

City of Valley City

Emergency Order 2020-05.5 Effective 12:01 AM, January 20, 2021

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: Yellow/Moderate)** Amending Emergency Order 2020-05.4, dated December 22, 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 continue to implement the updated ND Smart Restart Plan guidelines as amended on January 7, 2021, to help reduce the spread of COVID-19.
3. Businesses. Businesses must require that all persons, including their workers, customers, and visitors, wear Face Coverings as required by this Order. Customers who enter restaurants, bars, breweries and other similar on-site establishments are required to wear Face Coverings unless actively consuming food or drink.

In addition, all Businesses are strongly encouraged to limit occupancy to 65% with a cap of 200 people, and to review and implement ND Smart Restart protocols including Physical Distancing practices.

Notice requirement: Businesses must post one or more signs that are visible to all persons—including Workers, customers, and visitors—instructing them to wear face coverings as required by this Order.

4. 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.

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5. Large Gatherings. A Large Gathering is defined as any public or private event temporarily bringing together people in a room, designated area, or enclosed space (whether indoor or outdoor) at the same time. Such gathering or event is temporary and takes place over a limited period, such as hours or days. For example, events and gatherings include fairs, festivals, concerts, live performances, trade shows, spectators/audience at sporting events, business meetings or conferences, parties or receptions within a single or multi-room venue, and similar groupings that occur within larger, more permanent businesses, public assembly facilities, amusement park, fairground, etc. Conversely, people sharing a space within an office building, classroom, while working on a production floor, shopping in a retail store, dining in a restaurant, or similar regularly occurring operation of a business, or organization, are not events or gatherings.

- a. All attendees and Workers at a Large Gathering are required to wear Face Coverings.
- b. Large Gatherings are strongly encouraged to limit occupancy to 65% with a cap of 200 people, and to implement standards that adhere with the Large Gathering Protocols under ND Smart Restart Yellow/Moderate Risk Level.
- c. It is strongly recommended that Large Gatherings with estimated attendance in excess of capacity or maximum persons be cancelled.

6. 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.

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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.
- 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.

7. 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. 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.

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9. Effective Date and Term. The City Mask Plan, as revised herein, will remain in effect until 11:59 p.m., Friday, February 19, 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 19th day of January, 2021.

s/ Dave Carlsrud
Dave Carlsrud, Mayor