

ORDINANCE NO. 129

AN ORDINANCE MAKING IT A PUNISHABLE OFFENSE TO VIOLATE AN EXECUTIVE ORDER OF THE GOVERNOR ISSUED UNDER A STATE OF EMERGENCY AND AIMED AT COMBATING COVID-19; AUTHORIZING THE MAYOR TO ISSUE A PROCLAMATION OF EMERGENCY OR DISASTER; AUTHORIZING STEPS NECESSARY TO QUALIFY FOR DISASTER RELIEF OR ASSISTANCE; AUTHORIZING THE MAYOR TO IMPOSE RESTRICTIONS ON PUBLIC ACTIVITY; AUTHORIZING THE BOARD TO IMPOSE RESTRICTIONS ON PUBLIC ACTIVITY; AUTHORIZING THE BOARD TO MAKE EMERGENCY PURCHASES; AUTHORIZING THE MAYOR TO CHANGE BUSINESS HOURS OR WORK CIRCUMSTANCES OF EMPLOYEES; PROVIDING FOR VICE MAYOR OR OTHER TRUSTEES TO EXERCISE MAYOR'S POWERS IF MAYOR UNABLE; TO REQUIRE COMPLIANCE WITH STATE LAW; TO REPEAL ANY CONFLICTING ORDINANCE OR PROVISION TO THE EXTENT OF SUCH CONFLICT; AND DECLARING AN EMERGENCY

WHEREAS the world, the United States, and the State of Oklahoma are experiencing an unprecedented outbreak of the coronavirus that causes COVID-19, which has now been characterized as a pandemic;

WHEREAS COVID-19 is a readily-transmitted infectious disease that can cause severe illness and potentially death and for which the mortality rate appears to be significantly higher than seasonal influenza;

WHEREAS there is currently no vaccination or treatment approved by the Food Drug and Administration for use against COVID-19;

WHEREAS it is anticipated that the pandemic will stretch the health care system beyond its current capacity;

WHEREAS the best public health response is to slow the spread of the disease so that as few people as possible are infected at any given time;

WHEREAS the CDC and other governmental entities recommend social distancing techniques as one of the best means to slow the spread of the disease;

WHEREAS the Governor of Oklahoma issued March 24, 2020, the "Safer at Home" Executive Order imposing various statewide restrictions intended to slow the spread of the disease;

WHEREAS the “Safer at Home” Executive Order restricts statewide the activities of “Vulnerable Individuals”, elective or minor medical procedures, non-emergency dental procedures, social gatherings of more than ten people, and visitation at nursing or retirement homes or long-term care facilities;

WHEREAS the “Safer at Home” Executive Order mandates, in those counties where a confirmed case of the disease has occurred, the closure of businesses not within the critical infrastructure sector;

WHEREAS the “Safer at Home” Executive Order was issued pursuant to Oklahoma Constitution, Art. 6, § 2, and apparently also based on Oklahoma law including the Oklahoma Riot Control and Prevention Act (“ORCPA”), 21 O.S. § 1321.1 *et seq*, and the Oklahoma Emergency Management Act of 2003, 63 O.S. § 6831.1 *et seq*;

WHEREAS it is expected that the Governor will amend the Order or issue additional Orders related to the pandemic;

WHEREAS the ORCPA authorizes cities and towns to enact ordinances in general conformity with the provision of the Act, 21 O.S. § 1321.9, *see* 21 O.S. § 1321.5;

WHEREAS the Oklahoma Municipal Code, 11 O.S. § 22-120(A), authorizes the municipal governing body to enact and enforce such ordinances, rules and regulations as it deems necessary for the protection of the public health, not inconsistent with state law;

WHEREAS § 22-120(A) further authorizes the governing body to make regulations to prevent the introduction of contagious diseases into the municipality and to enforce quarantine laws within five (5) miles of the municipal limits;

WHEREAS 11 O.S. § 14-101 provides that the municipal governing body may enact ordinances, rules and regulations not inconsistent with the Constitution and laws of Oklahoma for any purpose mentioned in Title 11 of the Oklahoma Statutes;

WHEREAS 11 O.S. § 12-105 provides that the mayor of a town shall have such powers, duties and functions as may be prescribed by law or ordinance;

WHEREAS federal or state laws and regulations may require a proclamation of emergency or other steps in order to qualify for disaster relief or other forms of assistance;

WHEREAS it may be necessary to make emergency purchases in order to combat the spread of COVID-19 or adjust to the circumstances created by the pandemic;

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF VALLIANT:

1. It is hereby made a punishable offense for any person to violate the restrictions contained in a lawful executive order issued by the Governor aimed at protecting public health from COVID-19, including, but not limited to, those related to the size of gatherings, closure of businesses or establishments or institutions, imposition of a curfew, issuing an order of quarantine, or any social distancing measures.
2. The Mayor is hereby delegated the power to issue a proclamation of emergency or disaster. The Mayor or other appropriate officials are authorized to take any other necessary steps to make the Town eligible for federal or state disaster relief or assistance.
3. The Mayor is hereby delegated the authority to unilaterally, by proclamation, as he deems necessary to prevent the spread of COVID-19, impose restrictions of size or other aspects of crowds or gatherings, close businesses or establishments or institutions, impose a public curfew, issue an order of quarantine, or impose any social distancing measures, to the extent allowed by Oklahoma law. Such proclamation shall be effective until the restrictions may be considered by a meeting of the Board of Trustees. If approved by the Board, the proclamation shall stay in effect until such time as the Mayor or Board decides to modify or terminate it.
4. The Board may issue regulations it deems necessary to prevent the spread of COVID-19, impose restrictions of size or other aspects of crowds or gatherings, close businesses or establishments or institutions, impose a public curfew, issue an order of quarantine, or impose any social distancing measures, to the extent allowed by Oklahoma law.
5. Subject to State law, the Board may make emergency purchases without regard to the normal purchasing procedures and requirements set forth in the Town Code of Ordinances.
6. The Mayor may change the business hours, business methods, location, shifts, work schedules, or other arrangements of municipal employees in order to reduce exposure of employees and the public to COVID-19 during a state of emergency.
7. If the Mayor is unable to fulfill his or her duties, the Vice Mayor may exercise the powers delegated herein. If the Vice Mayor is unable to fulfill his or her duties, the remaining Trustees may exercise the powers set forth herein.

8. The Town shall in all ways comply with Oklahoma law. This Ordinance shall not be construed or applied in a way that would violate Oklahoma law.
9. Any provision in an Ordinance, Resolution, regulation, rule, or policy in conflict with the terms of this Ordinance is hereby repealed to the extent, and only to the extent, of such conflict.
10. The provisions hereof shall be severable so that if any one provision is held void, invalid, or unlawful the remaining provisions shall be enforced to the maximum extent of the law;
11. EMERGENCY CLAUSE: It being immediately necessary for the preservation of the peace, health, and safety of Valliant and its inhabitants that the provisions of this ordinance be in full force and effect, 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.

Ordinance introduced and considered in open meeting of the Board of Trustees on this 27 day of March, 2020.

Adopted by the Board of Trustees this 27 day of March, 2020.

Emergency clause separately voted upon and adopted by the Board of Trustees this 27 day of March, 2020.

  
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Mayor

ATTEST:

  
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Town Clerk

( S E A L )

Approved as to form and legality this 27 day of March, 2020.

  
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Attorney