

ORDINANCE NO 3414

AN ORDINANCE AMENDING THE MIDWEST CITY MUNICIPAL CODE, CHAPTER 11, CITY EMERGENCY MANAGEMENT, SECTION 11-4 FACE COVERING AND SOCIAL DISTANCING DURING "COVID-19 PANDEMIC EMERGENCY"; PROVIDING FOR REPEALER AND SEVERABILITY AND DECLARING AN EMERGENCY.

BE IT ORDAINED BY THE CITY OF THE CITY OF MIDWEST CITY, OKLAHOMA:

EMERGENCY ORDINANCE

SECTION 1. The Midwest City Municipal Code, Chapter 11, City Emergency Management, Section 11-4 Face Covering and Social Distancing During COVID-19 Pandemic Emergency is hereby added as follows:

Sec. -1. – Findings of Fact

1. The United States is experiencing an outbreak of Novel Coronavirus-2019 also known as COVID-19; and
2. On March 11, 2020, the World Health Organization characterized the COVID-19 outbreak as a pandemic; and
3. On March 13, 2020, the President of the United States declared a National Emergency because of the COVID-19 pandemic and which declaration is still in effect today; and
4. On March 15, 2020, the Governor of Oklahoma declared a State of Emergency because of the COVID-19 pandemic and which declaration is still in effect today; and
5. On March 16, the State Board of Education ordered all accredited public schools to cease operations, effective March 17 until April 6, 2020 then on March 25, 2020, the State Board of Education unanimously approved an order implementing a Distance Learning Plan to complete the 2019-20 school year for Oklahoma students without reopening school buildings; and
6. On March 16, 2020, the Oklahoma Supreme Court cancelled all jury terms and suspended all civil, juvenile, and criminal cases for 30 days and on March 27, 2020, the Oklahoma Supreme Court extended the order to cancel jury terms and suspend all of the aforementioned cases until May 15, 2020; and

41 7. The Center for Disease Control (“CDC”) has emphasized the COVID-19 risk to
42 individuals is dependent on exposure, and transmission is through respiratory droplets produced
43 when an infected person coughs or sneezes; and
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45 8. Oklahoma City-County Health Department (“OCCHD”) states this is the worst public
46 health crisis to face our city in the last half-century; and
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48 9. On March 16, 2020, the City Council of The City of Midwest City (City) passed a
49 resolution declaring the City of Midwest City, Oklahoma a health and safety hazard disaster area
50 caused by significant events related to the spread of and containment measures for COVID-19
51 for purposes of accessing county, state and federal funds and implementing the City’s
52 Emergency Operations Plan of an emergency within the City due to COVID; and
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54 10. With the transmission of COVID-19 and COVID-related hospitalizations continuing at an
55 elevated level, provisions for the safety of the life, health, and property of Midwest City residents
56 are still necessary; and
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58 11. The OCCHD data have successfully identified safety measures that will substantially
59 improve the City’s response to this pandemic, preserving the health of the community; and
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61 12. One strong recommendation by the CDC and OCCHD is the adoption of the safety
62 measure for the mandatory wearing of face coverings (masks) over the nose and mouth to help
63 prevent air-borne virus particles from causing new infections and, depending on the design of the
64 mask, can also help prevent the persons wearing the face covering from becoming infected with
65 COVID-19, particularly when other social distancing measures are difficult to maintain, and
66 when around people who do not live in the same household ; and
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68 13. As the City of Midwest City reopened in the midst of COVID-19, increased spread is to
69 be expected, and the key to controlling the spread and keeping the residents of the City of
70 Midwest City safe is for all people to consistently follow good hygiene and social-distancing
71 practices; and
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73 14. The City Council further declares that requiring the use of face coverings is a targeted
74 response that can combat the threat to public health using the least restrictive means, and if
75 people comply with this requirement that more extreme measures can be avoided; and
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77 15. The City Council of the City states that this COVID-19 Safety Code measure is being
78 enacted to help limit the health impacts and slow the spread of COVID-19 by mandating the
79 wearing of face coverings over the nose and mouth whenever persons are entering and while
80 inside any indoor place open to the public.

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Sec. 2 Definitions.

“Face Covering” means a covering that fully covers a person’s nose and mouth. The term “Face Covering” includes, but is not limited to, cloth face masks, towels, scarves, and bandanas as recommended by the CDC or OSDH, an N95, KN95, or other mask that would be appropriate for a health care setting, or a surgical mask. The Face Covering should fit snugly on a person's face but allow the person to breathe easily and worn consistent with the guidance provided by the CDC or OSDH.

“Social” or "Physical Distancing" means maintaining six (6) feet of distance between persons who are not part of the same household while in a public accommodation, educational building, or public setting.

"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, motor vehicle dealerships.

