

## ORDINANCE NO. 3330

**AN ORDINANCE AMENDING THE CITY OF GUTHRIE CODE OF ORDINANCES, CHAPTER 11: HEALTH AND SAFETY BY ADDING ARTICLE 7: EMERGENCY MEASURES RELATED TO THE COVID-19 (CORONAVIRUS) PANDEMIC; REPEALING ALL CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND DECLARING AN EMERGENCY.**

**WHEREAS**, the United States is experiencing an outbreak of Novel Coronavirus-2019 also known as COVID-19; and

**WHEREAS**, on March 11, 2020, the World Health Organization (WHO) characterized the COVID-19 outbreak as a pandemic; and

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

**WHEREAS**, on March 15, 2020, the Governor of Oklahoma declared a State of Emergency because of the COVID-19 pandemic; and

**WHEREAS**, the Center for Disease Control ("CDC") has emphasized the COVID-19 risk to individuals is dependent on exposure and transmission through respiratory droplets produced when an infected person coughs or sneezes; and

**WHEREAS**, public health officials state that estimates of mortality rates for COVID-19 exceed typical seasonal viruses; and

**WHEREAS**, there have been multiple confirmed cases of COVID-19 within the State of Oklahoma; and

**WHEREAS**, on March 24, 2020, the Governor issued the Fourth Amended Executive Order 2020-07 and Executive Memorandum 2020-01 requiring vulnerable individuals to stay home except for essential errands, closing non-essential businesses in counties with confirmed cases of COVID-19, suspending certain elective and minor medical procedures, prohibiting gatherings of 10 or more individuals and restricting visitation at nursing homes; and

**WHEREAS**, on March 25, 2020, the Governor issued an Amended Executive Memorandum 2020-01 providing a list of essential business types authorized to remain open; and

**WHEREAS**, the Center for Disease Control ("CDC") has recommended that people wear cloth face coverings when making a public outing for essential work or personal errands; and

**WHEREAS**, the spread of COVID-19 is a disaster affecting life, health, and safety of Guthrie residents and non-residents alike; and

**WHEREAS**, Title 11 O.S. § 22-120 (a) of the Oklahoma Statutes provides that a municipal governing body may enact and enforce such ordinances, rules and regulations as it deems necessary for the protection of the public health, not inconsistent with state law; and may make regulations to prevent the introduction of contagious diseases into the municipality and may enforce quarantine laws within five (5) miles of the municipal limits.

**NOW, THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GUTHRIE, OKLAHOMA, that**

**SECTION 1.** The City Of Guthrie Code Of Ordinances, Chapter 11: Health and Safety is hereby amended by adding Article 7: Emergency Measures Related to the COVID-19 (Coronavirus) Pandemic as follows:

Article 7: Emergency Measures Related to the COVID 19 (Coronavirus) Pandemic

§ 11-120 Area Covered

The entire area within the city limits of the City of Guthrie, Logan County, Oklahoma are covered by this Ordinance

§ 11-121 Effective Date and Term

Subject to the adoption and approval of the Emergency Section herein of this Ordinance by separate vote this Ordinance and all provisions/stipulations herein shall be effective 11:59 pm, April 6, 2020 through 11:59 pm, May 5, 2020.

§ 11-122 Shelter in Place

Residents living within the city limits of the City of Guthrie are required to shelter at their place of residence as provided herein:

1. For the purposes of this Ordinance, "residence" includes homes, apartments, condominiums, dormitories, hotels, motels, shared rentals, temporary outdoor shelters, and similar facilities.
2. Persons may leave their residences only for Essential Activities as defined herein, or to go to or to operate Essential Businesses.
  - a. "Essential Activities" shall include:
    - i. to engage in activities or perform tasks essential to their health and safety, or to the health and safety of their family, household members, or pets (for example, obtaining medical supplies or medication, visiting a health care professional, obtaining supplies needed to work from home, or perform property maintenance);
    - ii. to obtain necessary services or supplies for themselves, family, household members, or pets or to deliver those services or supplies to others (for example, food and beverage, pet supply, and any other household consumer products, and products necessary to maintain the safety, sanitation, and essential operation of residences;
    - iii. to engage in outdoor activity, provided the individuals, except household members, shall follow social distancing and group size guidelines issued by the CDC (for example, walking, biking, hiking, or running);
    - iv. to perform work at an Essential Business;
    - v. to care for or transport a family member or pet in another household;
    - vi. to move to another residence either in or outside the limits of the City of Guthrie; and
    - vii. to otherwise carry out activities specifically permitted in this Ordinance.
  - b. "Essential Businesses" shall mean those businesses identified by the Governor of the State of Oklahoma, or his designee, as critical infrastructure sectors, including critical government workers as defined by the government employer.

