

AN ORDINANCE OF THE CITY OF NORMAN, OKLAHOMA REPEALING ARTICLE XI, COVID-19 PANDEMIC OF CHAPTER 10 OF THE CODE OF THE CITY OF NORMAN, OKLAHOMA AND ELIMINATING A REFERENCE TO SAME IN SECTION 15-506 OF THE CODE OF THE CITY OF NORMAN, OKLAHOMA; DECLARING AN EMERGENCY; AND PROVIDING FOR THE SEVERABILITY THEREOF.

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

- § 1. That, Article XI of Chapter 10 of the Code of the City of Norman shall be repealed in its entirety:

**~~ARTICLE XI. COVID-19 PANDEMIC~~**

**~~Sec. 11-1101. Findings of Fact.~~**

~~WHEREAS, a respiratory disease caused by the SARS CoV 2 virus ("COVID 19") was first detected in China and has now been detected in 216 countries, areas, or territories, including the United States; and~~

~~WHEREAS, the World Health Organization characterized COVID 19 as a pandemic on March 11, 2020; and~~

~~WHEREAS, according to the Center for Disease Control and Prevention ("CDC"), the COVID 19 virus spreads between people who within six feet of one another and through respiratory droplets produced when an infected person coughs, sneezes, talks, or raises their voice; and~~

~~WHEREAS, currently there is no vaccine, treatment, or cure for COVID 19; and~~

~~WHEREAS, on March 13, 2020, the President of the United States declared COVID 19 a national emergency and ordered each state to set up emergency operations centers and ordered hospitals to activate their emergency preparedness plans; and~~

~~WHEREAS, on March 15, 2020, the Governor of Oklahoma first declared an emergency caused by the impending threat of COVID 19 to the people of Oklahoma and the public's peace, health, and safety; and~~

~~WHEREAS, previous proclamations were issued by the Mayor of the City of Norman on March 13, 2020, limiting organized gatherings to less than 250 people, on March 16, 2020, restricting organized gatherings to less than 50 people, and closing bars, lounges, gyms and fitness facilities, entertainment venues, including private clubs, commercial amusement facilities, theaters and similar venues, as well as restaurant dining areas, on March 22, 2020, limiting organized gatherings to less than 10 people, and closing beauty parlors, barber shops, nail salons, and health clubs and spas, and encouraging retailers to implement social distancing in stores, on March 30, 2020, amending the previous proclamation related to outdoor activities, and on April 7, 2020, implementing a stay at home order and limiting activities to those deemed essential, all of which were designed~~

~~to flatten the projected curve of the COVID-19 diagnoses to preserve medical resources and prevent widespread transmission; and~~

~~WHEREAS, such efforts effectively flattened the curve in Norman, resulting in the adoption of Proclamation 2020-07 on April 27, 2020, and subsequently amended, which set forth a plan to reopen Norman in phases and return to normal activities on June 12, 2020; and~~

~~WHEREAS, as of April 30, 2020, there were 213 positive cases and 18 deaths related to COVID-19 in Norman, and in the month of May 2020, an additional 31 cases and 2 additional deaths related to COVID-19; and~~

~~WHEREAS, between June 16 and June 30, 2020, there were an additional 171 positive cases of COVID-19 in Norman, with a fourteen-day rolling average, as of June 30, 2020, of 12 new cases per day and 213 active cases per day; and~~

~~WHEREAS, according to the Cleveland County Health Department, 47% of the positive cases since June 16, 2020 have occurred in residents who are between 18-35 years old and as the result of broad community spread where people are in close contact with others and not wearing masks; and~~

~~WHEREAS, data from the Cleveland County Health Department indicates that statewide, the marked increase in COVID-19 cases are generally the result of gatherings of people in close proximity including church services, bars, restaurants, pool parties, weddings, and funerals; and~~

~~WHEREAS, the CDC recommends all people two years of age and older wear a cloth face covering in public settings and when around people who don't live in your household, especially when other social distancing measures are difficult to maintain;~~

~~WHEREAS, the CDC recommends that people limit close contact with others outside of your household in indoor and outdoor spaces by keeping space of at least six feet between yourself and other people outside of your home; and~~

~~WHEREAS, students will begin returning to Norman to attend the University of Oklahoma in the coming weeks from throughout the United States, including known COVID-19 "hotspots" such as the Dallas Fort Worth Metroplex; and~~

~~WHEREAS, the passage of an ordinance mandating the wearing of face coverings and limiting operations and gatherings in certain public settings is necessary to protect the health and safety of Norman residents and to keep businesses open.~~

**~~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, communal outdoor spaces such as sidewalks, trails, and parks, food trucks, outdoor retail entities, and indoor and outdoor social gatherings on public or private property which exceed 25 in number.~~
- ~~(e) "Social Distancing" means the maintenance of at least a 6-foot minimum social distancing from other individuals outside of your household.~~

### **~~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 should 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 and curbside pickup, when available, should 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.~~

**~~Sec. 11-1104. Capacity Limitations in Restaurants and Bars.~~**

~~Social distancing and/or face coverings may be impossible in Places of Public Accommodation where eating and drinking is occurring. The following measures shall be imposed to reduce the risk posed by gatherings in these settings:~~

~~(a) Restaurant Dining Areas: All dining areas shall be arranged to promote Social Distancing to the maximum extent possible between seated groups of patrons.~~

~~(b) Bars and Bar Areas: Bars and the bar areas within restaurants should limit the capacity for patrons to the number of seats available, which shall be arranged to promote social distancing between groups of patrons. Standing room only areas, not including the entryway, shall be closed to patrons. Bars and the bar areas of restaurants shall close at 10pm on weekdays and 11pm on weekends.~~

~~(c) On days on which there is a scheduled home University of Oklahoma football game, the occupant load of all restaurants, bars, bar areas, and outdoor patios, as set by the fire marshal, shall be reduced to 75% until 2am the following day.~~

**~~Sec. 11-1105. Sunset.~~**

~~This ordinance shall expire the earlier of June 1, 2021; the expiration of all COVID-19 related emergency declarations issued by the Mayor; or the repeal or modification by the City Council through subsequent ordinance.~~

**~~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 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 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.~~

## **ARTICLE XI. RESERVED.**

- § 2. That, Section 506(b)(2) 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.~~
- § 3. **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.
- § 4. **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 \_\_\_\_\_, 2021.

\_\_\_\_\_  
(Mayor)

ATTEST:

\_\_\_\_\_  
(City Clerk)

NOT ADOPTED this \_\_\_\_\_ day  
of \_\_\_\_\_, 2021.

\_\_\_\_\_  
(Mayor)