

Proclamation 2020-08

A PROCLAMATION OF THE MAYOR OF THE CITY OF NORMAN RELATED TO
DECLARATION OF LOCAL EMERGENCY AND IMPLEMENTING RELATED
RESTRICTIONS

- § 1. WHEREAS, Section 2-111 of the Code of the City of Norman, Oklahoma allows the Mayor of the City of Norman 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, exists; and
- § 2. WHEREAS, Section 2-111 of the Code of the City of Norman, Oklahoma empowers the Mayor to impose a number of restrictions or prohibitions in the interest of public safety and welfare, including, but not limited to imposition of curfews, limits of numbers of persons of assembling or gathering in public and private areas of the City, and such other activities as the Mayor reasonably believes should be prohibited to preserve and maintain life, health, property or the public peace; and
- § 3. WHEREAS, a respiratory disease caused by a novel coronavirus (“COVID-19”) was first detected in China and has now been detected in 190 locations internationally, including the United States; and
- § 4. WHEREAS, the World Health Organization characterized COVID-19 as a pandemic on March 11, 2020; and
- § 5. WHEREAS, according to the Center for Disease Control and Prevention (“CDC”), the COVID-19 virus spreads between people who are in close contact with one another and through respiratory droplets produced when an infected person coughs or sneezes; and
- § 6. WHEREAS, on March 13, 2020, the President of the United States declared COVID-19 a national emergency and ordered each state to set up emergency operations centers and ordered hospitals to activate their emergency preparedness plans; and
- § 7. WHEREAS, on March 15, 2020, the Governor of Oklahoma first declared an emergency caused by the impending threat of COVID-19 to the people of Oklahoma and the public’s peace, health, and safety; and
- § 8. WHEREAS, previous proclamations were issued by the Mayor of the City of Norman on March 13, 2020, limiting organized gatherings to less than 250 people, on March 16, 2020, restricting organized gatherings to less than 50 people, and closing bars, lounges, gyms and fitness facilities, entertainment venues, including private clubs, commercial amusement facilities, theaters and similar venues, as well as restaurant dining areas, on March 22, 2020, limiting organized gatherings to less than 10 people, and closing beauty parlors, barber shops, nail salons, and health clubs and spas, and encouraging retailers to implement social distancing in stores, on March 30, 2020, amending the previous proclamation related to outdoor activities, on April 7, 2020, implementing a stay at home

order and limiting activities to those deemed essential, all of which were designed to flatten the projected curve of the COVID-19 diagnoses to preserve medical resources and prevent widespread transmission, and on April 28, 2020, setting forth a reopening plan that was subsequently amended three times; and

- § 9. WHEREAS, the City Council adopted Ordinance O-2021-3 on July 7, 2020, requiring masks to be worn in places of public accommodation and in public settings where social distancing cannot be maintained and also requiring restaurants and bars to close standing room only areas and ensure tables are set such that each seated party is at least six feet away from other seated parties, thus reducing occupancy; and
- § 10. WHEREAS, the City Council adopted Ordinance O-2021-11 on September 8, 2020, reducing capacity and restaurants and bars by 50% on days in which there is a University of Oklahoma football games; and
- § 11. WHEREAS, restaurants and bars are a vital part of Norman's economy and reductions in capacity can be mitigated by allowing the utilization of certain parts of the public rights-of-way for food and drink service.

NOW, THEREFORE, BE IT PROCLAIMED BY THE MAYOR OF THE CITY OF NORMAN, OKLAHOMA:

- § 12. That, 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 Section 2-111 of the City Code, in addition to constituting an emergency under the Emergency Management Act of 2003 (63 Okla. Stat. §683.3); and
- § 13. That, Proclamation 2020-08 shall supplement the Third Amendment of Proclamation 2020-07 and shall become effective on September 11, 2020; and
- § 14. That, a program authorizing the issuance of a Temporary Outdoor Expansion Permit to restaurants and bars allowing them to operate in the adjacent public ways and private parking lots subject to certain conditions is hereby created pursuant to Chapter 2-111 of the City Code and Titles 21 and 63 of the Oklahoma Statutes:

A. Eligibility: A restaurant or bar desiring to obtain a Temporary Outdoor Expansion Permit must submit proof of the following at the time of application:

- 1. Operation of a permanent location within the City limits of Norman;
- 2. Current and valid Cleveland County Health Department, Oklahoma ABLE Commission and applicable City of Norman licenses and permits;
- 3. General Liability Insurance in an amount sufficient to fully indemnify the City in case of personal injury or property damage in amounts equal to the liability limits set forth in the Governmental Tort Claim Act (51 Okla. Stat.

§154). City shall be named as an additional insured in amounts equal to such liability limits.

B. Application Form: The City Manager or his designee shall develop an application for Temporary Outdoor Expansion Permits consistent with this Proclamation by September 16, 2020. Said form will be available in print and digital versions and shall be posted online. In addition to providing proof of meeting the eligibility requirements above, 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 expanded service area to be permitted in relation to the foregoing, and the dimensions of said adjacent expanded service area. Such sketch shall also note all access points into and around the expanded service area.
2. A description of the physical barrier(s) that will be used to separate the adjacent expanded service area from the public right-of-way or private parking area.

C. Application Review: The City Manager or his designee shall approve or disapprove the application after a review by the Director of Planning and Community Development, or her designee, the Director of Public Works, or his designee, and the Police Chief, or his designee.

D. Design and Operation:

1. The expanded 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 approved by the Director of Public Works and sufficient to separate the service area from the public right-of-way and to deny access to persons who are not customers of the applicant. Physical barriers must have a light reflective device to ensure the barrier can be seen after sundown. Any access point into or around the expanded service area shall be ADA compliant.
2. All tables, chairs, and equipment shall be contained within the barriers of the expanded service area and spaced in a manner that is compliant with Ordinance O-2021-3. If the expanded service area is for a bar, signage must be posted at the access point(s) to the expanded service area prohibiting entry of person under 21 years old.
3. Alcoholic beverages may be consumed while customers are seated in the expanded service area, provided all requirements applicable to service within the restaurant or bar imposed by statute, ordinance or emergency order are also followed within the expanded service area. The applicant is

solely responsible for obtaining the necessary licenses to sell alcoholic beverages in the expanded service area. Nothing in this Proclamation shall be construed as superseding any applicable ABLE licensing requirement or restrictions.

- E. Permit Revocation: The City Manager may revoke any Temporary Outdoor Expansion Permit for violation of the provisions set forth herein or of any applicable state or local law.
- F. Expiration: All temporary outdoor expansion permits shall expire the earlier of November 30, 2020; revocation of this emergency order; or adoption of a replacement ordinance by the City Council.

APPROVED this ____ day of September, 2020.

Mayor Brea Clark

ATTEST:

City Clerk