the spread of the COVID-19 virus which threatens to quickly spread among our population and overwhelm our healthcare capacities to care for our citizens.

WHEREAS, Notwithstanding the escalated efforts of federal, state and local governments, health professionals and the public at large, the continued spread of the COVID-19 virus has continued to aggressively spread throughout our population. For this reason federal, state and local governments and health professionals have deemed it necessary to the health, safety and welfare of the public to engage in more aggressive efforts to curb activities of the public designed to slow the spread of the COVID-19 virus.

WHEREAS, the objective of the measures herein set forth are to reduce the spread of this virus among our City's population as much as possible, as soon as possible. This virus has an incubation period of approximately 2 weeks during which time carriers of the virus do not realize they are carriers. We are counseled by the leaders of our federal and state government, government health officials and others in the health profession that unless aggressive measures are adopted these unsuspecting carriers pose an unacceptable threat to wide-spread infection of others who likewise become unsuspecting carriers infecting yet more and more people.

WHEREAS, the Mayor and City Council finds that under the current state of emergency at the federal, state and local level of Mayes County and the City of Pryor Creek the total lack of immunity of individuals in the City of Pryor Creek, Oklahoma to infection by the COVID-19 virus presents a situation involving injury to persons, injury and damage to the public and immediate financial loss by reason of illness to our community and overwhelming of our healthcare facilities such that immediate action must be taken where time requirements for public notice of a special meeting makes such procedure impractical and increases the likelihood of injury, damage and immediate financial loss.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF PRYOR CREEK, OKLAHOMA THAT CITY OF PRYOR CREEK ORDINANCE NO. 2020-10 SHALL BE AMENDED PURSUANT TO THE EMERGENCY PROVISIONS OF PRYOR CREEK CITY CODE SECTION 4-3B-5, 4-4-1 "Public Nuisance" B (8), 4-4-1D, 4-4-3 AND SECTIONS 19 AND 20 OF THE CHARTER FOR THE CITY OF PRYOR CREEK AS FOLLOWS: (Language to be stricken indicated by "strike-through", provisions added indicated by "underlined" text)

SECTION 1: AMENDED ORDINANCE TO READ AS FOLLOWS:

- A. Restaurants, food courts, cafes, coffeehouses, and other places of public accommodation offering food and beverage shall be closed for dine-in customers, interior guests and for on-premises consumption. Operations for said businesses may remain open and doing business on a limited and restricted basis of curbside, drive-thru, takeout and delivery services. Exclusions from these limitations and restrictions shall be institutional or in-house food cafeterias in the serving of food and beverage to residents of the institution, businesses serving food and beverage to the business's employees, child care facilities, hospitals, and long-term care facilities.
- B. All businesses not identified as being within a Critical Infrastructure Sector as defined by the U.S. Department of Homeland Security and expanded by Amended Executive Memorandum 2020-01 filed with the Oklahoma Secretary of State on March 25, 2020 by The Governor of the State of Oklahoma, J. Kevin Stitt shall be immediately closed to

the public ingress, egress, use and occupancy. The following commercial establishments and places of public accommodation shall be and are hereby closed to ingress, egress, use, and occupancy by members of the public except as hereinafter designated:

- ~~1. Bars, taverns, brew pubs, breweries, microbreweries, distilleries, wineries, tasting rooms, clubs, and other places of public accommodation offering alcoholic beverages for on-premises consumption shall be closed as above indicated with no exceptions.~~
 - ~~2. Theaters, cinemas, indoor and outdoor performance venues, and museums shall be closed as above stated with no exceptions.~~
 - ~~3. Gymnasiums, fitness centers, recreation centers, indoor sports facilities, indoor exercise facilities, exercise studios, hair salons, nail salons and spas.
 - ~~a. Exceptions to general closure for fitness centers and indoor exercise facilities shall be as follows: Personal Training shall be allowed on the limited basis of one client paired with one trainer for personal training sessions. The client must be in the presence of the trainer/instructor at all times while on the premises. Sessions of training shall be separated by at a minimum, a 30-minute time period during which time proper sanitation of the premises shall be taken between clients. No other person apart from the trainer or trainers and one client per trainer shall be present inside the building space occupied by the facility at a given time.~~
 - ~~b. Exceptions for hair salons and nail salons and spas shall be as follows: Customers shall be limited to appointment only presence inside the facility. Each customer shall be paired with the stylist, nail technician or spa treatment personnel at all times while on the premises. No other person apart from the client and the stylist, nail technician or spa treatment professional with whom they are paired shall be present inside the building space occupied by the facility at a given time. Client appointments shall be separated by at a minimum, a 30-minute time period during which time proper sanitation of the premises shall be taken between clients.~~~~
 - ~~4. Arcades, pool halls, bingo halls, skating rinks, and other similar recreational or entertainment facilities shall be closed with no exceptions.~~
 - ~~5. Senior citizens centers shall be closed to the general public excepting only that they may be staffed by those volunteers assembling inside the center for purposes of providing food and other necessary public assistance measures to seniors for curbside or home delivery purposes.~~
- C. Public gatherings of people interior to a room or other place of congregation of people shall be limited to not more than 10 in number excepting the gathering of employees of an employer at the employer's facility under conditions consistent with maintaining social distancing standards as set forth by the CDC recommendations. (6 feet separation)

