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AN ORDINANCE OF THE CITY OF TULSA, OKLAHOMA, AMENDING THE PENAL CODE, TITLE 27, TULSA REVISED ORDINANCES CHAPTER 4, 'OFFENSES AGAINST THE PERSON' BY ADDING NEW SECTION 409 ENTITLED "FACE COVERING AND SOCIAL DISTANCING DURING COVID-19 PANDEMIC CIVIL EMERGENCY," MANDATING THE USE OF FACE COVERINGS WITH SOME LISTED EXCEPTIONS, SETTING FORTH A SUNSET EXPIRATION DATE, CREATING PENALTIES FOR NON-COMPLIANCE; DECLARING AN EMERGENCY; AND PROVIDING FOR THE SEVERABILITY THEREOF.

BE IT ORDAINED AND ENACTED BY THE CITY OF TULSA:

*Section 1. That Title 27, Tulsa Revised Ordinances, "Penal Code" be amended by the addition of new Section 409, to read as follows:*

**Section 409 – Face Covering and Social Distancing During COVID-19 Pandemic Civil Emergency**

**A. Findings of Fact**

WHEREAS, the City of Tulsa is charged with the solemn responsibility of protecting the public peace, health, order, morals, and safety, and promoting the general welfare of the City of Tulsa and its inhabitants;

WHEREAS, on March 15, 2020, the Governor of the State of declared an emergency caused by the impending threat of COVID-19 to the people of this State and the public's peace, health and safety which remains in effect today; and

WHEREAS, on Tuesday, March 17, 2020, the Mayor of the City of Tulsa, issued Executive Order 2020-02 declaring a civil emergency in response to the COVID-19 pandemic, which poses an imminent threat to health, safety and welfare in the City of Tulsa; and

WHEREAS, on Thursday, July 2, 2020, the Mayor of the City of Tulsa, issued Executive Order 2020-13 extending the civil emergency, requiring a safety plan for all events and gatherings with 500 or more attendees, and requiring bar and restaurant employees to wear face coverings while working; and

WHEREAS, as of the 14<sup>th</sup> day of July, 2020, there were 1,099 active cases (5,448 total cases diagnosed) of COVID-19 in Tulsa County; and

WHEREAS, as of the 14<sup>th</sup> day of July, 2020, there were 117 COVID-19 positive patients in the hospital, 81 of those persons in the Intensive Care Unit (ICU), with an additional 11 cases in the ICU still under investigation for suspected COVID-19, and only 45 adult ICU beds still available in Tulsa County. 135 patients were treated the same day in acute care clinical settings; and

WHEREAS, as of the 14<sup>th</sup> day of July, 2020, the State of Oklahoma is not meeting the White House Opening Up America Again gating criteria for downward trajectory of cases or the downward trajectory of positive tests as a percentage of total tests, nor is Tulsa County meeting the 14 day trend of such downward trajectory.

WHEREAS, the Mayor of the City of Tulsa, issued multiple executive orders in response to COVID-19 using the least restrictive means available to protect public health, safety and welfare in the City of Tulsa and ensure an effective response to this disaster; and

WHEREAS, as the City of Tulsa reopened in the midst of COVID-19, increased spread is to be expected, and the key to controlling the spread and keeping the City of Tulsa safe is for all people to consistently follow good hygiene and social-distancing practices; and

WHEREAS, the United States Centers for Disease Control and Prevention (CDC) recommends that people wear cloth face coverings in public settings, particularly when other social distancing measures are difficult to maintain, and when around people who do not live in the same household and;

WHEREAS, the Mayor of the City of Tulsa, joined with the Executive Director of the Tulsa Health Department, and other public health officials in consistently encouraging people to use face coverings, and health authorities have repeatedly emphasized that wearing face coverings is one of the most important and effective tools for reducing the spread of COVID-19; and

WHEREAS, given the current status of COVID-19 in the City of Tulsa, requiring the use of face coverings is a targeted response that can combat the threat to public health using the least restrictive means, and if people follow this requirement, more extreme measures may be avoided; and

