

**ORDINANCE NO. 2020-4**

**AN ORDINANCE OF THE BOARD OF TRUSTEES OF THE TOWN OF FAIRLAND, OKLAHOMA DECLARING AN EMERGENCY RELATED TO THE PUBLIC HEALTH THREAT FROM THE CORONAVIRUS DISEASE 2019 (COVID-19); IMPOSING TEMPORARY RESTRICTIONS WITHIN THE TOWN OF FAIRLAND; GRANTING ADDITIONAL TEMPORARY POWERS TO THE MAYOR; AUTHORIZING EMERGENCY PURCHASES AND CONTRACTS; AUTHORIZING TEMPORARY CESSATION OF PUBLIC ACCESS TO CITY HALL; APPROVING AN EMERGENCY CLAUSE; AND CONTAINING OTHER PROVISIONS RELATED THERETO.**

**WHEREAS**, on March 11, 2020, the World Health Organization (WHO) declared the Coronavirus Disease 2019 (COVID-19) to be a global pandemic; and

**WHEREAS**, on March 13, 2020, the President of the United States declared the Coronavirus Disease 2019 (COVID-19) pandemic to be of sufficient severity and magnitude to warrant a declaration of a National Emergency for all states, tribes and territories pursuant to Section 501(b) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. §§ 5121 – 5207; and

**WHEREAS**, on March 15, 2020, the Governor of the State of Oklahoma issued Executive Order 2020-07, as amended on March 17, 2020, declaring an emergency for all 77 counties caused by the impending threat of the Coronavirus Disease 2019 (COVID-19) pandemic to the people of Oklahoma and the public’s peace, health and safety; and

**WHEREAS**, the Governor of the State of Oklahoma issued Executive Order 2020-08 on March 17, 2020, urging Oklahomans to follow *The President's Coronavirus Guidelines for America*, which includes the recommendation of the Centers for Disease Control (CDC) to avoid gatherings in groups of more than ten (10) people; and

**WHEREAS**, it is the continuing duty of the Board of Trustees to protect the general health, safety and welfare of the Town of Fairland and its inhabitants, to preserve the public peace, and to provide civil defense and emergency functions; and

**WHEREAS**, the Oklahoma Emergency Management Act of 2003, OKLA. STAT. tit. 63, §§ 683.1 *et seq.*, authorize the Board of Trustees, in the interests of public safety and welfare, to make such orders as are imminently necessary for the protection of life and property; and

**WHEREAS**, due to the potential for rapid community spread and transmission of COVID-19, immediate action is required to protect public health, safety and welfare.

**NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF FAIRLAND, OKLAHOMA:**

**Section 1: Emergency Declaration and Order.** There is hereby declared a public health disaster and emergency, and it is therefore immediately **ORDERED** as follows:

1. All restaurants, food courts, cafes, coffeehouses, and other places of public accommodation offering food and beverage shall be and are hereby closed for dine-in customers and guests and for on-premises consumption, and are restricted and limited to curbside, drive-thru, take-out and delivery services, excluding institutional or in-house food cafeterias that serve residents, employees, and clients of businesses, childcare 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, 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. Hair salons, barber shops, nail salons, spas, and tanning salons;
  - e. Gymnasiums, fitness centers, recreation centers, indoor sports facilities, indoor exercise facilities, exercise studios; and
  - f. All other recreational or entertainment facilities.
3. This Ordinance does not prohibit employees, contractors, vendors or suppliers 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 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 that are subject to the requirements of this Ordinance;
  - b. Health care facilities, childcare facilities, residential care facilities, congregate-care facilities, and juvenile justice facilities; and
  - c. Crisis shelters, soup kitchens, and similar institutions.

