ORDINANCE NO. 3452

"AN ORDINANCE AMENDING THE STILLWATER CITY CODE BY AMENDING CHAPTER 14, CIVIL EMERGENCIES, ARTICLE I, IN GENERAL, TO CREATE SECTION 14-1, FINDINGS OF FACT; SECTION 14-2, DEFINITIONS; SECTION 14-3, USE OF FACE COVERINGS; SECTION 14-4, SIGNAGE; SECTION 14-5, ENTRY; SECTION 14-6, APPROPRIATION; SECTION 14-7, SUNSET; SECTION 14-8, PENALTIES; AND SECTION 14-9, SEVERABILITY; AND DECLARING AN EMERGENCY"

(AMENDMENTS HIGHLIGHTED BY STRIKETHROUGH AND UNDERLINING)

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

SECTION 1: That the Stillwater City Code, Chapter 14, Civil Emergencies, Article I, In General, be amended to create Sections 14-1 through 14-9 to read as follows:

Article I. In General

Sec. 14-1. Findings of Fact.

WHEREAS, COVID- 19, a respiratory disease that can result in serious illness or death, is caused by the SARS-CoV-2 virus, which is a new strain of coronavirus that had not been previously identified in humans and can spread from person to person; and

WHEREAS, the current scientific understanding of this virus from the U.S. Centers for Disease Control and Prevention (CDC) indicates that it spreads mainly from person to person, mainly through respiratory droplets produced when an infected person talks, coughs, or sneezes; and

WHEREAS, these respiratory droplets can land in the mouths or on noses of nearby people or can possibly be inhaled into the lungs; and

WHEREAS, spread is more likely when people are in close contact with one another (within six feet); and

WHEREAS, currently there is no vaccine, treatment, or cure for COVID-19; and

WHEREAS, the incidence of "community spread" of COVID-19 within the City of Stillwater remained consistent through June 1, 2020, peaking at 22 cumulative confirmed cases for nearly six weeks; and

WHEREAS, in accordance with Governor J. Kevin Stitt's May 30 2020 Executive Order 2020-20 and June 12, 2020 Amended Executive Order 2020-20 the City of Stillwater allowed previously declared emergency orders to expire and adopted State requirements set forth in the "Phase III" Open Up Recover Safely ("OURS") Plan (Proclamation Declaring State of Emergency, June 1, 2020 Amendment); and

WHEREAS, since that date, the incidence of positive COVID-19 tests increased from 22 cases on June 8, 2020 to 389 on July 7, 2020; and

WHEREAS, most of the active cases in Stillwater involve persons between 18-25 years of age; and

WHEREAS, the Payne County Health Department reports that contact tracing has linked much of this exposure to congregation of persons within this demographic in bars and gatherings where those attending did not exercise social and physical distancing or wear face coverings; and

WHEREAS, students and faculty will begin returning to Stillwater during July and August from throughout the United States including COVID-19 "hotspots" such as Tulsa County and the Dallas-Fort Worth Metroplex; and

WHEREAS, studies have found that mandated face coverings significantly reduce the number of infections; and

WHEREAS, the United States Center for Disease Control (CDC), Oklahoma State Department of Health (OSDH), and Stillwater Medical Center all recommend the wearing of face coverings in public settings to prevent the transmission of COVID-19 from person to person; and

WHEREAS, in response to the foregoing, Oklahoma State University Administration (OSU) has ordered that all students, faculty, employees, vendors, and visitors entering campus buildings and facilities wear face coverings throughout the Fall 2020 Semester; and

WHEREAS, the passage of an ordinance mandating the wearing of face coverings in certain public settings is necessary to protect the health and safety of Stillwater residents and together with the OSU face covering requirements will reduce the transmission of COVID-19 within the community.

Sec. 14-2. 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 snuggly 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 institution, 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, and 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 the campus of Stillwater Public Schools, Meridian Technology Center, and any private school or preschool. This term excludes the playing surface of any athletic facility during organized activities and practices.

Sec. 14-3. Use of Face Coverings.

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. Persons exempted under this subsection should consider the use of a face shield provided that said shield wraps around the sides of the wearer's face and extends below to the chin;

2. Children under five (5) years of age unless required by a school or day care to wear a face covering;

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;

5. Settings where it is not practical or feasible to wear a Face Covering, such as dental services, medical treatments or while swimming or at a splash pad;

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.

Sec. 14-4. Signage.

Places of Public Accommodation, Educational Institutions, and indoor Public Settings shall post conspicuous signs at all entrances that employees, customers, users, students and visitors must wear face coverings pursuant to this ordinance to be admitted into the premises. The City Manager shall direct the development of a uniform sign meeting this requirement and distribute it free of charge to all regulated entities.

Sec. 14-5. Entry.

Places of Public Accommodation, Educational Institutions and indoor Public Settings may deny entry to persons who refuse to wear face coverings as required by this ordinance.

Sec. 14-6. Appropriation.

The Stillwater City Council hereby approves a budget adjustment in the amount of $100,000.00 to operate a public safety campaign to raise community rates of the wearing of face coverings during this pandemic. The campaign shall include the distribution of free face coverings to Stillwater businesses, the operation of a business support hotline, and an outreach strategy focused on high-interaction sites. A support hotline shall be available for businesses to request technical and/or field support for any reason related to the city's response to the COVID-19 virus, including requesting free masks for distribution to customers, the creative use of outdoor space, and generally when implementing health directives and emerging best practices.

Sec. 14-7. Sunset.

This ordinance shall expire the earlier of: November 30, 2020; the expiration of all COVID-19 related emergency declarations issued by the Mayor; or repeal, modification or extension by the City Council through a subsequent ordinance.

Sec. 14-8. Penalties.

Individuals: Persons refusing to wear a face covering into a Place of Public Accommodation, Educational Institution, or Public Setting as defined herein may be subject to prosecution under criminal trespass, disturbing the peace, disorderly conduct or similar offenses as circumstances warrant.

Places of Public Accommodation, Educational Institutions, and indoor Public Settings willfully failing to enforce the requirements set forth in this ordinance may be subject to regulatory or civil action as appropriate.

Sec. 14-9. Severability.

If any provision, section or portion of this ordinance is found or determined by a court for any reason to be invalid or unenforceable, those provisions shall be severed from the remaining portion of this ordinance which shall remain effective in the absence of any invalid or unenforceable provision.

SECTION 2. EMERGENCY CLAUSE. It being immediately necessary for the preservation of the peace, health and safety of the citizens of the City of Stillwater, Oklahoma, an emergency is hereby

declared to exist, by reason whereof this ordinance shall become effective from and after the date of publication.

PASSED, APPROVED, AND ADOPTED THIS 9th DAY OF July, 2020.

WILLIAM H. JOYCE, MAYOR

(SEAL)
ATTEST:

TERESA KADAVY, CITY CLERK

THE EMERGENCY CLAUSE IS HEREBY PASSED, APPROVED AND ADOPTED THIS 9th DAY OF July, 2020.

WILLIAM H. JOYCE, MAYOR

(SEAL)
ATTEST:

TERESA KADAVY, CITY CLERK

APPROVED AS TO FORM AND LEGALITY THIS 9th DAY OF July, 2020.

JOHN E. DORMAN, CITY ATTORNEY

First Reading: 070620
Second Reading: 070920