

**ORDINANCE NO. 3527**

**AN ORDINANCE REPEALING ORDINANCES #3525 AND #3526; CREATING EMERGENCY MEASURES RELATED TO THE COVID-19 PANDEMIC; 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; due 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 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 via Proclamation 2020-02; and

**WHEREAS**, on April 6, 2020, the City Council of the City of Bartlesville passed Ordinance #3526 which amended Ordinance #3525; and

**WHEREAS**, on April 24, 2020, the Governor of the State of Oklahoma issued the 4<sup>th</sup> amendment to Executive Order 2020-13 which implemented the "Open Up and Recover Safely" (OURS) plan; and

**WHEREAS**, certain provisions of the OURS plan conflict with Ordinance #3525 and #3526; 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:**

**ORDINANCES #3525 AND #3526 ARE REPEALED IN THEIR ENTIRETY AND REPLACED AS FOLLOWS:**

**SECTION 1:** All existing special event permits are hereby revoked and no further special event permits will be issued while these measures remain in effect. This section shall remain in effect until Phase 2 of the “Open Up and Recover Safely” Plan is implemented.

**SECTION 2:** Municipal Court is hereby suspended other than by teleconference where required. No further failure to appear warrants will be issued or served while these measures remain in effect. This section shall remain in effect until Phase 2 of the “Open Up and Recover Safely” Plan is implemented. The City Manager is authorized per Section 13 of this ordinance to enact measures to limit occupancy and provide other rules to ensure social distancing guidelines are followed.

**SECTION 3:** All Code Enforcement hearings are suspended while these measures remain in effect. This section shall remain in effect until Phase 2 of the “Open Up and Recover Safely” Plan is implemented. The City Manager is authorized per Section 13 of this ordinance to enact measures to limit occupancy and provide other rules to ensure social distancing guidelines are followed.

**SECTION 4:** Public gatherings of greater than 10 people will not be allowed at any City owned or managed facilities except as required by law. All reservations of City facilities are suspended, and deposits held for any current reservations shall be refunded in full. This section shall remain in effect until Phase 2 of the “Open Up and Recover Safely” Plan is implemented.

**SECTION 5:** Further utility cutoffs are suspended, and the City Manager is directed to reestablish service for any disconnected customer. Amounts due will not be forgiven. This section shall remain in effect until Phase 3 of the “Open Up and Recover Safely” Plan is implemented. Once cutoffs are resumed, the City Manager or his designee are authorized to extend payment arrangements for up to one year for customers who have past due balances that were incurred during the terms of these emergency measures.

**SECTION 6:** City owned pools shall not be opened while these measures are in effect. This section shall remain in effect until Phase 2 of the “Open Up and Recover Safely” Plan is implemented. As per Section 13 of this ordinance, the City Manager is granted discretion to not open the pools if there is insufficient time to repair, reopen, and hold a reasonable length pool season.

**SECTION 7:** The Bartlesville Public Library and History Museum are hereby closed to the public. This section shall remain in effect until Phase 2 of the “Open Up and Recover Safely” Plan is implemented. The City Manager is authorized per Section 13 of this ordinance to enact measures to limit occupancy and provide other rules to ensure social distancing guidelines are followed.

**SECTION 8:** All City Council, authority, board, and committee meetings are hereby 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. This section shall remain in effect until Phase 3 of the “Open Up and Recover Safely” Plan is implemented or the provisions of Senate bill 661 are revoked; whichever is sooner.

**SECTION 9:** The use of City owned meeting rooms for public gatherings of any size is hereby prohibited. Meeting rooms may still be used by City staff when necessary. This section shall remain in effect until Phase 2 of the “Open Up and Recover Safely” Plan is implemented. The City Manager is authorized per Section 13 of this ordinance to enact measures to limit occupancy and provide other rules to ensure social distancing guidelines are followed.

**SECTION 10:** The following measures are enacted in order to decrease crowding and increase the effectiveness of social distancing in retail operations, gyms, exercise facilities, restaurants, and bars who are operating in accordance with the “Open Up and Recover Safely” Plan:

1. Reduce number of customers allowed to enter retail, gym, or exercise buildings or facilities described above.
  - a. Maximum customers allowed in a building or facility defined above shall be determined as follows:
    - i. Calculate the square footage of the building including any existing enclosed outdoor area that customers are allowed to access for the purposes of the business
    - ii. Divide the square footage by the square footage factor listed in this section and round up to the nearest whole number. The appropriate square footage factor corresponds to the Phase of the “Open Up and Recover Safely” Plan:
      1. “OURS” Plan Phase 1 = 650
      2. “OURS” Plan Phase 2 = 500
      3. “OURS” Plan Phase 3 = 350
    - iii. The maximum customers allowed shall be based on the above calculation or ten (10) 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 operations 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. Operations shall provide for markings or other means to ensure compliance with the 6’ rule.
  - e. Nothing in this section would prevent an operation from voluntarily restricting their customer occupancy further.
2. Bars and restaurants shall provide increased spacing between tables.
  - a. Tables will be spaced to enhance social distancing. The distance between tables shall be based on the current Phase of the “Open Up and Recover Safely” Plan. Tables shall be placed as listed below.
    - i. “OURS” Plan Phase 1 = 9’ between seating areas of tables
    - ii. “OURS” Plan Phase 2 = 8’ between seating areas of tables
    - iii. “OURS” Plan Phase 3 = 7’ between seating areas of tables
  - b. Fixed booths shall be seated every other booth for all phases of the “OURS” Plan.
  - c. Customers who are not seated shall maintain 6’ between themselves and all other persons at all times. Operations shall provide for markings or other means to ensure compliance with the 6’ rule in common waiting areas, near cashiers, etc.
  - d. Nothing in this section would prevent an operation from voluntarily restricting their table spacing further.
3. Mandatory provisions for social distancing inside all operations listed in this section shall include:
  - a. Signage, warnings, and instructions for proper social distancing to be posted throughout the operation
  - b. Whenever possible, all customers and employees shall maintain a minimum of 6’ between themselves and all other persons at all times

