

PROCLAMATION DECLARING STATE OF EMERGENCY
AUGUST 20, 2020 AMENDMENT
AUTHORIZING TEMPORARY USE OF CERTAIN PUBLIC WAYS

WHEREAS, Chapter 14 of the Stillwater City Code and Titles 21 and 63 of Oklahoma Statutes empowers the Mayor of the City of Stillwater to proclaim a civil emergency when a natural disaster, which results in the death or injury of persons to such an extent that extraordinary measures must be taken to protect the public health, safety, and welfare of the City; and

WHEREAS, the incidence of "community spread" of COVID-19 within the City of Stillwater remained consistent through June 1, 2020; and

WHEREAS, in accordance with Governor J. Kevin Stitt's May 30 2020 Executive Order 2020-20 and June 12, 2020 Amended Executive Order 2020-20 the City of Stillwater allowed previously declared emergency orders to expire and adopted State requirements set forth in the "Phase III" Open Up Recover Safely ("OURS") Plan (Proclamation Declaring State of Emergency, June 1, 2020 Amendment); and

WHEREAS, since that date, the incidence of positive COVID-19 tests increased from 22 cases on June 8, 2020 to 671 on August 20, 2020, including three deaths; and

WHEREAS, there are now 93 active COVID-19 cases in Stillwater, 116 in Payne County, and 7,265 statewide; and

WHEREAS, most of the active cases in Stillwater involve persons between 18-25 years of age; and

WHEREAS, the Payne County Health Department reports that contact tracing has linked much of this exposure to congregation of persons within this demographic in bars and large unorganized gatherings where those attending did not exercise social and physical distancing or wear face coverings; and

WHEREAS, the relaxation of restrictions has resulted in an increase of positive COVID-19 cases; and

WHEREAS, there is significant research indicating that the wearing of face coverings and exercising social and physical distancing slows the spread of COVID-19; and

WHEREAS, permitting restaurant and bar operators to expand service areas into adjacent public ways and private parking lots is a tool used by many cities to effect social and physical distancing, thus permitting these establishments to remain open during the ongoing pandemic; and

WHEREAS, the Mayor, pursuant to previously cited statutory authority, can waive ordinances and other legal impediments when necessary to effect measures that facilitate recovery from a declared public health emergency such as the COVID-19 pandemic; and

WHEREAS, temporary waiver of ordinances limiting access to public ways and relaxation of building codes and public consumption restrictions will assist restaurants and bars with recovery from previous mandated closures and provide economic benefits to the community; and

WHEREAS, the existence of an ongoing public health emergency necessitates the issuance of a revised emergency proclamation to address specific concerns of the City of Stillwater and to more completely protect the health and safety of its residents.

NOW, THEREFORE, BY VIRTUE OF THE AUTHORITY VESTED IN ME BY THE STILLWATER CITY CODE AND STATE LAW, I, WILLIAM H. JOYCE, MAYOR OF THE CITY OF STILLWATER, DO HEREBY PROCLAIM AND DECLARE:

SECTION ONE: A state of emergency exists within the corporate limits of the City of Stillwater, Payne County, Oklahoma.

SECTION TWO: This amendment supplements the August 18, 2020 Proclamation Declaring State of Emergency. This amendment shall become effective on August 21, 2020 at 12:01 AM CDST.

SECTION THREE: The aforementioned conditions continue to constitute an ongoing threat to the safety and welfare of the city necessitating additional restrictions and creating a civil emergency situation within the meaning of Chapter 14 of the Stillwater City Code and Titles 21 and 63 of the Oklahoma Statutes.

SECTION FOUR: Temporary Outdoor Expansion Permit. Pursuant to authority granted by Chapter 14 of the Stillwater City Code and Titles 21 and 63 of Oklahoma Statutes, a program authorizing the issuance of temporary permits to restaurants and bars to operate in adjacent public ways and private parking lots under specified conditions is hereby established. Eligibility and program requirements to obtain a "Temporary Outdoor Expansion Permit" are set forth below.