5. For purposes of this Ordinance, “place of public accommodation” means a business, organization, institution, group or place 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. This Ordinance does not alter any of the obligations under the law of an employer affected by this Ordinance to its employees or to the employees of another employer.
7. All events and gatherings of more than ten (10) people, in or on property owned, leased or operated by the Town of Fairland or a public trust that operates for the benefit of the Town of Fairland, including without limitation, the Fairland Public Works Authority and Fairland Economic Development Authority, are hereby prohibited. If and to the extent that future recommendations or guidance from the Centers for Disease Control (CDC) modify the number of people that should assemble or gather together, this Ordinance shall be automatically amended, without further action by the Board of Trustees, to conform to such recommendations or guidance.
8. During the term of this Ordinance and the existence of the public health disaster and emergency declared herein, the Mayor is hereby granted and vested with such other and further powers and authorities as he deems necessary and appropriate, whether through Executive Order or Proclamation, to address other issues that may arise that are caused by the COVID-19 pandemic, as may be suggested or recommended by any appropriate federal or state government official or office or health care facility or authority. Provided, however, that the Town Clerk shall provide information by e-mail to board members and the public, as appropriate, regarding any action taken by the Mayor within three (3) business days of such action. Further, the Mayor shall make a full and complete disclosure of such actions at the next ensuing public meeting of the Board of Trustees.
9. The Mayor and/or the Mayor’s designee shall be authorized to make emergency purchases of goods and services and enter into contracts as deemed necessary to protect the health, safety and welfare of the public and to protect public or private property from harm or damage. All such purchases and contracts made pursuant to this section may be entered into by the Mayor and/or the Mayor’s designee without prior approval of the Board of Trustees. The Mayor shall make full and complete disclosure of any purchases at the next meeting of the Board of Trustees. Nothing contained herein is intended to waive the requirements of the Oklahoma Public Competitive Bidding Act.
10. All in-person gatherings for social, spiritual, educational and recreational purposes, including but not limited to community, civil, public, leisure, faith-based and non-faith based, recreational and sporting events, concerts, festivals, conventions, fund-raising and similar activities are strongly discouraged until this Ordinance is repealed.

11. All citizens and visitors of Fairland are strongly encouraged to strictly follow all recommendations of the Centers for Disease Control (CDC).
12. During the term of this Ordinance, public access to City Hall shall not be permitted, except as determined on a case-by-case basis by the Mayor or Town Clerk. Appropriate signage shall be posted in conspicuous public view on the door and windows of City Hall, and notice shall be posted on the Fairland website and social media accounts. The Town Clerk, Deputy Town Clerk and Town Treasurer may, in their discretion, work at City Hall or remotely from home during regular business hours. In the event that City Hall is not staffed by any officer or employee during regular business hours, all phone calls to City Hall shall be automatically forwarded to the cell phone of a Town officer or employee, and the outgoing message for the City Hall telephone number shall be changed to provide a cell phone number of a Town officer or employee. The Town Clerk shall take all other actions that she or the Mayor determines to be necessary to be reasonably responsive to the public during regular business hours. Nothing contained herein is intended to affect operation of the Fairland Police Department.

**Section 2: Conflicting Provisions.** All prior ordinances in conflict herewith or apparently in conflict, shall be and the same are hereby specifically repealed.

**Section 3: Severability.** If any provision of this Ordinance is determined to be invalid by a court of competent jurisdiction, the remaining provisions shall not be affected and shall continue in full force and effect.

**Section 4: Temporary.** The provisions of this Ordinance are intended to be temporary and will continue in force and effect until repealed by affirmative vote of a majority of the members of the Board of Trustees. Because this Ordinance is temporary in nature, it shall not be codified in the permanent Fairland Code of Ordinances.

**Section 5: Publication.** The Town Clerk is hereby ordered and directed to cause this Ordinance to be published as required by law.

**Section 6: Emergency Clause.** An emergency is hereby deemed and declared to exist whereby it is necessary for the preservation of the public health, safety and welfare of the inhabitants of the Town of Fairland, Oklahoma that this Ordinance shall be in full force and effect immediately from and after its passage, approval and adoption.

**PASSED AND APPROVED** by the Mayor and Board of Trustees of the Town of Fairland, Oklahoma this 23rd day of March, 2020, by a vote on Section Nos. 1 through 5, and then by separate vote on Section 6 (the Emergency Clause).

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**JOHN FINNELL, MAYOR**

**ATTEST:**

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**CHERYL PELHAM, TOWN CLERK**  
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