

AN ORDINANCE OF THE CITY OF NORMAN, OKLAHOMA AMENDING CHAPTER 10, ARTICLE XI, SECTIONS 1102, 1103 AND 1106 AND CHAPTER 15, ARTICLE V, SECTION 506 OF THE CODE OF THE CITY OF NORMAN, OKLAHOMA TO ADD CERTAIN SOCIAL GATHERINGS TO THE DEFINITION OF PUBLIC SETTING, AMENDING EXCEPTIONS TO FACE COVERING REQUIREMENTS; AMENDING PENALTIES FOR NON-COMPLIANCE; ADDING FAILURE TO COMPLY WITH FACE COVERING REQUIREMENT TO VIOLATIONS WHICH MAY, IN COMBINATION WITH OTHER VIOLATIONS, CONSTITUTE A NUISANCE PARTY; DECLARING AN EMERGENCY; AND PROVIDING FOR THE SEVERABILITY THEREOF.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NORMAN, OKLAHOMA:

§ 1. That, Section 11-1102 of Chapter 10 of the Code of the City of Norman, Oklahoma be amended to read as follows:

Sec. 11-1102. – Definitions.

- (a) “Face Covering” means a covering that fully covers a person’s nose and mouth, including, but not limited to cloth facemasks, towels, scarves, and bandanas as recommended by the CDC. The Face Covering should fit snugly on a person’s face but allow the person to breath easily and worn consistent with the guidance provided by the CDC.
- (b) “Place of Public Accommodation” means all places offering items, goods or services for purchase or rent, including without limitation retail businesses, personal services and spas, entertainment venues, food service facilities, restaurants and bars, hotels, motels and travel related services, professional offices and services, banks and financial services, repair facilities, and motor vehicle dealerships.
- (c) “Public Service Area” means areas of a Place of Public Accommodation wherein employees interact with the public in the normal course of business.
- (d) “Public Setting” means any public place where persons congregate which is not a place of public accommodation including without limitation, offices, workplaces, houses of worship and ancillary facilities, child care facilities, hospital and health facilities, gymnasiums and physical fitness facilities, adult and youth sports facilities, places and situations where in-person contact is made at the door or window in residential or commercial settings, communal outdoor spaces such as sidewalks, trails, and parks, food trucks, ~~and other~~ outdoor retail entities, and indoor and outdoor social gatherings on public or private property which exceed 25 people in number.
- (e) “Social Distancing” means the maintenance of at least a 6-foot minimum social distancing from other individuals outside of your household.

§ 2. That, Section 11-1103 of Chapter 10 of the Code of the City of Norman, Oklahoma be amended to read as follows:

Sec. 11-1103. – Use of Face Coverings.

- (a) Except as otherwise provided herein, persons located within Public Service Areas or Places of Public Accommodation are required to wear face coverings at all times when present therein.
- (b) Except as otherwise provided herein, persons in any Public Setting wherein social or physical distancing cannot be maintained are required to wear face coverings.
- (c) Exceptions. The following persons, locations and activities are exempt from this requirement.
 - (1) Persons or situations identified by the CDC where the wearing of a cloth face covering may exacerbate a physical or mental health condition, lead to a medical emergency, or introduce significant safety concerns, including, but not limited to the following:
 - i. Those who care for, or interact with, a person who is hearing impaired and relies on lip reading to communicate.
 - ii. Some individuals with developmental disabilities, sensory integration concerns or tactile sensitivities, certain mental health conditions, limited cognitive ability, or other disability or medical condition warranting accommodation.
 - iii. Individuals engaged in activities that may cause the cloth face covering to become wet, like when swimming.
 - iv. Individuals who are engaged in high intensity activities, like running, if wearing a mask causes difficulty breathing.
 - v. Individuals who work in a setting where cloth face coverings may increase the risk of heat related illness or cause safety concerns due to introduction of a hazard.

