



Legislation Text

File #: O-2021-3, **Version:** 1

CONSIDERATION OF ORDINANCE O-2021-3 UPON FIRST, SECOND AND FINAL READING: AN ORDINANCE OF THE CITY OF NORMAN, OKLAHOMA ADDING ARTICLE XI, COVID-19 PANDEMIC TO CHAPTER 10 OF THE CODE OF THE CITY OF NORMAN, OKLAHOMA AND ADDING SECTIONS TO SET FORTH FINDINGS OF FACT, DEFINITIONS, MANDATING THE USE OF FACE COVERINGS WITH SOME EXCEPTIONS, IMPOSING CAPACITY LIMITATIONS THROUGH SOCIAL DISTANCING IN BARS AND RESTAURANTS, SETTING FORTH A SUNSET PROVISION, CREATING PENALTIES FOR NON-COMPLIANCE; DECLARING AN EMERGENCY; AND PROVIDING FOR THE SEVERABILITY THEREOF.

A respiratory disease caused by the SARS-CoV-2 virus called COVID-19 began spreading throughout China and much of the rest of the world during the winter of 2019/2020. According to the U.S. Centers for Disease Control and Prevention ("CDC"), COVID-19 is spread primarily from person to person, mainly through respiratory droplets produced when an infected person talks, coughs, or sneezes.

The first cases in Norman were diagnosed in March 2020. Considerable spread was identified in nursing homes. A number of proclamations were issued by the Mayor throughout the Spring as part of a nationwide effort to "flatten the curve" of the spread of the virus. The curve was effectively flattened and Norman saw very few new cases in late April, throughout May, and in early June. This led to a phased return to normal activities on June 12.

Since June 12, there has been an increase in positive cases in Norman residents, primarily among the younger age groups, with 58.2% of the new cases between June 16 and June 30 occurring within the 0 - 35 year old age bracket, and 73.7% occurring within the 0-49 year old age bracket. According to the Cleveland County Health Department, these cases are occurring as a result of broad community spread and a return to normal. Between June 16 and June 30, there were an additional 171 new positive cases in Norman, with an average of 12 new cases per day.

According to the CDC, research shows that a significant portion of individuals with COVID-19 lack symptoms ("asymptomatic") and that even those who eventually develop symptoms ("pre-symptomatic") can transmit the virus to others before showing symptoms.

From the CDC website (

<https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/cloth-face-cover-guidance.html>):

Cloth face coverings are recommended as a simple barrier to help prevent respiratory droplets from traveling into the air and onto other people when the person wearing the cloth face covering coughs, sneezes, talks, or raises their voice. This is called source control. This recommendation is based on what we know about the role respiratory droplets play in the spread of the virus that causes COVID-19, paired with emerging evidence from clinical and laboratory studies that shows cloth face coverings reduce the spray of droplets when worn over the nose and mouth. COVID-19 spreads mainly

among people who are in close contact with one another (within about 6 feet), so the use of cloth face coverings is particularly important in settings where people are close to each other or where social distancing is difficult to maintain.

Many communities are beginning to reenact restrictions on resident activities. In an effort to control the spread of the virus, and avoid implementing business closures, Council discussed imposing a mask requirement instead during a Special Session on June 30, 2020. Ordinance O-2021-3 is the result of that conversation.

DISCUSSION:

Ordinance O-2021-3 would require a face mask or covering to be worn when in Places of Public Accommodation (places offering goods, services, or items to the public), in Public Service Areas (areas where employees interact with members of the public), and other Public Settings where social distancing is difficult to maintain (public places where people congregate). Exceptions are made in the ordinance, consistent with CDC guidance, for people with disabilities, while swimming or engaging in high intensity activities, children under the age of 6, when eating or drinking, exercising outdoors or with people from your household, in your car or home, while receiving medical services where wearing a mask isn't practical, and in your workplace office space. The City will develop signage for businesses to post at all entrances notifying the public of the requirement. Businesses will be required to post such signs.

Failure to comply with the ordinance could result in penalties. Depending on the situation, the patron could be denied entry and trespassed from the property, or receive some other municipal charge warranted by the situation. Businesses who fail to post the required signage could be subjected to a municipal charge carrying a fine between \$50 and \$500. Regarding enforcement efforts, Staff will focus on education first to achieve the goal of compliance.

Because this requirement is not intended to be permanent, the ordinance contains a sunset provision. The ordinance will sunset on the earlier of November 30, 2020 or a rescission of the emergency proclamation. The ordinance can be formally amended or repealed as well.

In consideration of the public health emergency and the rising cases in Norman, this ordinance is scheduled for Council consideration on July 7, 2020 for First, Second and Final Reading. A separate vote on the emergency clause will be required. This allows the ordinance to go into effect immediately.

RECOMMENDATION:

Staff presents Ordinance O-2021-3 to Council for consideration.