§ 11-123 Cloth face coverings

Within the city limits of the City of Guthrie all individuals shall wear a cloth face covering when making a public outing for Essential Activities and/or Essential Work.

1. Do NOT buy medical masks. They're needed on the front lines of the COVID-19 Pandemic.
2. Cloth face coverings aren't primarily to protect you. They're primarily to protect you from accidentally infecting others. They keep germs closer to your body, instead of going onto a surface that someone else touches later -- even if that person is wearing a mask.
3. Many infected people take a long time to develop symptoms, or never do. If they wear cloth face coverings for outings, it'll slow down COVID-19.
4. If everyone does this, it will work.

§ 11-124 Suspension of Gatherings and/or Public Events

1. All events with 10 or more participants on city rights-of-way, city owned-operated and/or city owned-subcontractor operated properties/facilities are hereby suspended.

§ 11-125 Closures

1. The following City of Guthrie properties/facilities shall be closed and all programming and/or events (*except virtual activities*) scheduled at said locations shall be postponed and/or cancelled:

- ❖ Guthrie Public Library
- ❖ Highland Hall, except for the food preparation area leased to the Logan County Aging Services
- ❖ All City Parks and Lakes
  - All playgrounds, pavilions, shelters, public restrooms, fitness courts, dog parks, disc golf courses, skate parks, water parks, recreation centers and sport courts (basketball, tennis, volleyball, etc.) are closed
  - Provided that individuals, except household members, following social distancing and group size guidelines issued by the CDC, may exercise outside, including on sidewalks, trails and in public parks. You can enjoy outdoor activities like long walks, bike rides and fishing. Green spaces in parks are open. *Gatherings of ten (10) persons or more are prohibited.*
- ❖ Sports Facilities inclusive of but not limited to Kiwanis Field, Cottonwood Flats, Owens Field, & the City of Guthrie Soccer Complex.

2. All City Exclusive Use Permits (*special events, festivals, etc.*) previously issued or pending are hereby revoked and no new applications will be accepted.

§ 11-126 Public Transit

All users of public transit are required to maintain a distance of at least three (3) feet between other people/users during transport on public transit.

§ 11-127 Establishments without on-premises food service

All private clubs, night clubs, bars, lounges, coffee houses, breweries, taverns, hooka bars, cigar bars, and vaping lounges without on-premises food service shall be closed to the public. This does not prohibit the presence of personnel required for the maintenance of the facility or grounds. All other persons are restricted from such places.

§ 11-128 Establishments with on-premises food service

All private clubs, bars, lounges, coffee houses, breweries, and/or taverns with on-premises food service, restaurants, buffets, and/or any type of dine-in service areas such as "food

courts” are restricted to providing only take-out or delivery of food and sale of alcohol authorized for sale under state law. Such locations are otherwise closed to the public and persons, other than employees, are restricted from such places for any other purpose. This provision does not include institutional or in-house cafeterias serving residents, employees, childcare facilities, hospitals or congregate care facilities, including but not limited nursing homes and assisted living facilities.

#### § 11-129 Public Fitness/Entertainment Venues

The following places are closed to the public and all persons, except personnel necessary for maintenance of the facility and grounds, are restricted from such places:

1. Athletic gyms, exercise/fitness facilities, indoor sports facilities, indoor climbing facilities, bowling alleys, skating rinks, trampoline parks, and similar recreational facilities.
2. Movie theaters, live production theaters and/or any form of entertainment venue.
3. Commercial amusement facilities;

#### § 11-130 Salons, Spas, Etc.

The following facilities, including non-medical personal care service facilities where services cannot be provided while maintaining six (6) feet distance between persons, are closed to the public and all persons, except personnel necessary for the maintenance of the facility or grounds are restricted from such places. This includes but is not limited to:

1. Salons (hair and nail);
2. Barber shops;
3. Cosmetology facilities;
4. Esthetician facilities;
5. Laser hair removal facilities;
6. Spas;
7. Massage facilities
8. Tattoo parlors;

#### § 11-131 Organized gatherings of 10 or more people on public or private property

Except as provided herein, events, organized gatherings, and social/spiritual gatherings of 10 or more people (*except virtual activities*) on public or private property are prohibited. An "organized gathering" is defined as people coming together at a central point for a meeting, event, sporting activity, or game. "Organized gathering" does not include people in a location independently performing work as part of employment; however employers shall not have meetings of 10 or more. This provision does not include and specifically excludes events and organized gatherings of people in the following locations:

1. Government Office Buildings;
2. Food Banks;
3. Congregate care, including but not limited to nursing homes and assisted living facilities;
4. Medical and Medical Research facilities;
5. Childcare facilities;
6. Day Camps;
7. Media Press Conferences;
8. Blood Drives;
9. Other Disaster Response Activities

#### § 11-132 Closure except Essential Businesses

All businesses operating or located within the limits of the City of Guthrie, except Essential Businesses, are required to close all facilities located within the City and all persons, except as provided in subsection 1 below, are restricted from such places.