WHEREAS, wearing a face covering is important not only to protect oneself, but also to avoid unknowingly harming fellow Tulsans and others with whom they may come into contact, especially given that many people who go into public may have COVID-19 without knowing it because they have no symptoms; and

WHEREAS, due to recent substantial increases in COVID-19 positive cases, and increases in the COVID-19 positivity rate and hospitalizations resulting from COVID-19, further measures

are needed to achieve the least restrictive means for reducing the growing spread of COVID-19, and to avoid a need for more extreme measures; and

WHEREAS, it is deemed necessary for the protection of the public health and safety of the City of Tulsa and its inhabitants to prevent the introduction and spread of the contagious disease COVID-19 preserve the peace, and to provide civil defense and emergency functions; and

Therefore, pursuant to Title 11, Oklahoma Statutes, Section 22-120 (A), the City enacts this ordinance mandating that:

**B. Face Coverings Mandate Under Certain Circumstances**

1. Every person in the City of Tulsa 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, or when in an outdoor public space, 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:

- a. any person younger than 18 years of age, however, wearing a face covering is strongly encouraged.
- b. any person with a medical condition or disability that prevents wearing a face covering;
- c. any person while the person is consuming food or drink, or is seated at a restaurant to eat or drink;
- d. any person while the person is exercising outdoors or engaging in physical activity outdoors, and maintaining a safe distance from other people not in the same household;
- e. any person while the person is driving alone or with passengers who are part of the same household as the driver;
- f. any person obtaining a service that requires temporary removal of the face covering for security surveillance, screening, or a need for specific access to the face, such as while visiting a bank or while obtaining a personal care or dental service involving the face, but only to the extent necessary for the temporary removal;

- g. any person while the person is in a swimming pool, lake, or similar body of water;
- h. any person who is voting, assisting a voter, serving as a poll watcher, or actively administering an election, but wearing a face covering is strongly encouraged;
- i. any person who is actively providing or obtaining access to religious worship, but wearing a face covering is strongly encouraged;
- j. any person while the person is giving a speech for a broadcast or to an audience;
- k. any person performing work in which face coverings present or exacerbates a hazard.

### **C. Penalty for Violation of Subsection B.**

A person in first-time violation of the face covering requirement in this ordinance shall receive a verbal or written warning, and if subsequently violating this ordinance, shall be guilty of a misdemeanor offense, receive a citation for such violation, and, upon conviction thereof shall be punished by a fine of not more than One Hundred Dollars (\$100.00), excluding costs. In addition, the City may pursue any other legal remedy to secure enforcement.

### **D. Expiration of Ordinance**

Unless otherwise repealed, amended, or superseded by ordinance, this face covering mandate ordinance shall remain in effect until the termination of the Governor of the State of Oklahoma's Emergency Declaration or the termination of the Mayor's Civil Emergency Order, whichever occurs sooner.

### *Section 2. SEVERABILITY CLAUSE*

*If any section, sentence, clause, or phrase of this ordinance or any part thereof is for any reason found to be invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remainder of this ordinance or any part thereof.*

Section 3. REPEAL OF CONFLICTING ORDINANCE.

*That all ordinances or parts of ordinances in conflict herewith be and the same are now expressly repealed.*

Section 4. EMERGENCY CLAUSE.

*That an emergency is now declared to exist for the preservation of the public peace, health and safety, by reason whereof this Ordinance shall take effect immediately from and after its adoption and required approvals.*

ADOPTED by the Council: \_\_\_\_\_  
Date

\_\_\_\_\_  
Chair of the Council

ADOPTED as an emergency measure: \_\_\_\_\_  
Date

\_\_\_\_\_  
Chair of the Council

OFFICE OF THE MAYOR

Received by the Mayor: \_\_\_\_\_, at \_\_\_\_\_

G.T. Bynum, Mayor

By \_\_\_\_\_  
Secretary

APPROVED by the Mayor of the City of Tulsa, Oklahoma: \_\_\_\_\_,  
Date

at \_\_\_\_\_  
Time

\_\_\_\_\_  
Mayor

(Seal)

ATTEST:

\_\_\_\_\_  
City Clerk

APPROVED AS TO FORM AND  
LEGALITY:

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City Attorney