

EMERGENCY RESOLUTION NO. 1373

CITY OF NICHOLS HILLS, OKLAHOMA

AN EMERGENCY RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NICHOLS HILLS, OKLAHOMA, IMPOSING REGULATIONS ASSOCIATED WITH THE COVID-19 CORONAVIRUS DISEASE

WHEREAS, pursuant to Sections 301-314 of Title 25 of the Oklahoma Statutes (the “Oklahoma Open Meeting Act”), municipalities in Oklahoma are authorized to conduct Emergency Meetings in a “situation involving injury to persons or injury and damage to public or personal property or immediate financial loss when the time requirements for public notice of a special meeting would make such procedure impractical and increase the likelihood of injury or immediate financial loss;”

WHEREAS, beginning in December 2019, a novel (new) coronavirus known as SARS-CoV-2 (the “Virus” or “COVID-19”) has caused global spread of the coronavirus disease COVID-19 (the “Disease”);

WHEREAS, on March 11, 2020 the World Health Organization (WHO) declared the Disease to be a pandemic;

WHEREAS, on March 13, 2020 the President of the United States declared a National Emergency due to the Virus pandemic;

WHEREAS, on March 15, 2020, the Governor of the State of Oklahoma declared an emergency for all seventy-seven (77) Oklahoma Counties caused by the impending threat of the Disease;

WHEREAS, several persons in the Oklahoma City metropolitan area have tested positive for the Disease and two persons have died statewide, posing a risk of injury to persons or injury and damage to public or personal property or immediate financial loss;

WHEREAS, this City Council has determined it necessary to conduct an emergency meeting because the time requirements for public notice of a special meeting would make such procedure impractical and increase the likelihood of injury or immediate financial loss;

WHEREAS, pursuant to Section 22-120 of Title 11 of the Oklahoma Statutes, municipalities are authorized to make regulations to prevent the introduction of contagious diseases into the municipality and may enforce quarantine laws; and

WHEREAS, pursuant to Section 18-23 of the Nichols Hills City Code, “in the event of an enemy-caused emergency or emergencies resulting from natural causes, the director of emergency management, after due authorization as provided in section 18-26 of this article, shall have the power and authority to enforce all rules and regulations relating to civil emergencies and, if necessary, take control of transportation, communications, stocks of fuel, food, clothing, medicine and public utilities for the purpose of protecting the civilian population;” and

WHEREAS, Title 21, Section 1321.9 of the Oklahoma Statutes allows cities and towns to enact ordinances establishing a State of Emergency.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Nichols Hills, Oklahoma pursuant to the authority vested in the Council pursuant to the Ordinances of the City and the Laws of the State of Oklahoma, hereby determines that the COVID-19 pandemic, and specifically the local community transmission of such disease, is and continues to be a public disaster which affects life, health, property and public peace within the limits of the City of Nichols Hills, Oklahoma (“City”), and hereby declares a State of Emergency; and, therefore takes the following actions and imposes the following restrictions:

1. Revocation of the City’s approval of all special events permits and revocable permits issued for events on City and/or City beneficiary Public Trust property or requiring the closure of public right-of-way for events.
2. All bars without on-premises food service, night clubs, hookah bars, cigar bars, and vaping lounges 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.
3. All bars with on-premises food service, breweries, wineries, taverns, and restaurants are restricted to providing only take-out or delivery of food and sale of pre-packaged 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 to nursing homes and assisted living facilities.
4. 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:
 - a. Athletic gyms, exercise facilities, indoor sports facilities, indoor climbing facilities, bowling alleys, skating rinks, trampoline parks, and similar recreational facilities;
 - b. Movie and live theaters;
 - c. Commercial amusement facilities;

- d. Tattoo parlors;
 - e. Piercing facilities.
5. 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:
- a. Salons (hair and nail);
 - b. Barber Shops;
 - c. Cosmetology Facilities;
 - d. Esthetician Facilities;
 - e. Laser Hair Removal Facilities;
 - f. Spas;
 - g. Massage Facilities.
6. Except as provided herein, events and organized gatherings of 10 or more people 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 people in the following locations:
- a. Government Office Buildings;
 - b. Food Banks;
 - c. Congregate care, including but not limited to nursing homes and assisted living facilities;
 - d. Medical Facilities;
 - e. Childcare Facilities;
 - f. Day Camps;
 - g. Media Press Conferences;
 - h. Funerals; however, these shall be limited to immediate family only;
 - i. Blood Drives;
 - j. Other Disaster Response Activities, including medical research.
7. Other than event permits, all licenses, permits, and certificates previously issued by the City and scheduled to expire while this State of Emergency is in effect shall be deemed to be renewed, provided that the applicable fees are paid and necessary inspections and approvals, if any, are satisfactorily completed, within thirty (30) days following the termination of this State of Emergency.

BE IT FURTHER RESOLVED, that the regulations and restrictions imposed by this Resolution shall remain in effect from and after 12:01 AM on March 25, 2020 until terminated by law or by future action of the Council.

BE IT FURTHER RESOLVED, that the regulations and restrictions imposed by the City Council of the City of Nichols Hills, Oklahoma in Resolutions Numbers 1371 and 1372, adopted on March 16, and March 18, 2020, respectively, are hereby superseded by this Resolution 1373.

PASSED by the Council of the City of Nichols Hills, Oklahoma, on the 24th day of March, 2020.

APPROVED by the Mayor of the City of Nichols Hills, Oklahoma, on the 24th day of March, 2020.

ATTEST:

Steven J. Goetzinger
Mayor

Amanda Copeland
City Clerk

Reviewed as to Form and Legality:

John Michael Williams
City Attorney