



Legislation Text

File #: O-2021-49, **Version:** 1

CONSIDERATION OF ADOPTION, REJECTION, AMENDMENT AND/OR POSTPONEMENT OF ORDINANCE O-2021-49 UPON FIRST, SECOND AND FINAL READING: AN ORDINANCE OF THE COUNCIL 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.

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; and in November 2020, it was extended again until June 1, 2021.

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. CDC guidance in November 2020 was that widespread vaccination would be an important component of preventing serious cases of COVID-19, but even with a vaccine, prevention tools like masks might still be needed.

Two vaccines began to be distributed across the United States in mid-December 2020. A third vaccine began distribution in March 2021. As of May 12, 2021, over 1.5 million Oklahomans have received 1 dose of a vaccine and over 1.2 million have been fully vaccinated. As of May 8,

approximately 37,000 - 50,000 Norman residents have received a complete vaccine series against COVID-19. On May 12, 2021, after approval by the FDA of emergency use authorization, the CDC announced its approval of the Pfizer vaccine for children aged 12 - 15 (16 years and older having been previously approved). On May 13, 2021, the CDC updated its guidance to provide that fully vaccinated people no longer need to wear a mask or physically distance in any setting, unless otherwise required. It should be noted that pursuant to federal rules, masks are still required on all planes, buses, trains and other forms of public transportation traveling into, within, or out of the United States and in U.S. transportation hubs such as airports and stations. The updated guidance is attached for reference.

According to the latest report from the Oklahoma Department of Health, Norman's new weekly case average as of May 12, 2021 is 47 new cases per week, or 5.37 new cases per day per 100,000 residents. Hospitalizations are significantly down from previous highs. Governor Stitt, with the adoption of Executive Order 2021-11, rescinded the statewide declaration of emergency effective May 4, 2021.

DISCUSSION: Given the updated guidance from the CDC, it is appropriate to consider repealing the COVID-19 ordinance at this time, and deleting the reference to the COVID-19 ordinance found in Section 15-506 of the Code. This ordinance required masks as well as social distancing in most situations. Those with compromised immune systems and those who have not received a full vaccine dose are still encouraged by the City and by the CDC to continue following recommended preventative measures. Private property owners and businesses may still opt to require masks, but it is no longer recommended as a mandate by the City. Repealing the ordinance will eliminate mask requirements, certain limits on social gatherings, and social distancing requirements. A separate vote on the emergency clause will be required to enable the ordinance to go into effect immediately.

RECOMMENDATION: Staff recommends the adoption of Ordinance O-2021-49 upon First, Second, and Final Reading and approval of the Emergency Clause.