

ORDINANCE NO. 2132

AN ORDINANCE OF THE CITY OF OKMULGEE, PURSUANT TO STATE OF OKLAHOMA EXECUTIVE ORDERS 2020-07 AND 2020-08, 11 O.S. §22-120(A) AND TITLE 8, CHAPTER 8.44 DECLARING A CIVIL EMERGENCY DUE TO THE IMPENDING THREAT OF COVID-19 TO THE PEOPLE OF THE CITY OF OKMULGEE AND THE PUBLIC'S PEACE, HEALTH AND SAFETY; AND AMENDING THE CODE OF ORDINANCES OF THE CITY OF OKMULGEE, TITLE 8, HEALTH AND SAFETY, CHAPTER 8.44 CIVIL DEFENSE, TO ADD SECTIONS 8.44.080, CLOSING PLACES OF PUBLIC ACCOMMODATION FOR ON-PREMISES FOOD CONSUMPTION AND OTHER PUBLIC GATHERING LOCATIONS SPECIFICALLY SET FORTH THEREIN; REQUIRING REVIEW FOR THE REPEAL OR MODIFICATION OF THE ORDINANCE; PROVIDING FOR ENFORCEMENT; AND DECLARING AN EMERGENCY.

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

WHEREAS 11 O.S. §22-120 A Provides: The 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 establish and regulate hospitals, and provide for their operation and support. The governing body 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.

WHEREAS State of Oklahoma Executive Order 2020-07 signed March 15, 2020, 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.

WHEREAS State of Oklahoma Executive Order 2020-08 signed March 17, 2020, made recommendations to follow and is effective for 30 days (April 16, 2020), but may be extended by further executive orders.

WHEREAS Title 8, Chapter 8.44 allows the Director of Civil Defense as appointed by the City Manager to enforce all rules and regulations relating to civil defense.

8.44.080 By the power vested in the City Council of the City of Okmulgee, we find that due to the potential for rapid community spread and transmission of the COVID-19 virus, immediate attention is required to protect public health, safety and welfare, it is hereby declared that a CIVIL EMERGENCY EXISTS and that as of March 26, 2020 at 11:59 p.m. the following emergency closures shall be in effect:

1. Restaurants, food courts, cafes, coffeehouses, and other places of public accommodation offering food and beverage are closed for dine-in customers and guests and for on premises consumption, are restricted and limited to curbside, drive-thru, takeout and delivery services, excluding institutional or in-house food cafeterias that serve residents, employees, and clients of businesses, child care facilities, hospitals, and long-term care facilities.

2. 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:

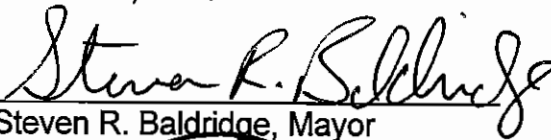
a. Bars, taverns, brew pubs, breweries, microbreweries, distilleries, wineries, tasting rooms, clubs, and other places of public accommodation offering alcoholic beverages for on-premises consumption.

b. Hookah bars, cigar bars, and vaping lounges offering their products for on premises consumption.

- c. Theaters, cinemas, indoor and outdoor performance venues, and museums.
 - d. Gymnasiums, fitness centers, recreation centers, indoor sports facilities, indoor exercise facilities, exercise studios and spas.
 - e. Amusement parks, arcades, bingo halls, bowling alleys, indoor climbing facilities, skating rinks, trampoline parks, and other similar recreational or entertainment facilities.
3. This does 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.
4. The restrictions imposed by this declaration do not apply to any of the following:
- a. 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, other than those portions of the place of public accommodation subject to the requirements of no on premises consumption;
 - b. Health care facilities, child care facilities, residential care facilities, congregate care facilities and juvenile justice facilities; and
 - c. Crisis shelters, soup kitchens or similar institutions.
5. The term "place of public accommodation" means a business, educational, refreshment, entertainment, or recreational facility or institution of any kind, whether licensed or not, whose goods, services, facilities, privileges, advantages or accommodations are extended, offered, sold or otherwise made available to the public.
6. Violations of this ordinance shall be subject to fines, loss of permit beyond the existence of this ordinance, permanent closure by the Civil Defense Director of the City of Okmulgee or the City Manager; or jail.
7. The City Manager, the Mayor and Civil Defense Director, in cooperation with the Oklahoma Health Department and local health providers and state and federal guidelines and regulations, shall review the continued existence of an emergency not less than every two weeks while this Ordinance is in effect and shall make recommendation as to its repeal or amendment upon a determination of the continued threat to the public.
8. This ordinance shall remain in effect until repealed, amended or replaced.

Emergency Clause. It being immediately necessary for the preservation of the peace, public health, safety and welfare of the City of Okmulgee, and the inhabitants thereof, that the provisions of this Ordinance be put into full force and effect, an emergency is hereby declared to exist, be reason whereof this Ordinance shall take effect, and be in full force from and after its passage, as provided by law.

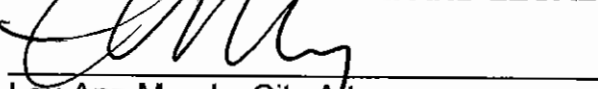
PASSED AND APPROVED this 24th day of March, 2020.


 Steven R. Baldrige, Mayor

ATTEST:


 Ronnia Andrews, City Clerk

APPROVED AS TO FORM AND LEGALITY:


 Lou Ann Moudy, City Attorney