“Public Service Area” means areas of a Place of Public Accommodation or an Educational Institution wherein employees interact with the public in the normal course of business.

“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, hospitals and health facilities, gymnasiums and physical fitness facilities, and food trucks and other outdoor retail entities.

“Educational Institution” means any building or facility used for academic or athletic purposes on public school campuses, and any private school or preschool. This term excludes the playing surface of any athletic facility during organized activities and practices.

Sec. 3. Face Coverings Mandate Under Certain Circumstances

1. Every person in the City of Midwest City shall wear a face covering over the nose and mouth worn consistent with CDC guidelines when inside a commercial entity or other building, structure or space open to the public, wherever it is not feasible to maintain six feet of social distancing from another person not in the same household; provided, however, that this face-covering requirement does not apply to the following:

- 120 a. any person younger than ten (10) years of age, unless required by a school or day care to
121 wear face coverings, and wearing a face covering is strongly encouraged;
- 122 b. any person who falls into the U.S. Centers for Disease Control and Prevention's guidance
123 for those who should not wear Face Coverings due to a medical or mental health
124 condition or developmental disability;
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- 126 c. any person while the person is consuming food or drink, or is seated at a restaurant to eat
127 or drink;
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- 129 d. any person while the person is exercising outdoors or engaging in physical activity
130 outdoors, and maintaining a safe distance from other people not in the same household;
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- 132 e. any person while that person is performing cardio exercise, but they should make every
133 effort to practice social distancing from persons not from their own household;
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- 135 f. Occupants in a personal vehicle, personal office, or similarly private space while other
136 persons outside of the person's household are not present;
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- 138 g. Private homes;
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- 140 h. Offices and workplaces that are not Public Service Areas where Physical Distancing
141 between employees and other occupants can be consistently maintained during hours of
142 operation; and
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- 144 i. any person obtaining a service that requires temporary removal of the face covering for
145 security surveillance, screening, or a need for specific access to the face, such as while
146 visiting a bank or while obtaining a personal care or dental service involving the face, but
147 only to the extent necessary for the temporary removal;
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- 149 j. any person while the person is at a swimming pool, lake, or similar body of water, or a
150 spray park;
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- 152 k. any person while the person is giving a speech for a broadcast or to an audience;
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- 154 l. any person performing work in which face coverings present or exacerbates a hazard.
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156 **Sec. 4. Penalty for violation of Subsection 3.** There is no specific penalty for violation of this
157 ordinance. However, persons refusing to wear a face covering into a Place of Public
158 Accommodation, Educational Institution, or Public Setting as defined herein shall be subject to

159 prosecution under criminal trespass, disturbing the peace, disorderly conduct or similar offenses
160 as circumstances warrant.

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162 **Sec. 5. Expiration of Ordinance**

163 This ordinance shall expire the earlier of: September 22, 2020; the expiration of all Civil
164 Emergency Orders related to COVID-19 issued by the State and/or City; or repeal, modification
165 or extension by the City Council through a subsequent ordinance.

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167 **SECTION 2. REPEALER.** All ordinances or parts of ordinances in conflict herewith are hereby
168 repealed.

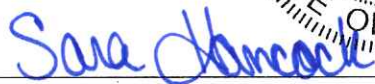
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170 **SECTION 3. SEVERABILITY.** If any section, sentence, clause or portion of this ordinance is
171 for any reason held to be invalid, such decision shall not affect the validity of the remaining
172 portions of the ordinance.

173
174 PASSED AND APPROVED by the Mayor and Council of the City of Midwest City, Oklahoma,
175 on the 28 day of July, 2020.




177 THE CITY OF MIDWEST CITY, OKLAHOMA
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179 _____
180 MATTHEW D. DUKES, II, Mayor

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182 ATTEST:

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184 _____
185 SARA HANCOCK, City Clerk

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187 APPROVED as to form and legality this 28 day of July, 2020.

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189 _____
190 HEATHER POOLE, City Attorney

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192 **SECTION 4. EMERGENCY.** The City Council declares this ordinance to be an emergency, it
193 being immediately necessary for the preservation of the peace, health and safety of the City of
194 Midwest City and the inhabitants thereof that the provisions of this ordinance be put into full
195 force and effect, an emergency is hereby declared to exist by reason whereof this ordinance shall
196 take effect and be in full force from and after its passage as provided by law.

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198 EMERGENCY CLAUSE PASSED AND APPROVED by the Mayor and the Council of the
199 City of Midwest City,

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201 Oklahoma, this 28 day of July, 2020
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204 CITY OF MIDWEST CITY, OKLAHOMA



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215 MATTHEW D. DUKES II, Mayor

216 ATTEST:

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222 SARA HANCOCK, City Clerk

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232 APPROVED as to form and legality this 28 day of July, 2020



233 HEATHER POOLE, City Attorney