

ORDINANCE NO. 1252

AN ORDINANCE CREATING CERTAIN PROVISIONS TO TITLE 8, ENTITLED "HEALTH AND SANITATION" OF THE SEMINOLE CITY CODE OF ORDINANCES, BY SPECIFICALLY ENACTING THE "CITY OF SEMINOLE COVID-19 SAFETY CODE," TO BE CODIFIED AS SECTION 8-1-11 THROUGH 8-1-18 OF THE CODE IN ORDER TO PROVIDE THE FINDINGS AND DECLARATIONS OF THE CITY COUNCIL; PROVIDING A DEFINITION OF "FACE COVERING:" REQUIRING FACE COVERINGS SHALL BE WORN IN CERTAIN PLACES OR SETTINGS; PROVIDING SUGGESTED GUIDELINES FOR FACE COVERINGS; PROVIDING EXCEPTIONS; PROVIDING AN EFFECTIVE AND EXPIRATION DATE AND TIME; PROVIDING FOR ENFORCEMENT, VIOLATIONS, AND PENALTIES FOR VIOLATIONS; PROVIDING A DEFENSE; AND DECLARING AN EMERGENCY.

CITY OF SEMINOLE COVID-19 SAFETY CODE

NOW THEREFORE BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF SEMINOLE, OKLAHOMA THAT TITLE 8, SECTION 1-11 THROUGH 1-18 OF THE CITY CODES OF ORDINANCES BE CREATED AS FOLLOWS:

SECTION 1. That Title 8, Section 1-11 through 1-18, of the Code of the City of Seminole, Oklahoma, is hereby created to read as follows:

8-5-11: CITY OF SEMINOLE COVID-19 SAFETY CODE

This article is entitled and shall be known to as the CITY OF SEMINOLE COVID-19 SAFETY CODE.

8-5-12: STATEMENT OF FINDINGS BY THE CITY COUNCIL OF THE CITY OF SEMINOLE

1. The United States is experiencing and 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 the 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 the declaration is still in effect today; and

5. 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
6. There have been over 2,072 COVID-19 related deaths statewide with over 15 deaths in Seminole and the immediately surrounding area; and
7. The City Council of the City of Seminole (City) finds that the Center for Disease Control (CDC) has identified a virus, COVID-19, which is causing a pandemic throughout the world and the United States remains present, extremely contagious, and potentially deadly within the city; and
8. After reaching a low point for positive tests and hospitalizations, in June, Oklahoma experienced a significant increase in the number of COVID-19 positive tests and hospitalizations; and
9. After a period where the rise in new cases subsided, the increase in new cases and positive testing percentages has resumed this past week and remains at an elevated level related to the previous phases of the pandemic; and
10. Since mid-June, hospitalizations have consistently remained at an elevated level that causes concern to public health officials; and
11. The Oklahoma State Department of Health ("OSDH") has successfully identified safety measures what will substantially improve the City's response to this pandemic, preserving the health of the community; and
12. Based upon information provided by local healthcare providers and public health experts, the current surge occurred, in part, due to public gatherings associated with the Labor Day holiday; and
13. One strong recommendation by the CDC and PCHD 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; and
14. 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 Seminole residents are still necessary; and
15. The City Council of the City declares that the continuing occurrence and threat of widespread or severe damage, injury, or loss of life or property from COVID-19, including severe economic damage to the City and the State of Oklahoma, which can result from COVID-19 justifies emergency action by the City to help avert such danger or damage and to protect the public health; and
16. The City Council further declares an emergency need for an ordinance containing the COVID-19 safety measure for the mandatory wearing of face coverings over

the nose and mouth whenever persons are in any place or setting open to the general public; and

17. The City Council of the City further notes that the recent surge in COVID-19 cases in several U.S. states is raising concern that the economic recovery that likely began in May could falter if authorities re-impose lockdowns or consumers reduce spending out of fear that getting out and about could mean they get the sometimes fatal disease; and
18. The City Council also finds that it is appropriate and in the interest of the public health, safety, and welfare and would further protect property and civil order, of the Civil Council to adopt this COVID-19 Safety Code with a regulation mandating the wearing of masks over the nose and mouth whenever persons are entering and while inside any indoor place open to the public; and
19. 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; and
20. Accordingly, the City council also finds that it is appropriate and in the interest of the public health, safety, and welfare and would further protect property and civil order, for the City council to limit the duration of this ordinance to and until April 14, 2021 with the mask requirement expiring at 12:00 A.M on April 14, 2021; provided for the ages this requirement applies to, the City Council has determined that ages 5 and up is appropriate, but the public should keep in mind that the CDC recommends that persons 3 and up should wear masks.

