

## ORDINANCE 837-2020

ORDINANCE OF THE CITY OF CHOCTAW, OKLAHOMA AMENDING PART 8, HEALTH AND SANITATION OF THE CODE OF ORDINANCES OF THE CITY OF CHOCTAW BY AMENDING CHAPTER 10, CIVIL EMERGENCIES, SECTION 8-1004, FACE COVERING AND PHYSICAL DISTANCING DURING “COVID-19 PANDEMIC EMERGENCY”; DECLARING REPEALER; PROVIDING FOR SEVERABILITY; AND DECLARING AN EMERGENCY.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHOCTAW, OKLAHOMA:

Section 1. That Chapter 10, Civil Emergencies, of Part 8 Health and Sanitation of the Code of Ordinances of the City of Choctaw, Oklahoma is hereby amended to read as follows:

§ 8-1004      FACE COVERING AND PHYSICAL DISTANCING DURING “COVID-19 PANDEMIC EMERGENCY”.

A.      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
7.      The Center for Disease Control (“CDC”) has emphasized the COVID-19 risk to individuals is dependent on exposure, and transmission is through respiratory

droplets produced when an infected person coughs or sneezes; and

8. Oklahoma City-County Health Department (“OCCHD”) states this is the worst public health crisis to face our city in the last half-century; and
9. On March 18, 2020, the City Council of The City of Choctaw (City) passed a resolution declaring the City of Choctaw, Oklahoma a health and safety hazard disaster area caused by significant events related to the spread of and containment measures for COVID-19 for purposes of accessing county, state and federal funds and implementing the City’s Emergency Operations Plan of an emergency within the City due to COVID; and
10. With the transmission of COVID-19 and COVID-related hospitalizations continuing at an elevated level, provisions for the safety of the life, health, and property of Choctaw residents are still necessary; and
11. The OCCHD data have successfully identified safety measures that will substantially improve the City’s response to this pandemic, preserving the health of the community; and
12. One strong recommendation by the CDC and OCCHD is the adoption of the safety measure for the mandatory wearing of face coverings (masks) over the nose and mouth to help prevent air-borne virus particles from causing new infections and, depending on the design of the mask, can also help prevent the persons wearing the face covering to not become infected with COVID-19, particularly when other social distancing measures are difficult to maintain, and when around people who do not live in the same household; and
13. As the City of Choctaw 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 Choctaw safe is for all people to consistently follow good hygiene and social-distancing practices; and
14. The City Council further declares that 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 comply with this requirement than more extreme measures can be avoided; and
15. The City Council of the City states that this COVID-19 Safety Code measure is being enacted to help limit the health impacts and slow the spread of COVID-19 by mandating the wearing of face coverings over the nose and mouth whenever persons are entering and while inside any indoor place open to the public.

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, 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

1. Every person in the City of Choctaw 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; provided, however, that this face-covering requirement does not apply to the following:
  - a. any person younger than ten (10) years of age, unless required by a school or day care to wear face coverings, and wearing a face covering is strongly encouraged;
  - b. any person who falls 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;
  - 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 that person is performing cardio exercise, but they should make every effort to practice physical distancing from persons not from their own household;
- f. occupants in a personal vehicle, personal office, or similarly private space while other persons outside of the person's household are not present;
- g. private homes;
- h. 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; and
- i. 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;
- j. any person while the person is at a lake, or similar body of water, or a spray park;
- k. any person while the person is giving a speech for a broadcast or to an audience;
- l. any person performing work in which face coverings present or exacerbates a hazard.

D. Penalty for violation of Subsection 3.

There is no specific penalty for violation of this ordinance. However, persons refusing to wear a face covering into a Place of Public Accommodation, 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: December 2, 2020; the expiration of all Civil Emergency Orders related to COVID-19 issued by the State and/or City; or repeal, modification or extension by the City Council through a subsequent ordinance.

Section 2. **REPEALER.**

All former Ordinances or parts of Ordinances conflicting or inconsistent with the provisions of this Ordinance are hereby repealed.

Section 3. **SEVERABILITY.**

If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, said portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions of this Ordinance.

Section 4. **EMERGENCY.**

It being immediately necessary for the preservation of the public health, peace and safety of the City of Choctaw and the inhabitants thereof, an emergency is hereby declared to exist by reason whereof, this Ordinance shall be in full force and effect from and after its passage and approval, as provided by law.

**PASSED AND APPROVED** and the Emergency Clause voted upon separately and passed and approved this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
Randy Ross, Mayor

**ATTEST:**

\_\_\_\_\_  
Amanda Valent, City Clerk

APPROVED as to form this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

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RAYMOND A. VINCENT  
City Attorney