

CITY OF GRETNA, NEBRASKA

ORDINANCE NO. 2072

AN ORDINANCE OF THE CITY OF GRETNA, NEBRASKA, ENACTING REGULATIONS TO SERVE THE GENERAL HEALTH OF THE CITY AND PRESCRIBING RULES FOR THE PREVENTION, ABATEMENT, AND REMOVAL OF NUISANCES AS WELL AS TO PREVENT THE INTRODUCTION AND SPREAD OF THE CONTAGIOUS, INFECTIOUS AND MALIGNANT DISEASE OF COVID-19 IN THE CITY OF GRETNA; TO PROVIDE LEGISLATIVE FINDINGS AND INTENT; TO REQUIRE INDIVIDUALS TO WEAR FACE COVERINGS AND EXCEPTIONS THERETO; TO PROVIDE FOR THE ENFORCEMENT OF VIOLATIONS AND PENALTIES; TO ESTABLISH A SUNSET PROVISION; AND TO PROVIDE THE EFFECTIVE DATE HEREOF.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF GRETNA, NEBRASKA.

Section 1. That as a result of the Novel Coronavirus (COVID-19) pandemic and with an increased number of confirmed COVID-19 cases within the Sarpy County and metropolitan area including the City of Gretna and its immediately surrounding subdivisions, a public health and infectious and contagious disease emergency exists authorizing action by the City of Gretna. Accordingly, this Ordinance imposes a non-pharmaceutical intervention to combat the spread of the COVID-19 public health and infectious and contagious disease and to halt the progression thereof.

Section 2. The City Council hereby finds and declares, based upon available scientific and medical evidence, that:

1. COVID-19 has impacted and continues to dramatically impact the citizens of the City of Gretna and its immediately surrounding subdivisions; and
2. Exposure to COVID-19 presents a risk of death or serious long-term disability, and the exposure is widespread and poses a significant risk of harm, including death, to people in the general population that are more vulnerable to the threat and thus at an increased risk, and the threat is from a novel infectious disease; and
3. Information from the World Health Organization, the CDC, the Nebraska Department of Health and Human Services, the Sarpy County Health Department, local public health departments throughout Nebraska, and members of the metropolitan area medical community indicates that the citizens of the City of Gretna and its immediately surrounding subdivisions have been and will continue to be exposed due to community transmissions of COVID-19; and
4. The manner in which the spread of COVID-19 cases in the City of Gretna and its immediately surrounding subdivisions has occurred creates an unacceptable risk to the health, safety, and welfare of the citizens of the City of Gretna and its immediately surrounding subdivisions; and

5. The number of COVID-19 infections within the City of Gretna and its immediately surrounding subdivisions continues to increase; and
6. COVID-19 constitutes a public nuisance and a threat to the health, safety, and welfare of the City of Gretna and its immediately surrounding subdivisions; and
7. The Director of the United States Center for Disease Control and Prevention (CDC), and doctors and infectious disease experts from the University of Nebraska Medical Center and Nebraska Medicine have concluded that the wearing of face coverings by every individual while in public is one of the best methods to slow and stop the spread of COVID-19; and
8. The wearing of face coverings by every individual while indoors in all premises that are open to the general public in the City of Gretna and its immediately surrounding subdivisions will reduce community transmissions of COVID-19, resulting in fewer deaths and fewer serious health complications, and will ease the strain on hospitals and other medical offices and facilities; and
9. The wearing of face coverings by every individual while indoors in all premises that are open to the general public in the City of Gretna and its immediately surrounding subdivisions will help keep businesses open and operating, encouraging economic growth, and preventing prolonged economic harm; and
10. It is just and proper for the Mayor and City Council to exercise the authority granted by Nebraska statutes in furtherance of protecting the public health, safety, and welfare.

Section 3. For purposes of this Ordinance, the following terms are defined as follows:

1. Face Coverings – A face covering is defined as a covering which, when worn properly, must cover the nose and mouth completely and can include a paper or disposable face mask, a cloth face mask, a scarf, a bandanna, a neck gaiter, or a religious face covering. Medical grade masks and respirators are sufficient face coverings, but to preserve adequate supplies for health care workers, their purchase and use is discouraged for those who do not work in a health care setting or in other occupations that require medical grade personal protective equipment. Masks 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 face coverings because they allow exhaled droplets to be released into the air.
2. Premises That Are Open to the General Public – Premises that are open to the general public are broadly defined to include entities that employ or engage workers, including private-sector entities, public -sector entities, non-profit entities, regular commercial or business establishments, private clubs, religious centers or buildings, public transportation (including buses, taxis, ride-sharing vehicles, or vehicles used for business purposes), and any place with is generally open to the public, including educational institutions and daycare facilities.

