

ORDINANCE NO. 1202

AN ORDINANCE ADOPTING A NEW CHAPTER 8.19 IN TITLE 8 OF THE WARR ACRES MUNICIPAL CODE TO ENACT A SET OF TEMPORARY ORDINANCES TO BE KNOWN AS THE “WARR ACRES COVID-19 SAFETY CODE TO BE CODIFIED AS SECTIONS 8.19.001 THROUGH 8.19.010; PROVIDING FOR SEVERABILITY AND DECLARING AN EMERGENCY.

EMERGENCY ORDINANCE

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF WARR ACRES, OKLAHOMA:

**SECTION 1.** That a new Chapter 8.19 be adopted in Title 8 of the Warr Acres Municipal Code to read as follows:

**CHAPTER 8.19  
COVID-19 SAFETY CODE**

- 8.19.001: TITLE:**
- 8.19.002: FINDINGS:**
- 8.19.003: DEFINITIONS:**
- 8.19.004: FACE COVERINGS REQUIRED:**
- 8.19.005: GUIDELINES FOR FACE COVERINGS:**
- 8.19.006: EXCEPTIONS:**
- 8.19.007: DURATION OF TEMPORARY REQUIREMENTS:**
- 8.19.008: ENFORCEMENT:**
- 8.19.009: VIOLATIONS; PENALTIES:**
- 8.19.010: AFFIRMATIVE DEFENSE:**

**8.19.001: TITLE:**

This Chapter is entitled and shall be known as the Warr Acres COVID-19 Safety Code.

**8.19.002: FINDINGS:**

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 the State of Oklahoma declared a State of Emergency because of the COVID-19 pandemic and which 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. As of July 19, 2020, There have been 451 reported COVID-19 related deaths statewide with 77 deaths in the Oklahoma County area; and
7. The City Council of The City of Warr Acres (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 the metropolitan area; and
8. After reaching a low point for positive tests and hospitalizations, in June Oklahoma City 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 relative to 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. Based upon information provided by local healthcare providers and public health experts during consideration of a similar ordinance by the City of Oklahoma City, the current surge occurred, in part, due to public gatherings associated with the Fourth of July holiday where social distancing and mask wearing protocols were not observed; and
12. One strong recommendation by the CDC is the adoption of the safety measure for the mandatory wearing of face coverings 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

13. 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 Warr Acres residents are still necessary; and
14. The City Council 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
15. 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
16. The City Council notes that on Friday, July 10, 2020, Dallas Federal Reserve Bank President Robert Kaplan publicly stated that:
  - i. The "key to ensuring a faster U.S. economic recovery is wearing masks to slow the spread of the coronavirus;" and
  - ii. "How the [COVID-19] virus proceeds, and what the incidence is, is going to be directly related to how fast we grow [economically]"; and
  - iii. "While monetary and fiscal policy have a key role to play, the primary economic policy from here is broad mask wearing and good execution of. . .health care protocols; if we do that well, we'll grow faster"; and
  - iv. "The message I'd have today about the economy (is that) while monetary policy and fiscal policy are very important, they are not as important right now in us doing a good job of flattening this curve on the virus, and if we do that, we'll grow faster."; and
17. The City Council 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 further notes that Goldman Sachs Group Inc. economists have argued that a national mask mandate would boost the chances of a faster recovery; and that Mr. Kaplan, a former Goldman Sachs bank officer, reiterated that the U.S. economy will likely shrink by 4.5% to 5% in 2020, even after what he expects to be growth during the 3<sup>rd</sup> and 4<sup>th</sup> quarters; and
19. The City Council finds that it is appropriate and in the interests of the public health, safety, and welfare and would further protect property and civil

