

ORDINANCE NO. 795

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GROVE, OKLAHOMA ADOPTING SAFETY MEASURES FOR USE DURING THE COVID-19 PANDEMIC

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF GROVE, OKLAHOMA:

1. **Purpose.** The Grove City Council finds that the current COVID-19 pandemic requires the emergency adoption of certain preventative measures to protect the health, safety and welfare of the citizens of the City of Grove and surrounding areas.

2. **Findings of Fact.**

(a) A respiratory disease caused by the SARS-CoV-2 virus ("COVID-19") was first detected in China and has now spread across the globe, including to the United States.

(b) The World Health Organization characterized COVID-19 as a pandemic on March 11, 2020.

(c) There is currently not an available vaccine or cure for COVID-19.

(d) On March 13, 2020, the President of the United States declared COVID-19 a national emergency and ordered each state to set up emergency operations centers and hospitals to activate emergency preparedness plans.

(e) On March 15, 2020, the Governor of Oklahoma declared an emergency caused by the threat of COVID-19 to the people of Oklahoma and the public's health, safety and welfare.

(f) According to the Center for Disease Control and Prevention ("CDC"), the virus spreads between people who are within six feet of one another and through respiratory droplets produced when an infected person coughs, sneezes, talks, sings or raises their voice.

(g) The CDC recommends that all people two years of age and older wear face coverings when in public settings and around people who do not live in your household, particularly when other social distancing measures cannot be maintained.

(h) The CDC also recommends that people limit close contact with others outside of your household by maintaining a distance of at least six feet between yourself and others, in both indoor and outdoor spaces.

(i) With the transmission of COVID-19 and related hospitalizations continuing to increase across Oklahoma, including in the City of Grove and Delaware County, provisions to protect the life and health of residents of the City of Grove and to keep local businesses open and functioning are necessary as set forth below.

3. **Definitions.**

(a) "Face Covering" means a covering that fully covers a person's nose and mouth. The term "Face Covering" includes, but is not limited to, cloth face masks, towels, scarves, and bandanas as recommended by the CDC, the Oklahoma State Department of Health ("OSDH") or other mask that would be appropriate for a health care setting, or a surgical mask. The Face Covering should fit snugly on a person's face but allow the person to breathe easily and worn consistent with the guidance provided by the CDC or OSDH. Face coverings may be disposable or non-disposable.

(b) "Social" or "Physical Distancing" means maintaining six (6) feet of distance between persons who are not part of the same household while in a public accommodation, educational building, or public setting.

(c) "Place of Public Accommodation" means all places offering items, goods or services for purchase or rent, including without limitation retail businesses, personal services and spas, entertainment venues, food service facilities, restaurants and bars, hotels, motels and travel related services, professional offices and services, banks and financial services, repair facilities, motor vehicle dealerships.

(d) "Public Setting" means any public place where persons congregate which is not a place of public accommodation including without limitation offices, workplaces, houses of worship and ancillary facilities, child care facilities, hospitals and health facilities, gymnasiums and physical fitness facilities, adult and youth sports facilities, communal outdoor spaces such as sidewalks, trails, and parks, and food trucks and other outdoor retail entities.

(e) "Educational Institution" means any building or facility used for academic or athletic purposes on public school campuses, and any private school or preschool. This term excludes the playing surface of any athletic facility during organized activities and practices.

4. **Face Coverings Required.** Except as otherwise provided herein, persons located within Places of Public Accommodation, Public Settings, or Educational Institutions are required to wear face coverings at all times.

