

City of Valley City

Emergency Order 2020-05.2

Effective November 18, 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 **(Risk Level: Orange/High)**

Amending Emergency Order 2020-05.1, dated November 9, 2020

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, and follow the provisions of Executive Order 2020-43 signed by Governor Doug Burgum on November 13, 2020, to help reduce the spread of COVID-19. Only essential workers and travel are recommended.
3. Businesses. In general, 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 owners, managers, and employees, to wear Face Coverings.
 - a. Signage.
 - 1) Post signs in conspicuous public areas of Business that
 - i. Display face covering and physical distancing requirements;
 - ii. Display symptoms of COVID-19;
 - iii. Instruct anyone experiencing symptoms to stay at home.
 - b. Restaurants, Bars, Breweries and Food Service.
 - 1) Take-out, curbside, and delivery service is strongly recommended, and may continue to be provided with no time or hour restrictions.

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- 2) Must limit occupancy to 50% of licensed capacity with a cap of 150 patrons.
- 3) Food and beverage service must be provided to seated patrons; no “stand-up” service or service to patrons in waiting area is permitted.
- 4) Seating arrangements and tables must allow at least six feet of physical distance between individual parties.
- 5) Face Covering requirements apply unless individuals are actively eating or drinking.
- 6) On premise food and beverage consumption and service may be conducted only between the hours of 4:00 a.m. and 10:00 p.m.
- 7) Notwithstanding the limitations set forth herein, alcoholic beverage “on-sale” may be conducted at any time during regular business hours established under Valley City Municipal Code, by takeout, curbside delivery, or home delivery pursuant to Emergency Order 2020-02.3, as amended on November 18, 2020.

c. 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 banquet, ballroom and event venues are limited to 25% room capacity not to exceed capacity limits identified within the ND Smart Restart Large Gathering Tiered Capacity guidelines.

b. It is strongly recommended that gatherings with estimated attendance in excess of capacity or maximum persons should be cancelled.

c. Businesses and/or event planners must submit an application 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.

d. Food and beverage service must be provided to seated patrons; no “stand-up” service, or service to patrons in a waiting area is permitted.

e. Dance areas must be closed.

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- f. Seating arrangements and tables must allow for at least six feet of physical distance between individual parties.
- g. All occupants including owners, managers, and employees are required to wear Face Coverings unless actively eating or drinking.
- h. Must follow signage requirements set forth in paragraph 3(a), above.

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 are 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.
- 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.

7. Penalty. Pursuant to N.D.C.C. § 37-17.1-05(7), any person who willfully violates any provision of an executive order or proclamation issued by the governor pursuant to chapter 37-17.1 is guilty of an infraction. On November 18, 2020, the City approved the first reading of Ordinance 1067, setting forth a similar penalty for violations of an emergency order of the Mayor of the City.

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Alcohol licensing. Pursuant to V.C.M.C. § 4-01-11(2)(c), the board of city commissioners may, in its discretion, suspend or revoke for cause, any alcoholic beverage license if the business of the licensee, at the location licensed is conducted in such a manner as to be in violation of the health, sanitary, or other regulations or ordinances of the city.

8. Effective Date and Term. The City Mask Plan, as revised herein, will remain in effect until 11:59 p.m. Sunday, December 13, 2020, 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 18th day of November, 2020.

s/ Dave Carlsrud

Dave Carlsrud, Mayor