order, for the City 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

20. The City Council 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
21. The City Council finds that adoption of the temporary restrictions contained in this Chapter from now until the period until immediately after Labor Day on September 7, 2020 will allow local healthcare providers and public health experts to gather empirical evidence regarding the effects of this mask policy and may help to prevent the potential for an additional surge associated with the Labor Day holiday weekend; and
22. The City Council finds that the City of Oklahoma City, which shares the majority of the City's jurisdictional border, adopted a substantially similar ordinance on July 17, 2020; and
23. The City Council finds that it is in the interests of both those who reside and/or visit the City to have as consistent and uniform set of temporary restrictions so as to avoid any confusion as to the expectations that are in place for those visiting indoor places open to the public within the Oklahoma County metropolitan area; and
24. Accordingly, The City Council also finds that it is appropriate and in the interests of public health, safety, and welfare and would further protect property and civil order, for the City Council to adopt this ordinance while limiting the duration of this ordinance to and until the day after Labor Day. Provided, for the ages this requirement applies to, the City Council has determined that ages 11 and up is appropriate, but the public should keep in mind that the CDC recommends that persons 3 and up should wear masks.

**8.19.003: DEFINITIONS:**

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.

**8.19.004: FACE COVERINGS REQUIRED:**

All persons shall wear face coverings when entering and while inside any indoor

place open to the public.

**8.19.005: GUIDELINES FOR FACE COVERINGS:**

The public is encouraged to wear face coverings that;

- a. Fit snugly but comfortably against the side of the face; and
- b. Are secured; and
- c. Allow for breathing without restrictions; and

Face coverings may be of the disposable or non-disposable.

**8.19.006: EXCEPTIONS:**

Nothing herein shall require the wearing of face coverings by:

- a. Persons under 11 years of age unless required by a school or day care to wear a face covering;
- b. Persons working in a professional office who do not have any face-to-face interactions with the public;
- 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 any 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 inside any Federal, State, or county government building or other facility;
- h. Persons inside any public or private school building or other facility unless required by the school to wear a face covering;
- i. Persons with a development disability, including persons who are deaf and hard of hearing.

**8.19.007: DURATION OF TEMPORARY REQUIREMENTS:**

This Chapter will become enforceable upon its effective date as provided in Sections 2-12 and 2-13 of the City Charter. The requirements of this Chapter will expire and become unenforceable at 12:00 a.m. on September 8, 2020, unless this Section is amended by future Council action.

**8.19.008: ENFORCEMENT:**

This Chapter may be enforced by any Warr Acres Police Officer.

**8.19.009: VIOLATIONS; PENALTIES:**

- a. Those officials authorized to enforce the provisions of this Chapter shall, at the initial contact with a person not in compliance with this Chapter, offer the person the option of either complying with the requirements of this Chapter or leaving the indoor place. No citation shall be issued to a person who complies with one of the options.
- b. Each violation of this Chapter shall constitute a separate offense. Upon conviction for a first or second violation of this Chapter, the penalty shall be limited to the assessment of Court Costs and any State mandated fees.

A person convicted of violating this Chapter shall, upon conviction for a third or subsequent offense, be punished by a fine not to exceed fifty dollars (\$50.00), excluding court costs and State mandated fees, as may be determined by the Municipal Court.

**8.19.010: AFFIRMATIVE DEFENSE:**

It shall be a defense to any violation of this Chapter if an individual produces documentation demonstrating that his/her/their physician has verified that wearing a face covering could cause impairment or would constitute a hazard to the individual.

**SECTION II. SEVERABILITY.** The provisions of this ordinance are severable and if any part or provision thereof shall be adjudged invalid by any court of competent jurisdiction, such adjudication shall not effect or impair any of the remaining parts or provisions hereof.

**SECTION III. EMERGENCY.** Whereas, it being immediately necessary for the preservation of the peace, health, welfare and safety of the City of Warr Acres, Oklahoma 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

and effect from and after its passage as provided by law.

**ADOPTED AND PASSED** by the Council of the City of Warr Acres in compliance with the Oklahoma Open Meeting Act on this 21<sup>st</sup> day of July, 2020.

---

MAYOR

ATTEST:

---

CITY CLERK

APPROVED as to form this 21<sup>st</sup> day of July, 2020.

---

CITY ATTORNEY