5. **Exceptions.** Nothing herein shall require the wearing of face coverings by the following:

- (a) Children under eleven years of age unless required by a school or day care;
- (b) Persons outside by themselves or with members of the same household;
- (c) Persons working in office settings who have no interactions with the general public;
- (d) Restaurant patrons while eating or drinking. However, face coverings must be worn while entering, exiting or moving around the restaurant;
- (e) Persons in a setting where it is not feasible to wear a face covering, such as when receiving dental services or medical treatments;
- (f) Persons actively engaged in any competitive sporting activities, whether professional or for recreational purposes;
- (g) Persons walking or exercising in communal outdoor spaces as long as Physical Distancing is maintained;
- (h) Persons exercising at a gym or other such facility, although they should make all reasonable efforts to keep a six-foot distance from other patrons. Face coverings must be worn when entering or exiting the gym, and whenever it is otherwise feasible;
- (i) Persons attending any indoor religious service as long as all persons who do not live in the same household are maintaining a six-foot distance from one another;
- (j) Persons with a developmental disability, including persons who are deaf or hard of hearing, and persons communicating with them;

- (k) When a licensed healthcare provider has determined that wearing a facial covering or mask causes or aggravates a health condition for the individual;
- (l) Occupants in a personal vehicle, personal office, or similarly private space while other persons outside of the person's household are not present;
- (m) Persons who work in a setting where face coverings may increase the risk of heat related illness or cause safety concerns due to the introduction of a hazard; and
- (n) Persons in private homes or private guest rooms in hotels or motels.

6. **Capacity Limitations in Restaurants and Bars.** In accordance with Governor Stitt's Executive Order 2020-20, issued November 16th, 2020, the following measures shall be imposed to reduce the risk of COVID-19 exposure in restaurants and bars, when face coverings are often impracticable:

- (a) All dining areas, both indoor and outdoor, shall be arranged to promote six-foot social distancing to the maximum extent possible between seated groups of patrons, including seating patrons only in every other table or booth.
- (b) Bars and the bar areas within restaurants should limit the capacity for patrons to only the number of seats available, and those seats should be configured to promote six-foot social distancing between groups of patrons. In the alternative, protective dividers may be placed in between tables. Standing-only areas, including the entryway, shall be closed to patrons.
- (c) Bars and restaurants are required to close for inside or outside in person service – by 11:00 p.m. Drive-thru service and curbside pickup may continue past that time.

7. **Signage.** Beginning December 1, 2020, places of Public Accommodation open to the general public shall post conspicuous signs at all entrances that employees, customers and visitors must wear face coverings to be admitted to the premises.

8. **Enforcement.** This ordinance may be enforced by any legally authorized code-enforcement inspectors or sworn police officers of the City of Grove.

9. **Violations and Penalties.**

- (a) Individuals. There is no specific penalty for violation of this ordinance. However, persons refusing to wear a face covering into a Place of Public Accommodation, Public Setting or Educational Institution may be subject to prosecution under criminal trespass, disturbing the peace, disorderly conduct or similar offenses as circumstances warrant.
- (b) Places of Public Accommodation. Places of Public Accommodation that willfully fail to post signage or comply with the requirements herein may be subject to a fine. The penalty for the first and second offenses shall be \$9. Third and subsequent offenses shall be \$100. Every day a violation is committed or permitted to continue may constitute a separate offense and may be punishable as such.

10. **Severability.** If any section or portion of this Ordinance is, for any reason, held invalid such section or portion shall be deemed a separate and independent provision, and such holding shall no effect the validity of the remaining portions of this ordinance.

11. **Emergency and Effective Date.** It is necessary for the immediate preservation of the health, safety and welfare of the City of Grove and the inhabitants thereof that the provisions of this Ordinance become operative immediately. Therefore, an emergency is hereby declared to exist, and this Ordinance shall be in full force and effect immediately from and after its passage and approval by the City Council.

12. **Expiration Date.** This Ordinance shall expire the earlier of the 6th day of April, 2021, or the repeal or modification by the City Council through subsequent ordinance.

ADOPTED by the City Council and **SIGNED** by the Mayor of the City of Grove this 2nd day of February 2021.

Ed Trumbull
Mayor, City of Grove, Oklahoma

Ivonne Buzzard
City Clerk, City of Grove, Oklahoma