

ORDINANCE NO. 1180

AN ORDINANCE AMENDING CHAPTER 32 OF THE NICHOLS HILLS CITY CODE CONCERNING DETERMINATION OF A STATE OF EMERGENCY AND ENACTING REGULATIONS TO CONTROL THE SPREAD OF THE COVID-19 VIRUS; REPEALING ALL CONFLICTING ORDINANCES OR PARTS OF ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

EMERGENCY ORDINANCE

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 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, 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;

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.

WHEREAS, 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, has determined by Resolution 1373 approved on March 24, 2020 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, and has declared a state of emergency within the City, and the Council hereby renews the provisions of Resolution 1373, and further determines that said state of emergency continues, and therefore the Council enacts the following ordinance:

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NICHOLS HILLS, OKLAHOMA:

SECTION 1. Chapter 32, Article VI, entitled *Offenses Involving Public Safety*, of the Nichols Hills City Code is hereby amended by adding a new Division 3 entitled *COVID-19 Virus Control Regulations*, which shall supersede and replace the provisions of Ordinance No. 1179 enacted on March 24, 2010, providing as follows, to wit:

ARTICLE VI. OFFENSES INVOLVING PUBLIC SAFETY

DIVISION 3. COVID-19 VIRUS CONTROL REGULATIONS.

Sec. 32-224. Specific COVID-19 Virus control regulations.

(a) 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.

(b) 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.

(c) 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:

- (1) Athletic gyms, exercise facilities, indoor sports facilities, indoor climbing facilities, bowling alleys, skating rinks, trampoline parks, and similar recreational facilities;
- (2) Movie and live theaters;
- (3) Commercial amusement facilities;
- (4) Tattoo parlors;
- (5) Piercing facilities.

(d) 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:

- (1) Salons (hair and nail);
- (2) Barber Shops;
- (3) Cosmetology Facilities;
- (4) Esthetician Facilities;
- (5) Laser Hair Removal Facilities;
- (6) Spas;
- (7) Massage Facilities.

(e) Except 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:

- (1) Government Office Buildings;
- (2) Food Banks;
- (3) Congregate care, including but not limited to nursing homes and assisted living facilities;
- (4) Medical Facilities;
- (5) Childcare Facilities;
- (6) Day Camps;
- (7) Media Press Conferences;
- (8) Funerals; however, these shall be limited to immediate family only;
- (9) Blood Drives;
- (10) Other Disaster Response Activities, including medical research.

(f) The regulations of Section 32-224 (a) (b) (c) (d) and (e) shall be effective at 12:01 AM on March 25, 2020 and shall continue in effect until terminated by law or by future action of the Council.

(g) In addition to regulations of Section 32-224 (a) (b) (c) (d) (e) and (f), the following regulations are enacted:

(1) Gov. J. Kevin Stitt issued Executive Order 2020-07 on March 24, 2020 (as such may from time to time be supplemented and/or amended, the “Executive Order”), which is incorporated as part of this Ordinance in its entirety by reference as if set out fully herein, which Executive Order is on file in the Office of City Clerk. The provisions of the Executive Order shall have full force and effect within the City, law enforcement officers, including but not limited to members of the Nichols Hills Police Department, are authorized to enforce the Executive Order, and violations of the Executive Order shall be municipal offenses enforceable and punishable as other violations of the Nichols Hills City Code.

(2) 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:

- (i) Athletic gyms, exercise facilities, indoor sports facilities, indoor climbing facilities, bowling alleys, skating rinks, trampoline parks, public playground equipment and similar recreational facilities;
- (ii) Movie and live theaters;
- (iii) Commercial amusement facilities;
- (iv) Tattoo parlors;
- (v) Piercing facilities.

(3) The regulations of Section 32-224 (g) shall be effective at 12:01 AM on March 28, 2020 and shall continue in effect until terminated by law, or by future action of the Council.

Secs. 32-225 - 32-354. Reserved

SECTION 2. This Ordinance shall be codified as set forth above.

SECTION 3. All ordinances or parts of ordinances in conflict herewith, to the extent of such conflict, are hereby repealed.

SECTION 4. The provisions of this ordinance are severable and if any part or provision hereof shall be adjudged invalid by any court of competent jurisdiction, such adjudication shall not affect or impair any of the remaining parts or provisions hereof.


SECTION 5. EMERGENCY SECTION. WHEREAS, in the judgment of the Council it is necessary for the preservation of the peace, health, welfare and safety of the City of Nichols Hills, Oklahoma, and of the inhabitants thereof that the provisions of this ordinance be put into full force and effect immediately, and therefore an emergency is hereby declared to exist by

reason whereof this ordinance shall take effect and be in full force from and after its passage as provided by law.

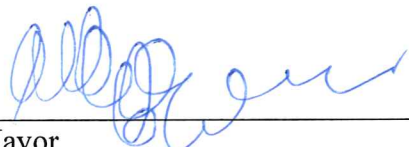
PASSED by the Council of the City of Nichols Hills, Oklahoma, on the 27th day of March, 2020.

APPROVED by the Mayor of the City of Nichols Hills, Oklahoma, on the 27th day of March, 2020.

ATTEST:

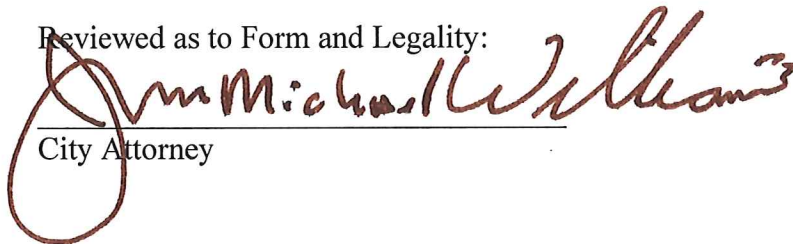


City Clerk



Mayor

Reviewed as to Form and Legality:



City Attorney