

ORDINANCE NO. 2020 - 19

AN ORDINANCE ADDING NEW SECTION 96.05
TO CHAPTER 96, TITLE IX OF THE ORDINANCES OF THE CITY
OF CLAREMORE, OKLAHOMA, REGARDING FACE COVERING AND
SOCIAL DISTANCING DURING COVID-19 PANDEMIC CIVIL EMERGENCY

WHEREAS, the City of Claremore, pursuant to the powers delegated to it by the Oklahoma Constitution, Oklahoma Statutes, and as a Charter City, has the authority to add a new Section 96.05 to Chapter 96, Title IX of the City Ordinances regarding face coverings and social distancing during Covid-19 pandemic civil emergency; and

THEREFORE, BE IT ORDAINED by the Council of the City of Claremore, Oklahoma, that:

Section 1. Addition. That a new City of Claremore Code, Title IX, Chapter 96, Section 96.05 be added to read as follows:

§ 96.05. FACE COVERING AND SOCIAL DISTANCING DURING COVID-19
PANDEMIC CIVIL EMERGENCY

A. Findings of Fact

WHEREAS, the City of Claremore 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 Claremore and its inhabitants; and

WHEREAS, on October 23, 2020, The Honorable J. Kevin Stitt, Governor of Oklahoma, issued the Sixth Amended Executive Order 2020-20, declaring a state of emergency in all 77 Oklahoma Counties caused by the increased threat of COVID-19; and

WHEREAS, as of the 15th day of November, 2020, there were 27,807 active cases of COVID-19 in Oklahoma, and 420 cases in Claremore; and

WHEREAS, The Center for Disease Control (CDC) as well as the Oklahoma State Department of Health (OSDH) recommend the continuation of proper social distancing procedures and other precautionary measures, specifically the proper use of masks covering the nose and mouth to prevent the spread of COVID-19; and

WHEREAS, the aforementioned CDC guidance on masks recommend that the general public wear cloth face coverings in public settings and when around people who do not live in your household,

especially when other social distancing measures are difficult to maintain, and furthermore cloth face coverings are most likely to reduce the spread of COVID-19 when they are widely used by people in public settings; and

WHEREAS, the aforementioned CDC guidance recommends that the general public should also wear face coverings in ALL outdoor settings where there is exposure to non-household members, unless there exists ample space of 6 feet or more to practice physical distancing; and

WHEREAS, exemptions for children of a certain age and individuals with disabilities who cannot wear a mask as outlined by CDC guidelines and health professionals are recognized; and

WHEREAS, given the current status of COVID-19 in the City of Claremore, 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 citizens of Claremore and others with whom they may have 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 Claremore 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 of Claremore enacts this ordinance mandating that:

B. 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, adult and youth sports facilities, communal outdoor spaces such as sidewalks, trails, and parks, 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.

C. Face Coverings Mandate Under Certain Circumstances.

Except as otherwise provided herein, persons located within Public Service Areas of Places of Public Accommodation or an Educational Institution are required to wear Face Coverings at all times when present therein. Except as otherwise provided herein, persons in any Public Setting wherein social or physical distancing cannot be maintained are required to wear Face Coverings. The following persons, locations and activities are exempt from this requirement:

1. Persons who fall into the U. S. Centers for Disease Control and Prevention’s guidance for those who should not wear Face Coverings due to a medical or mental health condition or developmental disability;
2. Children under 10 years of age;
3. Restaurant patrons while they are eating or drinking;
4. Persons exercising in communal outdoor spaces, or persons walking or exercising with other persons from the same household in communal outdoor spaces, as long as Physical Distancing is maintained. Persons congregating in communal outdoor spaces with other persons not in their same household are required to wear Face Coverings when Physical Distancing is not maintained.
5. Settings where it is not practical or feasible to wear a Face Covering, such as dental services, medical treatments, while swimming, or when engaged in athletic team activities where the level of exertion makes wearing a Face Covering impractical;
6. Occupants in a personal vehicle, personal office, or similarly private space while other persons outside of the person’s household are not present;
7. Private homes; and

8. Offices and workplaces that are not Public Service Areas where Physical Distancing between employees and other occupants can be consistently maintained during hours of operation.

D. Penalty for Violation of Subsection C.

There is no specific penalty for violation of this ordinance. However, persons refusing to wear a face covering into a Place of Public Accommodations, Educational Institution, or Public Setting, as defined herein, shall be subject to prosecution under criminal trespass, disturbing the peace, disorderly conduct or similar offenses as circumstances warrant.

E. Expiration of Ordinance.

This Ordinance shall expire the earlier of: February 28, 2021; or repeal, modification or extension by the City Council through a subsequent ordinance.

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: Publication. The City Clerk is hereby ordered and directed to cause this Ordinance to be published as required by law.

~~**Section 5: Emergency Clause.** An emergency is hereby declared to exist where by it is necessary for the preservation of the public health, safety and welfare of the inhabitants of the City of Claremore, Oklahoma, that this Ordinance shall be in full force and effect immediately from and after its passage, approval and adoption.~~

PASSED AND APPROVED by the Mayor and Council of the City of Claremore, Oklahoma, this 20th day of November, 2020, by vote on Sections Nos. 1 through 4 ~~and then by separate vote on Section No. 5 (the Emergency Clause).~~

ATTEST:

Sniah Sharp
CITY CLERK SIGNATURE

Bill Flanagan
MAYOR SIGNATURE