Section 4. All individuals age five and older shall wear a face covering over their mouth and nose while indoors in a premises that is open to the general public including, but not limited to, educational institutions, unless the individual maintains a minimum of six feet of separation or

social distance at all times from anyone who is not a member of the individual's household, except face coverings will not be required if the individual:

1. Is seeking federal, state, or county services; or
2. Is seated at a bar, restaurant, or their seat at an arena to eat or drink, or while immediately consuming food or beverages; or
3. Is engaged in an occupation preventing the wearing of a face covering; or
4. Is obtaining a service or purchasing goods or services that requires the temporary removal of the face covering; or
5. Is asked to remove a face covering to verify identity for lawful purposes; or
6. Is providing a speech, lecture, or broadcast to an audience so long as six feet of distance from other individuals is maintained; or
7. Cannot otherwise wear a face covering because of a medical condition, a mental health condition, or a disability that makes it unreasonable for the individual to wear a face covering.

Nothing in this Section shall prohibit the owner or person in charge of a premises that is open to the general public from requiring an individual to wear a face covering during any of the circumstances enumerated above or from implementing a more restrictive face covering policy.

Section 5. Any individual or entity which maintains premises that are open to the general public, including but not limited to educational institutions, 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 Ordinance. The signs required by this Section must be printed on a poster or paper that is a minimum size of 8.5 inches by 11 inches, and be written or typed in a legible font or typeface that is no smaller than 12 points of leading or 12 point type. Such signs are available at the City of Gretna City Office, 204 North McKenna Avenue, 402-332-3336, and are also available on the City's website [www.gretnane.org](http://www.gretnane.org).

Section 6. The provisions of this Ordinance shall not apply to:

1. Courts of law; public utilities or federal, state, county, or City operations; medical providers, facilities, or pharmacies; congregated living centers or facilities; group homes and residential drug and/or mental health treatment facilities; shelters; airport travel; election offices; polling places on election day; or to residential dwelling units.
2. While children ages three and four may wear a face covering if that child can remove the face covering without assistance, guidance from the CDC states that children two years old and under should never wear a face covering due to the risk of suffocation.
3. Nothing in this Ordinance shall be construed to limit, prohibit, or restrict in any way the operations of the federal or state governments or the movement of federal or state officials in the City while acting in their official capacity, including federal and state judicial, legislative, and executive staff and personnel.
4. Individuals at their workplace when wearing a face covering would create a job hazard for the individual or others as determined by federal, state or local regulators or by workplace safety and health standards and guidelines.

5. Individuals who are alone in an office, room, vehicle, the cab of heavy equipment or machinery, or an enclosed work area. In such situations, the individual should still carry a face covering to be prepared for person-to-person interactions and to be used when the individual is no longer alone.
6. Individuals who are seated at a desk or standing at a stationary workstation, provided that the desk or workstation has a solid plexiglas or plastic barrier installed upon it which cannot be moved.
7. Individuals who are officiating at a religious service.
8. Individuals communicating with other individuals who are deaf or hard of hearing or who have a disability, medical condition, or mental health condition that makes communication with that individual while wearing a face covering difficult, provided that minimum social distancing of six feet or more is maintained to the extent possible between persons who are not members of the same household.
9. Individuals who are engaged in activities, such as swimming or showering, where the face covering will get wet.
10. Individuals who are exercising in an indoor business or indoor space such as a gym or fitness center, while the level of exertion makes it difficult to wear a face covering, provided that minimum social distancing of six feet or more is maintained at all times.
11. Individuals in an indoor premises that is generally open to the public while playing a musical instrument that cannot be played when a face covering is worn, provided that a minimum social distancing of six feet or more is maintained at all times.
12. Public safety workers actively engaged in a public safety role, including but not limited to law enforcement personnel, fire fighters, or emergency medical personnel, in situations where wearing a face covering would seriously interfere in the performance of the individual's public safety responsibilities.
13. Participants in a sporting event, but only while they are playing the game, if the school or sponsoring organization does not require face coverings; however, spectators, coaches, and non-participants would be required to wear face coverings.

