

City of Valley City

Emergency Order 2020-05.1 Effective 6:00 AM, November 9, 2020

Pursuant to the COVID-19 emergency declaration dated March 17, 2020 (ratified and extended by the Board of City Commissioners on March 18, 2020), and the authority set forth in Valley City Municipal Code § 19-01-03, Dave Carlsrud, Mayor of the City of Valley City, North Dakota, in order to promote the health and safety of Valley City residents, hereby orders as follows:

Valley City Mask Plan (Updated Risk Level: Orange/High)

1. Definitions. For purposes of the City Mask Plan, the following definitions shall apply:
 - a. “Face Covering” means a paper or two-layered cloth face mask that covers the nose and mouth completely and includes a paper or disposable face mask or a religious face covering. Face Coverings that incorporate a valve designed to facilitate easy exhaling, mesh masks, or masks with openings, holes, visible gaps in the design or material, or vents are not sufficient because they allow exhaled droplets to be released into the air.
 - b. “Business” or “Businesses” are broadly defined to include entities that employ or engage workers, including private-sector entities, public-sector entities, non-profit entities, and state, county, and local governments.
 - c. “Social Distancing” means individuals keeping at least 6 feet of distance from other individuals who are not members of their Household.
 - d. “Household” means a group of individuals who share the same living unit.

2. Implementation. The City of Valley City will implement the updated ND Smart Restart Plan guidelines that became effective on October 15, 2020, to help reduce the spread of COVID-19. Only essential workers and travel are recommended.

3. Businesses. All Businesses must limit occupancy to 25% with a cap of 50 people in any room or confined area. Businesses should implement Social Distancing and other practices in accordance with ND Smart Restart and require all occupants, including employees, to wear Face Coverings.

- a. Restaurants, Bars, Breweries and Food Service.

- 1) Take-out, curbside, or delivery is strongly recommended.

- 2) If dine-in food and drink services are open, Face Covering requirements apply unless individuals are actively eating or drinking.

- 3) Section 4-01-14 of the Valley City Municipal Code is modified as follows:

Section 4-01-14. - Hours of sale—Prohibition of sales on holidays.

A person may not dispense for on-sale consumption or permit the consumption of alcoholic beverages on licensed premises between 11:00 p.m. Saturday to 12:00 noon on Sundays, and between the hours of 11:00 p.m. and 8:00 a.m. on all other days of the week. A person may

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not dispense for on-sale or off-sale or permit the consumption of alcoholic beverages on licensed premises between 2:00 a.m. and 12:00 noon on Sundays, between the hours of 2:00 a.m. and 8:00 a.m. on all other days of the week, or on Christmas Day or after 6:00 p.m. on Christmas Eve. In addition, a person may not provide off sale after 2:00 a.m. on Thanksgiving Day. A person that violates this section is guilty of a class B misdemeanor.

- 4) Notwithstanding the limitations set forth in V.C.M.C. § 4-01-14, as modified herein, alcoholic beverage “on-sale” may be conducted after 11:00 p.m., by takeout, curbside delivery, or home delivery pursuant to Emergency Order 2020-02.2, dated November 6, 2020.

b. Public Transportation. All individuals providing public transportation services must wear a Face Covering while transporting passengers. Passengers must wear a Face Covering from pick-up to arrival at the destination.

4. Large Gatherings.

- a. Gatherings in facilities are limited to 25% room capacity and no more than 50 people in a room or confined space (indoor or outdoor).
- b. Facilities must implement standards that adhere with the Large Gathering Protocols under ND Smart Restart Orange/High Risk Level.
- c. Gatherings with estimated attendance in excess of capacity or maximum persons should be cancelled.
- d. Businesses and/or event planners must submit a logistics and emergency operations plan to the City Administrator for approval no later than 30 days prior to any event. The plan must detail the nature of the event, expected attendance, and demonstrate that the event is being held in compliance with ND Smart Restart guidelines. The plan will be reviewed by a committee comprised of city and health department officials.

5. Face Coverings Required. Every person within the City of Valley City must wear a Face Covering in all indoor settings where they are exposed to non-Household members and where Social Distancing of 6 feet or more cannot be assured, and in all outdoor settings where there is exposure to non-Household members, unless there exists ample space of 6 feet or more to practice Social Distancing.

The following shall be exempt from wearing a Face Covering:

1. Persons younger than school age, although parents and guardians are encouraged to have such younger children wear Face Coverings when and where appropriate.
2. Persons with a medical condition or disability that prevents wearing a Face Covering.
3. Persons performing job duties where a 6 foot distance is not achievable, but a Face Covering is inhibitory to the ability to perform the job duty safely and effectively.
4. Persons participating in athletic activities where a 6 foot distance is not achievable, but a Face Covering is inhibitory to the activity.
5. Persons actively consuming food or drink.

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6. Persons driving a motor vehicle alone or with passengers from the driver's Household.
7. Persons receiving services that require access to the face for security, surveillance, or other purposes may temporarily remove a Face Covering while receiving those services.
8. Persons engaged in religious worship activities; however, Face Coverings are strongly encouraged.
9. Persons giving a speech or performance for broadcast or to an audience; however, those persons shall Social Distance from nearby individuals.

6. Enforcement of Other Applicable Laws. Law enforcement officers or local officials may enforce trespassing laws or other applicable laws in removing violators at the request of Businesses or other property owners.

8. Effective Date and Term. The City Mask Plan, as revised herein, is effective at 6:00 a.m. Monday, November 9, 2020, and will remain in effect for a period of 30 days, unless the underlying state of emergency has ended, or unless it is modified or terminated sooner by motion or resolution approved by the Board of Commissioners.

APPROVED this 6th day of November, 2020.

s/ Dave Carlsrud

Dave Carlsrud, Mayor