

ORDINANCE NO. 6286

Southwest Business Products E1809727KV

AN ORDINANCE AMENDING THE CITY CODE BY CREATING SECTION 6-1-10 BY ESTABLISHING THE REQUIRED WEARING OF PROTECTIVE FACE COVERINGS INDOORS DURING A PUBLIC HEALTH EMERGENCY WITHIN THE CITY OF PONCA CITY; REPEALING ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND DECLARING AN EMERGENCY.

WHEREAS, in early March 2020, the World Health Organization (WHO) declared the outbreak of Coronavirus COVID-19 to be a worldwide pandemic, and soon thereafter the President of the United States and the Governor of Oklahoma declared states of emergency; and

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

WHEREAS, the primary manner of spread is mainly through respiratory droplets produced when an infected person talks, coughs, or sneezes, which can then land in the mouths or in the noses of nearby people and then inhaled into the lungs; and

WHEREAS, the spread of the disease is most likely when individuals are within six (6) feet of each other; and

WHEREAS, during the pandemic in 2020 the number of cases has risen at times exponentially and, in November 2020, has begun to reach an unsustainable level; and

WHEREAS, a strong recommendation by the United States Centers for Disease Control is the adoption of a measure that requires the wearing of face coverings over the nose and mouth to help prevent the respiratory droplets from causing new infections and to help prevent persons from becoming infected with COVID-19; and

WHEREAS, the Mayor has declared a Public Health Emergency in the City of Ponca City related to the outbreak of COVID-19; and

WHEREAS, the passage of an ordinance mandating the wearing of face coverings is necessary to protect the health and safety of the residents of Ponca City and to prevent the necessity of closing businesses due to further outbreak.

NOW THEREFORE be it ORDAINED by the Board of Commissioners of the City of Ponca City, Oklahoma, that Sections 6-1-10 of the Code of Ordinances is hereby created to read as follows:

Title 6, Chapter 1, Article 10: FACE COVERINGS DURING A PUBLIC HEALTH EMERGENCY

A. PURPOSE

The purpose of this ordinance is to protect the residents of Ponca City from the further spread of COVID-19 through our community by the wearing of face coverings to prevent respiratory droplets from spreading through the air and causing transmission of the virus from person to person.

B. DEFINITIONS

1. FACE COVERING: 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. This includes a face shield, which is an item of personal protective equipment that attaches to one's head that covers the entire facial area with a plastic covering and protects the wearer from respiratory particles of others.

C. FACE COVERINGS REQUIRED

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

2. Exceptions: Nothing herein shall require the wearing of face coverings by:

- a. persons under eleven (11) years of age unless required by school or day care facility;
- b. persons working in a professional office who do not have any face-to-face interactions with the public, or where face to face interactions are protected by a clear barrier;
- c. restaurant patrons while eating or drinking;
- d. persons in a medical setting where they are receiving treatment;
- e. persons swimming or at a splash pad;
- f. persons engaged in any competitive sporting activity;
- g. persons performing cardio exercise, making a reasonable effort to practice social distancing;
- h. persons inside any Federal, Tribal, State, or County government building or other facility;
- i. persons inside any public or private school building or other facility unless required by the school to wear a face covering;
- j. persons with a mental, psychiatric, or developmental disability;
- k. persons who are deaf or hard of hearing.

D. ENFORCEMENT

1. This chapter may be enforced by any sworn Ponca City Police Officer.

2. Upon initial contact, officers shall either offer a face covering to wear while inside the indoor place or the option of leaving the indoor place. No citation shall be issued if the individual complies with either of these options.

3. Persons refusing to wear a face covering in an indoor place open to the public in violation of this chapter, after given the option to either wear a face covering offered or leaving the indoor place, may be subject to prosecution for criminal trespass, disturbing the peace, disorderly conduct, or similar offenses as circumstances warrant.

4. It shall be a defense to any violation arising out of this chapter if the individual produces a document demonstrating that their physician has verified that wearing a face covering could cause impairment or would constitute a hazard to the individual.

5. The City will provide placards to all regulated entities (indoor places open to the public) that request them. Placards should be placed in a conspicuous location visible to all entrants.

E. EXPIRATION

1. This Article shall expire in its entirety upon a majority vote of the City Commission.

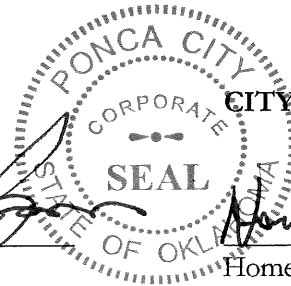
Section 2. All Ordinances or portions of Ordinances that conflict with the provisions of this Ordinance shall be and the same hereby are, repealed.

Section 3. The provisions of this Ordinance are severable, and if any part or provision hereof shall be adjudged invalid by any court of competent jurisdiction, such adjudication shall not affect or impair any of the remaining parts or provisions hereof.

Section 4. It being immediately necessary for the preservation of the peace, health, welfare and safety of the public, the Commission hereby declares an emergency and this ordinance shall be effective immediately upon its approval and publication.

ORDAINED AND PASSED in open session this 14TH day of December, 2020

ATTEST:



CITY OF PONCA CITY, OKLAHOMA

Marc LaBossiere, City Clerk

Homer Nicholson, Mayor

Approved as to form and legality:

John R. Andrew, City Attorney