Section 7. The provisions of this Ordinance shall apply to all premises that are open to the general public within the corporate limits of the City of Gretna, and also to all premises that are open to the general public in the immediately adjoining subdivisions of Standing Stone (S.I.D. No. 251) and Willow Park (S.I.D. No. 250). With the continuous and free movement of the citizens of the City of Gretna between the corporate limits of the City and the premises that are open to the general public within the immediately adjoining subdivisions of Standing Stone (S.I.D. No. 251) and Willow Park (S.I.D. No. 250), it is necessary for the public health, safety, and welfare of the citizens of the City of Gretna, and necessary to combat the spread of the COVID-19 public health and infectious and contagious disease, that the requirements and provisions of this Ordinance shall also apply to all premises that are open to the general public within the immediately adjoining subdivisions of Standing Stone (S.I.D. No. 251) and Willow Park (S.I.D. No. 250).

Section 8. Any individual or person who is found to have violated any of the provisions of this Ordinance is hereby declared to be a nuisance and a danger to the public health, safety, and welfare.

Section 9. Any individual or person who is found to have violated any of the provisions of this Ordinance shall be guilty of an infraction for each offense and shall be subjected to a fine of \$25 for the initial offense. Each instance of violation of this Ordinance shall be considered to be a separate offense.

Section 10. In addition to any other penalty sought or obtained under this Ordinance or other applicable law, the City Attorney may institute injunctive or other appropriate civil proceedings necessary to obtain compliance with this Ordinance or to abate any nuisance resulting from violations of this Ordinance.

Section 11. The sections, subsections, paragraphs, sentences, clauses, and phrases of this Ordinance are severable, and if any section, subsection, paragraph, sentence, clause, or phrase of this Ordinance shall be declared invalid, unenforceable, or unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such invalidity, unenforceability, or unconstitutionality shall not affect any of the remaining sections, subsection, paragraphs, sentences, clauses, or phrases of this Ordinance.

Section 12. Due to the emergency circumstances set forth herein, and the emergency per the Proclamation of Local Emergency dated April 3, 2020, this Ordinance shall take effect on Thursday, November 26, 2020, at 12:01 a.m., after the proclamation of the Mayor and posting in at least three of the most public places in the City of Gretna in accordance with Neb. Rev. Stat. § 17-613 and City of Gretna Municipal Code Section 1-508(B).

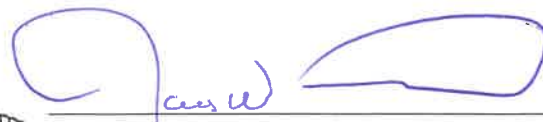
Section 13. The requirements imposed by this Ordinance shall expire and terminate at 11:59 p.m. on February 23, 2021, unless renewed, extended or terminated by a subsequent Ordinance. It is the intension and purpose of the City of Gretna Mayor and City Council that this Ordinance will remain in effect no longer than necessary to ensure that the COVID-19 public health and infectious and contagious disease emergency no longer poses a public health threat.

PASSED AND APPROVED this 23<sup>rd</sup> day of November, 2020.

ATTEST:

CITY OF GRETNA, NEBRASKA

  
Tammy L. Tisdall, City Clerk, CMC


  
James W. Timmerman, Mayor



## PROCLAMATION OF MAYOR

For the emergency reasons set forth in this Ordinance No. 2072, it is necessary that this Ordinance No. 2072 take full force and effect on the date and time of Thursday, November 26, 2020 at 12:01 a.m. due to the stated emergency of COVID-19, after posting in at least three of the most public places in the City of Gretna in accordance with Neb. Rev. Stat. § 17-613 and City of Gretna Municipal Code Section 1-508(B). Pursuant to Neb. Rev. Stat. §17-114 and City of Gretna Municipal Code 1-201, the provisions of this Ordinance shall apply to all premises that are open to the general public within the corporate limits of the City of Gretna, and also to all premises that are open to the general public in the immediately adjoining subdivisions of Standing Stone (S.I.D. No. 251) and Willow Park (S.I.D. No. 250). With the continuous and free movement of the citizens of the City of Gretna between the corporate limits of the City and the premises that are open to the general public within the immediately adjoining subdivisions of Standing Stone (S.I.D. No. 251) and Willow Park (S.I.D. No. 250), it is necessary for the public health, safety, and welfare of the citizens of the City of Gretna, and necessary to combat the spread of the COVID-19 public health and infectious and contagious disease, that the requirements and provisions of this Ordinance shall also apply to all premises that are open to the general public within the immediately adjoining subdivisions of Standing Stone (S.I.D. No. 251) and Willow Park (S.I.D. No. 250).

Dated this 23<sup>rd</sup> day of November, 2020.

  
James W. Timmerman, Mayor