A. Eligibility: The restaurant or bar must operate from a permanent location within the corporate limits of the City of Stillwater. Applicants must hold current valid Payne County Health Department, Oklahoma ABLE Commission and/or City of Stillwater licenses and permits at the time of application. In addition, applicants must carry general liability insurance in an amount sufficient to fully indemnify the city in case of personal injury or property damage. Such insurance coverage shall be in amounts equal to the liability limits for political subdivisions set forth in the Oklahoma Governmental Tort Claims Act, 51 O.S. § 151 et seq., and shall name the city as an additional insured in amounts equal to such liability limits.

B. Application: The City Manager shall develop an application form consistent with this order for use by applicants by 8:00 AM CDST Friday, August 21, 2020. Said form shall be available in both print and digital versions and accessible at City Hall and online. The application form shall collect the following information:

1. A sketch of the proposed expanded service area indicating the location of the restaurant or bar building, adjacent sidewalk, on-street parking, and off-street parking lot; the location of the adjacent extended service area to be permitted in relation to the foregoing, and the dimensions of said adjacent extended service area.
2. A description of the physical barrier(s) that will be used to separate the adjacent extended service area from the public right-of-way or private parking area.
3. A copy of the applicant's current valid Payne County Health Department, Oklahoma ABLE Commission and/or City of Stillwater licenses and permits (applicant must be the same person or entity as the licensee or permit holder).
4. A copy of the applicants liability insurance declarations page (endorsement of the City of Stillwater shall be required before issuance of the permit).

The City Manager may delegate review of the application to Development Services Department. After such review, he shall have the authority to reject the application if it is determined that (a) the

application is incomplete, (b) the applicant does not hold the appropriate licenses or permits, (c) the area proposed for the extended service area poses a safety risk because of its location or composition, (d) the City Engineer certifies that the materials used to construct the barrier are inadequate to control unauthorized access to the extended service area, or (e) the applicant does not possess the necessary insurance coverage.

C. Design, Operation. The extended service area shall be limited to the immediately adjacent sidewalk, on-street parking area and/or private parking lot. It shall be enclosed by a physical barrier of sufficient construction to separate the service area from the public right-of-way and to deny access to persons who are not customers of the restaurant or bar. The City Manager shall prepare a list of suitable materials for construction of the barrier and provide it to an applicant upon request. The applicant shall additionally be responsible for construction of any required Americans With Disabilities Act (ADA) access into the extended service area.

All tables, chairs and equipment shall be contained within the barriers of the extended service area and spaced in a manner that creates a minimum of six feet of physical separation from other tables and chairs. If the extended service area is a bar, signage prohibiting the entry of persons under 21 years of age shall be posted at the entry points.

Alcoholic beverages may be consumed while customers are seated at tables within the extended service area. All requirements applicable for service within the restaurant or bar imposed by statute, ordinance or emergency order are applicable to these areas as well and shall be enforced. The restaurant or bar operator is solely responsible for obtaining the necessary licensure to sell alcoholic beverages within the extended service area; the issuance of this order does not supersede ABLE licensing requirements and is not a grant of authority to operate in violation of ABLE statutes and regulations.

D. Revocation: The City Manager may revoke any permit issued under this emergency proclamation for violation of the provisions set forth herein or for violation of any State of Oklahoma, Payne County or City of Stillwater alcoholic beverage or health code or order.

E. Expiration: All permits issued under this order shall expire the earlier of (1) November 30, 2020 at 11:59 PM CDST; (2) revocation of this emergency order; or adoption of a replacement ordinance by the City Council.

PROCLAIMED THIS 20th day of August 2020.



WILLIAM H. JOYCE, MAYOR



(SEAL)
ATTEST:



PATTI OSMUS, DEPUTY CITY CLERK

APPROVED AS TO FORM AND LEGALITY THIS 20th day of August 2020


JOHN E. DORMAN, CITY ATTORNEY