Persons exempted under subsection (i), (ii) and (v) this category shall consider the use of a face shield, provided the shield wraps around the sides of the wearer's face and extends to below the chin. Additionally, options such as carryout, curbside pickup, and online ordering and delivery services, when available, shall be considered to avoid coming into close contact with others outside of their household.

- (2) Children under the age of six (6) years old.
 - (3) Restaurant and bar patrons while they are eating or drinking.
 - (4) Persons exercising in communal outdoor spaces, or persons walking or exercising with other persons from the same household in communal outdoor spaces, provided Social Distancing is maintained.
 - (5) Settings where it is not practical or feasible to wear a Face Covering, such as when received dental or medical treatment and services.
 - (6) Occupants inside a personal vehicle, personal office, or similarly private space while other persons from outside of the occupant's household are not present.
 - (7) Private homes when a social gathering exceeding 25 people in attendance is not occurring; and
 - (8) Private lodging rooms in Places of Public Accommodation; and
 - (9) Offices and workplaces that are not Public Service Areas where Physical Distancing between employees and other occupants can be consistently maintained during hours of operation.
- (d) Signage. Places of Public Accommodation shall post conspicuous signs at all entrances that employees, customers, users, and visitors must wear face coverings pursuant to this ordinance to be admitted into the premises. The City Manager shall direct the development of a uniform sign meeting this requirement and distribute its design to Places of Public Accommodation.
- (e) Distribution, Entry. Places of Public Accommodation shall make face coverings available free of charge to members of the public, provided the City makes such masks available to businesses for distribution, seeking to enter their establishments who do not have one.

§ 3. That, Section 11-1106 of Chapter 10 of the Code of the City of Norman, Oklahoma be amended to read as follows:

Sec. 11-1106. – Penalties.

- (a) Individuals: Persons refusing to wear a face covering into a Place of Public Accommodation or Public Setting as defined and required herein ~~shall~~ may be subject to a fine of \$50 - \$500, in addition to prosecution for criminal trespass, disturbing the peace, interference with official process or similar offenses as circumstances warrant.

- (b) Places of Public Accommodation: Places of Public Accommodations that willfully fail to post signage or comply with capacity limitations as required herein may be subject to a fine of \$50 - \$500 or civil action as appropriate. Every day a violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such.

§ 4. That, Section 506 of Chapter 15 of the Code of the City of Norman, Oklahoma, be amended to read as follows:

Sec. 15-506. – Nuisance party.

- (a) No person, owner, occupant, tenant or other person in possession, control or having responsibility for, individually or jointly with others, of any premises shall sponsor, conduct, host, allow or permit a social gathering or party on the premises which is or becomes a public nuisance.
- (b) A social gathering shall be deemed to constitute a public nuisance when, by reason of the conduct of persons in attendance, it results in three (3) or more of the following violations of the Code of the City of Norman, Oklahoma, and which violations occur at the site of the social gathering or on neighboring public or private property:
 - (1) Any violation of Chapter 9 of the City Fire Prevention Code;
 - (2) Any of the following violations from Chapter 10 of the City Code:
 - i. 10-107 Open burning prohibited.
 - ii. 10-203 Health nuisances.
 - iii. 10-205 Obstructions in easements a nuisance.
 - iv. 10-307 Noises prohibited.
 - v. 10-1103 Use of face coverings.

* * * *

§ 5. EMERGENCY CLAUSE. It is necessary for the immediate preservation of the peace, health, and safety of the City, and the inhabitants thereof that the provisions of this Ordinance become operative immediately and therefore, an emergency is hereby declared to exist and this Ordinance shall be in full force and effect immediately from and after its passage and approval by the City Council.

§ 6. SEVERABILITY. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is, for any reason, held invalid or unconstitutional, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions of this Ordinance.

ADOPTED this _____ day
of _____, 2020.

NOT ADOPTED this _____ day
of _____, 2020.

(Mayor)

(Mayor)

ATTEST:

(City Clerk)