



Legislation Text

File #: O-2021-36, Version: 1

CONSIDERATION OF ORDINANCE O-2021-36 UPON FIRST, SECOND AND FINAL READING: AN ORDINANCE OF THE CITY OF NORMAN, OKLAHOMA, AMENDING CHAPTER 10, ARTICLE XI, SECTION 1105 OF THE CODE OF THE CITY OF NORMAN, OKLAHOMA, TO EXTEND THE PREVIOUSLY ADOPTED SUNSET DATE RELATED TO COVID-19 REGULATIONS FROM MARCH 1, 2021, TO JUNE 1, 2021; DECLARING AN EMERGENCY; AND PROVIDING FOR THE SEVERABILITY THEREOF.

BACKGROUND: 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.

In an effort to control the spread of the virus, and avoid implementing business closures, Council imposed a face covering requirement in early July with the adoption of Ordinance O-2021-3. This ordinance was amended on September 8, 2020 to impose a cap on authorized occupant loads in restaurants and bars on days on which there is a University of Oklahoma home football game. After assessing the first game and the return of college students, there was concern about having a tool to address large gatherings where social distancing cannot be maintained. The ordinance was amended again to include certain gatherings in the definition of public setting, resulting in a face covering requirement for such gatherings when social distancing cannot be maintained, and adding a penalty for failure to wear a face covering when required. The ordinance originally had a sunset date of November 30, 2020, but in November 2020, the sunset date was extended to March 1, 2021.

According to the Oklahoma State Department of Health, as of February 12, 2021, there have been almost 410,900 cases of positive COVID-19 tests in Oklahoma and 3,959 deaths. Of all positive tests, 31.34% have occurred in the 18-35 years old age group. According to the State Department of Health COVID-19 Report dated February 11, 2021, Statewide, there is only 7% capacity of Intensive Care Unit beds. To provide some perspective, during the 2019-2020 influenza season, 3,580 Oklahomans were hospitalized and 85 died statewide because of the flu. (Source: <https://oklahoma.gov/content/dam/ok/en/health/health2/aem-documents/prevention-and-preparedness/acute-disease-service/disease-information/flu-view/Historical%20Flu%20Hospitalizations%20and%20Deaths.pdf>)

In Norman, as of February 12, 2021, there have been 12,922 cumulative cases of positive COVID-19 tests, and 127 deaths. The Oklahoma State Department of Health has categorized Cleveland County as an Orange/Moderate Risk Level.

According to the CDC, the best way to protect yourself is by covering your mouth and nose with a mask when around others, avoiding close contact with people who are sick, staying 6 feet away from others, avoiding crowds, and washing your hands often. ([https:// www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/prevention.html](https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/prevention.html)). Widespread vaccination will be an important component of preventing serious cases of COVID-19, but even with a vaccine, prevention tools like masks may still be needed. From the CDC:

“While experts learn more about the protection that COVID-19 vaccines provide under real life conditions, it will be important for everyone to continue using **all the tools** available to us to help stop this pandemic, like wearing masks, washing hands often, and social distancing. Together, COVID-19 vaccination and following CDC’s recommendations for [how to protect yourself and others](https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/prevention.html) <https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/prevention.html> will offer the best protection from getting and spreading COVID-19. Experts need to understand more about the protection that COVID-19 vaccines provide before deciding to change recommendations on mask use. Other factors, including how many people get vaccinated and how the virus is spreading in communities, will also affect this decision”. ([https://www.cdc.gov/corona virus/2019-ncov/vaccines/faq.html](https://www.cdc.gov/coronavirus/2019-ncov/vaccines/faq.html) <https://www.cdc.gov/corona%20virus/2019-ncov/vaccines/faq.html>). (Emphasis in original).

In addition, multiple variants of the virus that causes COVID-19 are circulating globally. According to the CDC, the new variants seem to spread more easily and quickly than other variant which could leave to more cases of COVID-19 and ultimately strain our health care resources. ([https://www.cdc.gov/coronavirus/2019-ncov/transmission/ variant.html](https://www.cdc.gov/coronavirus/2019-ncov/transmission/variant.html) <https://www.cdc.gov/coronavirus/2019-ncov/transmission/%20variant.html>).

Two vaccines are currently being distributed in Oklahoma - Moderna and Pfizer. The first doses arrived on December 14th, 2020, and the State recently moved into Phase 2 of its distribution plan. As of February 12, 2021, the Oklahoma Department of Health reported that 447,323 residents statewide had received their first dose of a vaccine, and 173,423 have completed both shots. So far, the CDC reports that studies suggest the vaccine may offer some protection against the variants but this is still being studied.

Given the guidance from the CDC and local health officials, as well as the data related to disease transmission in Norman, Ordinance O-2021-36, amending the sunset date of the COVID-19 ordinance, has been prepared for Council’s discussion and action.

DISCUSSION: In consideration of the ongoing public health emergency and evidence that mask wearing and social distancing are effective means to prevent the spread of COVID-19, it is proposed that the sunset date of the codified COVID restrictions be extended to June 1, 2021. By June, more information will be known about the progress of vaccine distribution and herd immunity. Should things change in a positive direction prior to June 1, Council can repeal or amend the ordinance at any time. This ordinance is scheduled for Council consideration on February 23, 2021 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 forwards Ordinance O-2021-36 to Council for consideration.