

**ORDINANCE NO. 3526**

**AN ORDINANCE AMENDING ORDINANCE #3525; CREATING EMERGENCY MEASURES RELATED TO THE COVID-19 PANDEMIC; ACKNOWLEDGING THE MAYOR'S PROCLAMATION OF EMERGENCY 2020-02; AND DECLARING AN EMERGENCY.**

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**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; adue to the COVID-19 disease pandemic; and

**WHEREAS**, on March 15, 2020, the Governor of the State of Oklahoma 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**, on March 18, 2020, the City Council of the City of Bartlesville passed Resolution #3592 aimed at reducing the spread of COVID-19; and

**WHEREAS**, on March 23, 2020, in accordance with Section 2-466 of the Bartlesville Municipal Code, the Mayor of the City of Bartlesville proclaimed that a state of emergency existed in relation to the impending threat of COVID-19; and

**WHEREAS**, on March 23, 2020, the City Council of City of Bartlesville passed Ordinance #3525 which expanded the actions taken as part of Resolution #3592; and

**WHEREAS**, on March 24, 2020, the Governor of the State of Oklahoma issued the 4<sup>th</sup> amended Executive Order 2020-07 which required the closure of businesses in non-critical industry sectors; and

**WHEREAS**, on March 31, 2020 the COVID-19 Emergency Advisory Board met and recommended additional mitigation measures to be enacted by the City Council; and

**WHEREAS**, the City Council wishes to officially adopt the Governor's "Safer at Home" guidelines for "vulnerable individuals"; and

**WHEREAS**, on April 6, 2020, in accordance with Section 2-466 of the Bartlesville Municipal Code, the Mayor of the City of Bartlesville extended the state of emergency established by Proclamation 2020-01; and

**WHEREAS**, the City Council desires to further extend and strengthen the measures included in Ordinance #3525; and

**WHEREAS**, in consultation with the Washington County Health Department, the Washington County Medical Association, and the COVID-19 Emergency Advisory Board, the Council has determined that further actions are necessary to protect the safety of the citizens of Bartlesville; and

**WHEREAS**, Title 11 Section 22-120 of Oklahoma statutes grants municipal bodies broad authority to “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 BARTLESVILLE, OKLAHOMA, that:**

**THE FOLLOWING SECTIONS OF ORDINANCE #3525 ARE REPEALED AND AMENDED TO READ AS FOLLOWS:**

**SECTION 8:** All City Council, authority, board, and committee meetings are hereby directed to meet only as absolutely necessary. All City Council, board, and committee meetings are required to utilize the provisions of Senate bill 661 and to conduct only teleconference or videoconference meetings. Authorities are required to utilize teleconference or videoconference whenever it is technologically feasible. In order to simplify implementation of teleconference and videoconference meetings, the requirement for citizens to be heard is hereby suspended for all meetings during the duration of this emergency.

**THE FOLLOWING SECTIONS OF ORDINANCE #3525 ARE REPEALED, RENUMBERED AS SHOWN, AND AMENDED TO READ AS FOLLOWS:**

**SECTION 21 (renumbered to SECTION 26):** Except as otherwise indicated or previously authorized, these measures will take effect on Monday, April 6, 2020 at 11:59 pm and shall stay in effect until May 4, 2020 at 11:59 pm. This ordinance shall be reviewed and, if warranted, amended or renewed by the City Council at its regularly scheduled meeting on May 4, 2020.

**SECTION 22 (renumbered to SECTION 27):** An emergency is hereby declared to exist for the preservation of the public peace, health, and safety, and by reason whereof, this Ordinance shall be effective immediately upon its passage.

**THE FOLLOWING SECTIONS ARE TO BE ADDED TO ORDINANCE #3525:**

**SECTION 21:** All garage sales, estate sales, auctions, and other similar gatherings, unless provided for by law, for the purpose of making sales to the public are hereby banned within the city limits of the City of Bartlesville.

**SECTION 22:** The following measures are enacted in order to decrease crowding and increase the effectiveness of social distancing in retail operations who provide goods for sale to the public that are still operating and that the public is allowed to access in accordance with this ordinance and the Governor’s executive order 2020-07 as amended:

1. Reduce number of customers allowed to enter a retail building or facility.
  - a. Maximum customers allowed in a retail building or facility shall be determined as follows:

- i. Calculate the square footage of the building including any existing fenced outdoor areas where customers are allowed access to items made available for sale
    - ii. Divide the square footage by 800 and round up to the nearest whole number
    - iii. The maximum customers allowed shall be based on the above calculation or six (6) customers, whichever is greater
  - b. Clearly post the maximum number of customers allowed within the building or facility at all entrances and exits
  - c. All retail stores are required to monitor the number of customers inside their building or facility at all times and to not exceed their occupancy limit calculated above
  - d. Customers waiting to enter a building or facility are required to maintain 6' between themselves and all other persons at all times. Retail businesses shall provide for markings or other means to ensure compliance with the 6' rule.
  - e. Nothing in this section would prevent a retailer from voluntarily restricting their customer occupancy further.
2. No minors under the age of fourteen (14) are allowed to enter into any retail operation unless accompanied by a parent or guardian
3. Mandatory provisions for social distancing inside all retail operations shall include:
  - a. Signage, warnings, and instructions for proper social distancing to be posted throughout the retail operation
  - b. All customers and employees of retail operations shall maintain a minimum of 6' between themselves and all other persons at all times
  - c. Where available, use of personal protective equipment (PPE) is required for retail employees
  - d. Physical barriers to separate customer service representatives from customers in retail operations are required
  - e. As per CDC guidelines, all customers should wear a cloth or procedure mask at all times while queuing or while in a retail facility (i.e. bandana, homemade mask, procedure mask, etc.) However, this is not to encourage the use of N95 masks which should be reserved for health care providers and contagious patients.

**SECTION 23:** Daycare and childcare facilities are allowed to operate with the following restrictions.

1. Only children whose parent/guardian is employed in an essential infrastructure industry as defined by the Governor's executive order and who do not have another caregiver in the house may be served. The parent/guardian must self-certify to the daycare in writing that they meet this criteria by 11:59 p.m., Thursday, April 9, 2020.
2. All teacher to child ratios shall be maintained at one half of that required by the State (i.e. 1/10 shall become 1/5 and 1/5 shall become 1/3)
3. All employees shall wear, at a minimum, a cloth or procedure mask at all times when on the premises of a daycare or childcare facility
4. Facilities must report to the City of Bartlesville at least weekly: numbers of children served, teacher/child ratios, and other information as determined by the City that is not otherwise required to be kept private by law.

**SECTION 24:** All residents shall stay in their home or place of residence except for working in a critical infrastructure sector, as defined in the Governor's executive order, and the conduct of essential errands. Essential errands shall mean those errands which are critical to everyday life and include exercising, obtaining medication, groceries, gasoline, and visiting medical providers.

**SECTION 25:** Door-to-door solicitors shall be banned during the duration of this emergency.

**APPROVED AND THE EMERGENCY CLAUSE ACTED UPON SEPARATELY BY THE CITY COUNCIL AND SIGNED BY THE MAYOR OF THE CITY OF BARTLESVILLE THIS 6<sup>TH</sup> DAY OF APRIL 2020.**



Dale Copeland, Mayor  
City of Bartlesville



City Clerk/CFO  
City of Bartlesville

Voting Aye: Mr. Stuart  
Mr. Dorsey  
Mr. Curd  
Vice Mayor Gentges  
Mayor Copeland  
Voting Nay: None  
Motion: Passed