

# City of Valley City

## Emergency Order 2020-05.4

Effective December 22, 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 2020-05.3, dated December 14, 2020

1. **Definitions.** For purposes of the City Mask Plan, the following definitions shall apply:
  - a. “Face Covering” means a two-layered mask that covers the nose and mouth completely and includes a paper or disposable face mask, a cloth face mask, a neck gaiter, 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. “Worker” and “workers” are broadly defined to include owners, proprietors, employees, contractors, vendors, volunteers, and interns.
  - d. “Physical Distancing” means individuals keeping at least 6 feet of distance from other individuals who are not members of their Household.
  - e. “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 2020-43.3 signed by Governor Doug Burgum on December 21, 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 Physical 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.

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b. Restaurants, Bars, Breweries and Food Service.

- 1) Take-out, curbside, and delivery service is strongly recommended.
- 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) Dance areas must be closed.
- 5) Seating arrangements and tables must allow at least six feet of physical distance between individual parties.
- 6) Face Covering requirements apply unless individuals are actively eating or drinking.
- 7) Alcoholic beverage “on-sale” may be also 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 2020-02.4, as amended on December 14, 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.
- i. Religious events, governmental meetings, and academic instructional delivery settings are exempt from this order. Religious organizations are strongly encouraged to utilize COVID-19 mitigation strategies from the ND Department of Health and the Centers for Disease Control.

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 in all outdoor settings where there is exposure to non-Household members unless there exists ample space of 6 feet or more to practice Physical Distancing.

The following are exempt from wearing a Face Covering:

- a. Children who are four years old and under. Those who are under two years old should never wear a Face Covering due to the risk of suffocation. Those who are at least two are encouraged to wear a Face Covering if they can do so in compliance with CDC guidance on How to Wear Cloth Face Coverings, available at <https://www.cdc.gov/coronavirus/2019-ncov/prevent-gettingsick/how-to-wearcloth-face-coverings.html> (i.e., without frequently touching or removing the covering).
- b. Individuals with a medical condition, mental health condition, or disability that makes it unreasonable for the individual to maintain a Face Covering. This includes, but is not limited to, individuals who have a medical condition that compromises their ability to breathe, and individuals who are unconscious, incapacitated, or otherwise unable to remove a Face Covering without assistance. These individuals should consider using alternatives to Face Coverings, including clear face shields, and staying at home as much as possible.
- c. Individuals at their workplace when wearing a Face Covering would create a job hazard for the individual or others, as determined by local, state or federal regulators or workplace safety and health standards and guidelines.

Circumstances where Face Coverings may be temporarily removed:

- a. When participating in organized sports in an indoor business or indoor public space while the level of exertion makes it difficult to wear a Face Covering.

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- b. When testifying, speaking, or performing in an indoor business or public indoor space, in situations or settings such as theaters, news conferences, legal proceedings, governmental meetings subject to N.D.C.C. ch. 44-04, presentations, or lectures, provided that Physical Distancing is always maintained. Face shields should be considered as an alternative in these situations.
- c. During practices or performances in an indoor business or indoor public space when a Face Covering cannot be used while playing a musical instrument, provided that Physical Distancing is always maintained.
- d. During activities, such as swimming or showering, where the Face Covering will get wet.
- e. When eating or drinking in an indoor business or indoor public space, provided that at least 6 feet of Physical Distance is maintained between persons who are not members of the same party.
- f. When asked to remove a Face Covering to verify an identity for lawful purposes.
- g. While communicating with an individual who is deaf or hard of hearing or has a disability, medical condition, or mental health condition that makes communication with that individual while wearing a Face Covering difficult, provided that Physical Distancing is maintained to the extent possible between persons who are not members of the same Household.
- h. While receiving a service, including a dental examination or procedure, medical examination or procedure, or personal care service, that cannot be performed or would be difficult to perform when the individual receiving the service is wearing a Face Covering. Workers performing services for an individual who is allowed to temporarily remove their Face Covering under this provision must comply with the Face Covering requirements.
- i. When an individual is alone, including when alone in an office, a room, a cubicle with walls that are higher than face level when Physical Distancing is maintained, a vehicle, or the cab of heavy equipment or machinery, or an enclosed work area.
- j. When a public safety worker is actively engaged in a public safety role, including but not limited to law enforcement, firefighters, or emergency medical personnel, in situations where Face Coverings would seriously interfere in the performance of their public safety responsibilities.
- k. When an individual is participating in a religious service at a faith-based organization, provided that Physical Distancing is maintained to the extent possible between persons who are not members of the same Household.

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 V.C.M.C. § 19-01-08, any person who willfully violates any provision of an emergency order issued by the Mayor is guilty of an infraction.

*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.

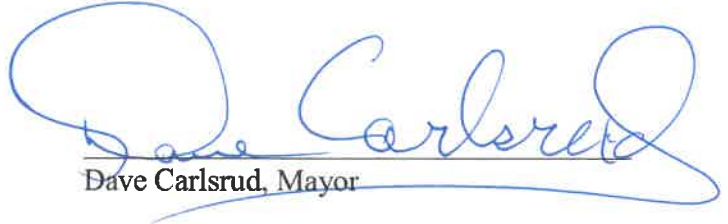
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8. Effective Date and Term. The City Mask Plan, as revised herein, will remain in effect until 8:00 a.m., Friday, January 8, 2021, unless the underlying state of emergency has ended, or unless it is modified or terminated sooner by motion or resolution approved by the Board of Commissioners.

APPROVED this 22nd day of December, 2020.



Dave Carlsrud, Mayor