1. Provided that any business may continue to perform essential functions with employees or contractors as necessary to maintain the value of the business' inventory, preserve the condition of the business' physical plant and equipment, ensure security, process payroll and employee benefits and related functions.
2. For clarity, non-essential businesses may continue operations consisting exclusively of employees or contractors performing activities remotely (i.e. working from home).
3. For Essential Businesses continuing to operate, to the extent possible all businesses shall practice social distancing which may include but is not limited to maintaining six (6) feet between both employees and the general public, off-setting shifts and/or days, and requiring employees to conduct work remotely.
4. Any business owner keeping a non-essential business open in violation this Ordinance shall be subject to the fines and cost contained in Section § 11-136.

#### § 11-133 City of Guthrie Boards, Authorities, Commissions, and Trusts

Meetings of all City of Guthrie authorities, boards, commissions, committees, and trusts are hereby postponed and/or cancelled. All Meetings of the Guthrie City Council, Guthrie Public Works Authority (GPWA), and the Guthrie Economic Development Authority (GEDA) are exempt from this cancellation requirement. These meetings will remain open to the public but steps will be taken to ensure no close contact between attendees. City Council. GPWA and GEDA meetings will continue to be televised.

#### § 11-134 City of Guthrie Municipal Court

All Guthrie Municipal Court dockets are cancelled. Cases scheduled for arraignment, hearing, and trial will be rescheduled. The Municipal Judge shall issue an order rescheduling cases and the Municipal Court Clerk shall provide notification of the new court dates.

#### § 11-135 City of Guthrie Utilities

1. The City of Guthrie will postpone cutting off water service for customers unable to pay their bills. There will be no disconnection or late penalties applied to anyone's bill during the time period covered by this Ordinance and extensions will not be required.
2. In lieu of making utility bill payments on the second floor of Guthrie City Hall, customers are encouraged to make check, money order, or cash payments through the night drop or by mail.
3. Card payments can also be made through the City Website.
4. Payment and/or questions can still be handled on the 2<sup>nd</sup> floor if necessary.

#### § 11-136 Fine and cost

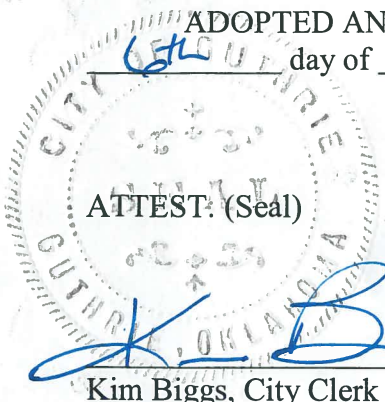
Except in cases where a different punishment is now or may hereafter be prescribed by City Ordinance, any person who commits an offense or violates any stipulation or provision of this Ordinance shall, upon conviction, be fined a minimum of \$100 and not to exceed \$500 plus all costs and fees, unless state statute requires otherwise. Each day upon which a violation continues shall constitute a separate offense. Bond for any offense shall be \$200 plus all costs and fees.

**SECTION 2.** That all other ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of any such conflict or inconsistency and all other ordinances not in conflict herewith shall remain in full force and effect.

**SECTION 3.** The provisions of this Ordinance are severable, and if any part or provision hereof shall be adjudged invalid by any court of competent jurisdiction, such adjudication shall not affect or impair any of the remaining parts or provisions hereof.

**SECTION 4.** That an emergency is hereby declared to exist, and for the provision of the public peace, health and safety, by reason whereof it is necessary that all acts take effect immediately and be in full force and effect from, and after the passage and approval.

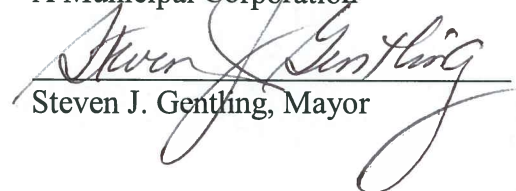
ADOPTED AND APPROVED and the EMERGENCY CLAUSE ruled on separately this 6th day of April 2020.



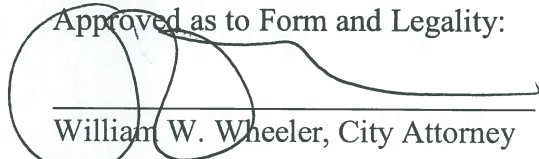
ATTEST: (Seal)

  
Kim Biggs, City Clerk

CITY OF GUTHRIE, OKLAHOMA  
A Municipal Corporation

  
Steven J. Gentling, Mayor

Approved as to Form and Legality:

  
William W. Wheeler, City Attorney