- D. This Ordinance shall not prohibit an employee, contractor, vendor, or supplier of a place of public accommodation from entering, exiting, using, or occupying that place of public accommodation in their professional capacity.
- E. The restrictions imposed by this Ordinance do not apply to any of the following:
1. Places of public accommodation that offer food and beverage not for on-premises consumption, including grocery stores, markets, convenience stores, pharmacies, drug stores, and food pantries. However, on-site consumption at such locations shall be prohibited.
 2. Health care facilities, child care facilities, residential care facilities and congregate care facilities;
 3. Crisis shelters, soup kitchens, or similar institutions.
- F. Citizens, residents and visitors within the city limits of the City of Pryor Creek shall stay at their home, place of residence or temporary living quarters except when being engaged in traveling to or from work or while engaging in work activities in a critical infrastructure sector, as more particularly described hereinabove in paragraph "B", and the conduct of essential errands. Essential errands shall mean those errands which are critical to everyday life and includes obtaining medications, groceries, gasoline, and visiting medical providers. A further exclusion to the provisions of this paragraph shall be for personal mental health and exercise as set forth in paragraph "H" hereof.
- G. A curfew is hereby imposed upon all persons within the city limits of the City of Pryor Creek requiring that no person shall be upon the streets or in any other public place between the hours of 9:00 P.M. and 6:00 A.M. Excepted from this requirement are individuals acting in the activities of traveling to or from work or while engaging in work activities in a critical infrastructure sector, as more particularly described herein, and the conduct of essential errands as described in the preceding paragraph "F" hereof.
- H. Recognizing the importance of being outside for purposes of mental health and exercise, outside activities on public property may be engage in by the public on public sidewalks, trails and in public parks between the hours of 6:00 A.M. and 9:00 P.M. provided that the activity is conducted pursuant to the CDC established conduct of "social distancing" (6 foot minimum spacing of individuals from each other at all times).
- I. All City-owned park recreational equipment and recreational equipment of a public nature located on public school grounds such as playground equipment in the nature of swings, slides, climbing bars, toys, basketball courts, tennis courts, volleyball courts and other such apparatuses shall be closed to public access. It shall be a violation of this ordinance for any person to utilize such apparatuses. Green spaces and walking trails shall remain open to the public use.
- J. The Pryor Creek Public Golf Course shall be closed to access by members of the

public.

- K. ~~F.~~ Violation of this Ordinance shall be subject to penalty pursuant to Section 1-4-1 of the City Code for the City of Pryor Creek specifying a fine not exceeding Five Hundred Dollars \$500, plus a One Hundred Fifty Dollar \$150 administrative fee for each public nuisance abatement or by imprisonment not to exceed thirty (30) days, or by both such fine and imprisonment for each violation.
- L. ~~G.~~ Upon a second or continued failure to abide by the provisions of this ordinance shall constitute a public nuisance for which the City may avail itself of the remedies provided in Section 4-4-7A of the City Code for the City of Pryor Creek.
- M. This Ordinance shall be effective commencing at 11:59 P.M. on the date of passage and approval by the City Council for the City of Pryor Creek and shall remain in effect until 12:00 A.M. (Midnight) on the 21st day of April, 2020 unless previously repealed or extended by formal action of the City Council upon further review of the continued existence of emergency.

SECTION 2: REPEALER

All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed to the extent of any conflict herewith.

SECTION 3: SEVERABILITY

If any section, sub-section, sentence, clause, phrase, or portion of this Ordinance is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portion of this ordinance.

Passed and Approved by the Council of the City of Pryor Creek, Oklahoma, in regular session on this 1 day of April, 2020

CITY OF PRYOR CREEK, OKLAHOMA



Larry Lees, Mayor

ATTEST:

Eva Smith, City Clerk

APPROVED AS TO FORM AND LEGALITY:



Kim Ritchie, City Attorney
Dated: 4/01/2020