8-5-12: DEFINITION

The term "face covering" as used in this article shall mean a uniform piece of material that securely covers a person's nose and mouth and remains affixed in place without the use of one's hands and/or a face shield.

8-5-13: FACE COVERINGS REQUIRED

All persons shall wear face coverings when entering and while inside any indoor place open to the public.

8-5-14: GUIDELINES FOR FACE COVERINGS

The public is encouraged to wear face coverings that;

- a. fit snugly but comfortably against the side of the face;
- b. are secured;

- c. allow for breathing without restrictions; and
- d. face coverings may be made of disposable or non-disposable materials.

8-5-15: EXCEPTIONS

Nothing herein shall require the wearing of face coverings by:

- a. persons under 5 years of age unless required by a school or day care to wear a face covering;
- b. persons in the workplace who do not have any face-to-face interactions with the public, such as a professional office, garage, etc.;
- c. restaurant patrons while eating or drinking;
- d. persons in a setting where it is not practical or feasible to wear a face covering, such as when receiving dental services, medical treatments, or while swimming or at a splash park;
- e. persons engaged in competitive sporting activities, whether professional or amateur or merely for recreational purposes;
- f. persons engaged in performing cardio exercise, but they should make a reasonable effort to practice social distancing from persons not from their household;
- g. persons attending any indoor religious service or ceremony as long as all persons who do not live in the same household are social distancing from one another, meaning not less than 6 feet apart; provided, nothing herein shall be construed to restrict the exercise of any church service, activity or ritual;
- h. persons inside any public or private school building or other facility unless required by the school to wear a face covering; and
- i. persons with a development disability, including persons who are deaf and hard of hearing.
- j. Persons with a medical condition where the wearing of a face covering would impede their health or exacerbate said condition.

8-5-16: EFFECTIVE AND EXPIRATION DATES OF TIMES

This article will become effective and enforceable upon adoption by City Council and will expire and become unenforceable at 12:00 A.M. on April 14, 2021.

8-5-17: ENFORCEMENT

This article may be enforced by any legally authorized code-enforcement inspectors or sworn police officers, to include, but not limited to: authorized OSDH inspectors, Seminole Code Enforcement Officers, Seminole Fire Department and sworn peace officers of the Seminole Police Department.

8-5-18: VIOLATIONS AND PENALTIES

- a. Inspectors and officers, at the initial contact, shall give an option of wearing a face covering or leaving the indoor place to a person who is not excepted from the face covering requirement. No citation shall be issued to a person who complies with one of the options. Failure to wear the face covering or failure to leave the indoor place after being warned shall constitute a violation of this article.
- b. A first and second violation of this article shall constitute a punishable offense. Upon conviction, the penalty shall not exceed, a \$9 fine. No court costs, fees, or assessments shall be imposed.
- c. A third or subsequent violation shall constitute a punishable offense, requiring a mandatory appearance in the Municipal Court and, upon conviction, shall be punishable with a penalty not exceeding \$50 inclusive of costs and State-mandated fees and assessments.
- d. Each violation of this article shall constitute a separate offense.

8-5-19: DEFENSE TO VIOLATIONS

It shall be a defense to any violation of Sections 15-6 through 15-19 of this Title if an individual produces a document demonstrating that his/her/their physician has verified that wearing a face covering could cause impairment or would constitute a hazard to the individual.

PASSED AND APPROVED this 14th DAY OF December, 2020.

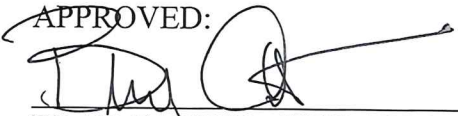


JEFF GRIFFIN, MAYOR

ATTEST:


JAY COX, CITY CLERK



APPROVED:


BRAD CARTER, CITY ATTORNEY

EMERGENCY CLAUSE

WHEREAS, it being immediately necessary for the preservation of the peace, health and safety and public good of the City of Seminole, and the inhabitants thereof, that the provisions of this ordinance be put into full force and effect, an emergency is hereby declared to exist by reason whereof this ordinance shall take effect and be in full force from and after its passage, as provided by Section 5-3 of the City Charter and operation of law.

THE EMERGENCY CLAUSE SEPARATELY APPROVED this 14th day of December, 2020, by the Mayor and City Council of the City of Seminole, Oklahoma.

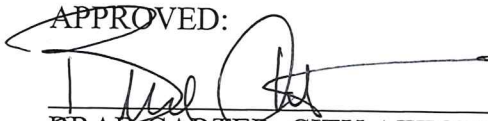


JEFF GRIFFIN, MAYOR

ATTEST:


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APPROVED:


BRAD CARTER, CITY ATTORNEY