**SECTION 11:** Cloth or procedure masks should be worn in the following circumstances:

1. All employees of the following business types should wear masks at all times while inside the facility:
  - a. Restaurants and bars
  - b. Retail stores
  - c. Personal care stores (salons, spas, massage therapists, etc.)
  - d. Gyms, exercise facilities, and indoor sports facilities
  - e. Entertainment venues (movie theaters, arcades, live theaters, etc.)
  - f. Daycare or childcare facilities
2. All customers of the following business types should wear masks while waiting to enter or while inside at all times:
  - a. Retail stores
  - b. Entertainment venues (movie, theaters, arcades, live theaters, etc.)

**SECTION 12:** Any of the businesses restricted by the temporary regulations included in Sections 10 and 11, which have current commercial utility accounts, may, upon application with the City of Bartlesville, receive a temporary 25% (twenty-five percent) discount on City utility bills (defined as including water, sewer, and sanitation charges only) during the time these temporary regulations remain in effect. Any discounts currently granted shall be allowed to continue so long as this section is in effect. However, any business subject to these limitations, found to be in violation of these regulations or the restrictions included in the OURS plan, shall then be ineligible and immediately disqualified for the temporary 25% (twenty-five percent) discount. This section shall remain in effect until Phase 3 of the “Open Up and Recover Safely” Plan is implemented.

**SECTION 13:** The City Manager is directed and authorized to take the following actions:

1. Where practical, to close portions of public facilities to the public and encourage the use of email, telephone, and other remote methods of conducting business with the City
2. To modify work schedules and conditions as necessary to ensure business continuity and employee safety
3. To invoke special protocols to limit the risk of exposure for City employees
4. To establish procedures for certain employees to telecommute where practical
5. To provide paid administrative leave for employees who have potentially been exposed to COVID-19 as per management developed policy
6. Establish mandatory disinfection protocols for all City facilities
7. Take other actions as necessary to preserve the health and safety of City employees
8. As needed and where prudent, utilize funding from the Capital Reserve Fund to purchase items necessary to facilitate these directions. The authority to utilize the Capital Reserve Fund for this purpose shall remain in effect until Phase 3 of the “Open Up and Recover Safely Plan” is implemented.
9. The City Manager is hereby authorized to make emergency purchases for \$50,000 or less without the requirement to obtain quotes or bids as required by Section 2-180 of the Bartlesville municipal code. Non-emergency purchases shall continue to follow standard procedures. The authority to make emergency purchases in this manner shall remain in effect until Phase 3 of the “Open Up and Recover Safely Plan” is implemented.

**SECTION 14:** There is hereby created a COVID-19 Emergency Advisory Board. The Mayor and Vice Mayor shall serve as the council representatives. Other members of the advisory board shall be appointed by the Mayor and Vice Mayor and confirmed by the City Council. The

advisory board shall be comprised of the City Manager, Fire Chief, Police Chief, experts in the fields of medicine, emergency management, county government, and other persons as deemed necessary by the Mayor and Vice Mayor. The advisory board shall review all measures instituted by the ordinance and make recommendations to the Council on amendments hereto. The advisory board shall be subject to all municipal laws including the open meetings act and open records act. They shall meet as often as necessary and shall utilize teleconference as authorized by Senate bill 661 whenever feasible. This section shall remain in effect until Phase 3 of the "Open Up and Recover Safely" Plan is implemented.

**SECTION 15:** The Bartlesville Development Authority is hereby directed to create a task force to study the economic impact of the COVID-19 pandemic. The task force should be comprised of experts in the fields of economics, medicine, banking, and economic development as well as local business members, a member of the City Council, and a member from the Chamber of Commerce. The task force will focus on current business retention, small business assistance during the current crisis, and a path to eventual economic recovery.

**SECTION 16:** Except as otherwise indicated or previously authorized, these measures will take effect on Thursday, April 30, 2020 at 11:59 pm and shall stay in effect until revoked. This ordinance shall be reviewed and, if warranted, amended or revoked by the City Council at its regularly scheduled meeting on May 18, 2020.

**SECTION 17:** 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.

**APPROVED AND THE EMERGENCY CLAUSE ACTED UPON SEPARATELY BY THE CITY COUNCIL AND SIGNED BY THE MAYOR OF THE CITY OF BARTLESVILLE THIS 30<sup>TH</sup> DAY OF APRIL 2020.**



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Dale Copeland, Mayor  
City of Bartlesville



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City Clerk  
City of Bartlesville

Mayor Copeland voting Aye
Vice Mayor Gentges voting Aye
Mr. Curd voting Aye
Mr. Dorsey voting Aye
Mr. Stuart voting Nay