

**ORDINANCE NO. 2304**

**AN ORDINANCE LIMITING CAPACITY OF CERTAIN COMMERCIAL BUSINESS AND IMPOSING SPACING REQUIREMENTS IN ORDER TO PREVENT SPREAD OF CONTAGIOUS DISEASE PURSUANT TO 11 O.S. § 22-120; AUTHORIZING MAYOR TO TAKE ACTION FURTHER LIMITING OR CLOSING SUCH BUSINESSES IF THE SPREAD OF COVID-19, OR OTHER CONTAGEOUS DISEASE, WORSENS IN TULSA COUNTY; AMENDING BIXBY CITY CODE BY ADDING A SECTION 4-7-1 TO CHAPTER 4 “HEALTH AND SANITATION” AUTHORIZING THE MAYOR TO MAKE EMERGENCY PROCLAMATIONS TO PROTECT THE HEALTH AND SAFETY OF PERSONS; PROVIDING FOR PENALTIES; AND DECLARING AN EMERGENCY.**

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 Virus pandemic; and by appointment only, no walk-in services, and require at least fifteen (15) minutes between appointments to sanitize area

WHEREAS, on March 15, 2020, the Governor of the State of Oklahoma has 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 Bixby City Council approved Resolution 2020-7 declaring an Emergency in the City of Bixby and setting forth guidelines to contain the spread of the COVID-19 virus; and

WHEREAS, the Centers for Disease Control (CDC) has advised certain American cities and counties to cancel or postpone public gatherings of 10 people; and

WHEREAS, it the responsibility of the City of Bixby to protect the health and safety of the City and its inhabitants, to preserve the peace, and to provide civil defense and emergency functions; and

WHEREAS, Oklahoma Statutes Title 11, Section 22-120, provides that municipal governing bodies may enact and enforce ordinances, rules and regulations to prevent the spread of contagious disease in the community; and

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BIXBY, OKLAHOMA:**

1. Sales of exposed open foods which are not prepackaged or made fresh behind a counter by an employee of the facility is prohibited.  
Restaurants, food courts, cafes, coffeehouses, and other places of public accommodation offering food and beverage are to close dine-in or on-premises consumption. Such establishments are encouraged to provide and utilize curbside, drive-thru, takeout and

delivery services. This section 1 excludes 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 are hereby closed:
  - 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 facilities and amusement parks, arcades, bingo halls, bowling alleys, indoor climbing facilities, skating rinks, trampoline parks, and other similar recreational or entertainment facilities.
3. Hair and nail salons and barber shops may be open if by appointment only, with no walk-ins, and minimum of fifteen (15) minutes between appointments to sanitize customer area.
4. Public gatherings of more than ten (10) persons is prohibited.
5. All City Bixby or Bixby Public Works Authority owned or operated parks are limited to no more than ten (10) person gatherings. The trail system will remain open, but park facilities such as restrooms and playground equipment will be closed.
6. This ordinance 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.
7. Bixby City Hall and Dawes Building will have restricted access for the general public. Water billings and Court fines should be made at the window or drop box on the west side of City Hall. Persons needing entry to drop off items or visit with a City employee should call to set up an appointment for such delivery or meeting.
8. When technology is in place, pursuant to recent authorization by the Oklahoma Legislature, meetings of the City Council, Planning Commission and/or Board of Adjustment may be held by teleconferencing means. The Mayor may cancel Planning Commission and/or Board of Adjustment meetings when there is no pressing business for action.
9. The restrictions imposed by this ordinance 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 this section;
  - b. Health care facilities, child care facilities, residential care facilities, and congregate care facilities; and
  - c. Crisis shelters, soup kitchens, or similar institutions;

However, owners, operators, and managers of such are strongly encouraged to implement CDC recommendations, to include social distancing and sanitation guidelines, in their place of business, until these guidelines are terminated.

10. For purposes of this ordinance, "place of public accommodation" means a business, or an educational, refreshment, entertainment, or recreation facility, or an 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.
11. All other businesses not mentioned herein are strongly encouraged to implement CDC recommendations, to include social distancing and sanitation guidelines in their place of business.
12. This ordinance does not alter any of the obligations under law of an employer affected by this ordinance to its employees or to the employees of another employee.
13. The prohibitions in this ordinance shall be effective at 10:00 pm on March 24, 2020. The restrictions stated herein shall be effective so long as this emergency is declared to exist in the City of Bixby or until it is repealed by another ordinance of the City of Bixby.
14. Penalty: persons found in willful violation of this Ordinance may be subject to a fine of up to \$100.00 per day, plus Court costs, with each day of such violation being a separate offence

That a new section 4-7-1 is hereby added to Chapter 4 "Health and Sanitation", in the interest of public health, safety and welfare, and pursuant to 11 O.S. § 22-120, SAID SECTION TO READ AS FOLLOWS;

The Mayor is hereby authorized in the event of increased spread of COVID-19 in Tulsa County, or other contagious disease, to issue Emergency Proclamations and orders further limiting or closing the businesses covered by this Ordinance.

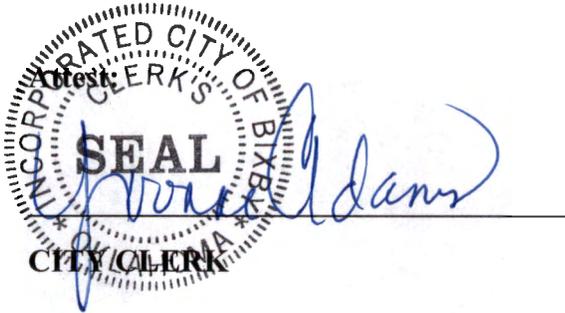
Approved this 23<sup>rd</sup> day of March, 2020.

Since the immediate operation of the provisions of the Ordinance is necessary for the preservation of public health, welfare and safety, an emergency is hereby declared to exist and this ordinance shall be in full force and effect from and after its passage by the City Council and the second reading of said Ordinance is hereby waived.

Emergency Clause voted upon separately this 23<sup>rd</sup> day of March, 2020.

**CITY OF BIXBY, OKLAHOMA**

**MAYOR**



**Approved:**

**CITY ATTORNEY**