

## **ORDINANCE NO. 3791**

AN ORDINANCE AMENDING TITLE 5 OF THE EDMOND MUNICIPAL CODE - HEALTH AND SANITATION BY ADDING NEW CHAPTER 5.18 - COVID-19 PANDEMIC, ADDING NEW SECTIONS 5.18.010 FINDINGS OF FACT; 5.18.020 DEFINITION; 5.18.030 FACE COVERING REQUIRED; 5.18.040 GUIDELINES FOR FACE COVERINGS; 5.18.050 EXCEPTIONS; 5.18.060 EFFECTIVE AND EXPIRATION DATES AND TIMES; 5.18.070 ENFORCEMENT; 5.18.080 PENALTIES; 5.18.090 DEFENSE TO VIOLATION; AND PROVIDING FOR SEVERABILITY.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF EDMOND, OKLAHOMA:

SECTION 1. Title 5 of the Edmond Municipal Code - Health and Sanitation is hereby amended to add new Chapter 5.18 - COVID-19 Pandemic to read as follows:

### Chapter 5.18 COVID-19 PANDEMIC

#### Section 5.18.010 - Findings of Fact.

WHEREAS, on March 11, 2020, the World Health Organization (WHO) declared the Coronavirus COVID-19 disease to be a pandemic; and

WHEREAS, on March 13, 2020, the President of the United States has declared an infectious disease national emergency to combat COVID-19; and

WHEREAS, on March 15, 2020 and thereafter the Governor of the State of Oklahoma has entered numerous Executive Orders declaring an emergency caused by the threat of COVID-19 to the people of this State and the public peace, health and safety; and said declarations are in effect for all 77 Oklahoma Counties; and

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, after a period where the rise of new cases subsided, the increase in new cases and positive testing percentages has resumed and remains at an elevated level relative to previous phases of the pandemic; and

WHEREAS; since mid-June, hospitalizations have consistently remained at an elevated level that causes concern to public health officials; and

WHEREAS, students will begin returning to Edmond to attend the University of Central Oklahoma in the coming weeks, and other Educational Institutions will begin opening; and

WHEREAS, the Oklahoma City County Health Department (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

WHEREAS, one strong recommendation by the CDC and OCCHD is the adoption of a 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 coverings to not become infected with COVID-19; and

WHEREAS, 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 Edmond residents are still necessary; and

WHEREAS, the City Council of the City of Edmond, Oklahoma declares that the continuing occurrence and threat of widespread or severe damage, injury or loss of life or property from COVID-19 justifies emergency action by the City to help avert such danger or damage and to protect the public health; and

WHEREAS, the City Council of the City of Edmond, Oklahoma further declares an emergency need for an ordinance including 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;

WHEREAS, the passage of an ordinance mandating the wearing of the face coverings and limiting operations and gatherings in certain public settings is necessary to protect the health and safety of Edmond residents and to keep businesses open.

Section 5.18.020 - Definition.

- (a) "Face covering" means a uniform piece of material that securely covers a person's nose and mouth and remains affixed in place without use of one's hands and/or a face shield.

Section 5.18.030 - Face Coverings Required.

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

Section 5.18.040 - 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

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

Section 5.18.050 - 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; and
- i. persons with a developmental disability, including persons who are deaf and hard of hearing, and also mental and psychiatric disability.

Section 5.18.060 - Effective and Expiration Dates and Times.  
This Chapter will become effective and enforceable upon adoption by City Council, and will expire and become unenforceable at 12:00 a.m. on September 8, 2020.

Section 5.18.070 - Enforcement.  
This Chapter may be enforced by any legally authorized code-enforcement inspectors or sworn police officers, as follows: authorized OCCHD inspectors, authorized code enforcement inspectors, and sworn peace officers of the Edmond Police Department. However, Council prefers that OCCHD inspectors or code enforcement inspectors become the enforcers in the future.

Section 5.18.080 - Penalties.

- a. Inspectors and officers, at the initial contact, shall offer a face covering or the option of leaving the indoor place to a person who is not excepted from the face covering requirement. No citation shall issue to a person who complies with one of the options. Failure to wear the face covering or failure to leave the indoor place may constitute a violation of this Chapter.
  
- b. Persons refusing to wear a face covering in any indoor place open to the public in violation of this Chapter may be subject to prosecution for criminal trespass, disturbing the peace, disorderly conduct, or similar offenses as circumstances warrant.

Section 5.18.090 - Defense to Violation.

It shall be a defense to any violation of Section 5.18.030 of this Chapter 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.

SECTION 2. SEVERABILITY. If any section, sub-section, sentence, clause, phrase, or portion of this Ordinance is, for any reason, held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portion of this Ordinance.

PASSED AND APPROVED the 27th day of July, 2020.

Attest:

  
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City Clerk



  
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MAYOR

APPROVED as to form and legality this the 27th day of July, 2020.

  
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CITY ATTORNEY