

## **ORDINANCE #412**

### **AN ORDINANCE REQUIRING THE POSTING OF SIGNAGE AND THE WEARING OF FACE MASKS IN CERTAIN INSTANCES TO HELP LIMIT THE SPREADING OF DISEASE, SETTING FORTH A SUNSET PROVISION TO TERMINATE THE ORDINANCE AND PROVIDING FOR SEVERABILITY.**

**WHEREAS**, the City of Stilwell is charged with the solemn responsibility of protecting the public peace, health, and safety, and promoting the general welfare of the City of Stilwell and its inhabitants; and

**WHEREAS** on March 13, 2020, the President of the United States declared COVID-19 a national emergency and ordered each state to set up emergency operations centers and ordered hospitals to activate their emergency preparedness plans; and

**WHEREAS**, on March 15, 2020, the Governor of the State of declared an emergency caused by the impending threat of COVID-19 to the people of this State and the public's peace, health and safety which remains in effect today; and

**WHEREAS**, the above described pandemic conditions constitute a substantial threat to the safety and welfare of the City of Stilwell and its citizens, and constitute an emergency under the Emergency Management Act of 2003 (Title 63, Okla. Stat. Section 683.3); and

**WHEREAS**, the United States Centers for Disease Control and Prevention (CDC) recommends that people wear cloth face coverings in public settings, particularly when other social distancing measures are difficult to maintain, and when around people who do not live in the same household; and

**WHEREAS**, the wearing of facial coverings is the least restrictive option to better allow business to remain open; and

**WHEREAS**, the Mayor of the City of Stilwell, joined with the Adair County Joint Task Force for COVID-19 and other public health officials is consistently encouraging people to use face coverings, and health authorities have repeatedly emphasized that wearing face coverings is one of the most important and effective tools for reducing the spread of COVID-19; and

**WHEREAS**, given the current status of COVID-19 in the City of Stilwell, requiring the use of face coverings is a targeted response that can combat the threat to public health using the least restrictive means, and if people follow this requirement, more extreme measures may be avoided; and

**WHEREAS**, wearing a face covering is important not only to protect oneself, but also to avoid unknowingly harming fellow citizens and others with whom they may come into contact, especially given that many people who go into public may unknowingly have COVID-19 as

they often have not yet become symptomatic; and

**WHEREAS**, due to recent substantial increases in COVID-19 positive cases, and increases in the COVID-19 positivity rate and hospitalizations resulting from COVID-19, further measures are needed to achieve the least restrictive means for reducing the growing spread of COVID-19, and to avoid a need for more extreme measures; and

**WHEREAS**, for the protection of the public health and safety of the City of Stilwell and its citizens and to prevent the introduction and spread of the contagious disease COVID-19, it is deemed necessary to require the wearing of face coverings in certain circumstances and the requirement to post associated signage;

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF STILWELL, OKLAHOMA**, pursuant to the authority granted the City, to include Title 11 Oklahoma Statutes, Section 22-120(A) the following rule shall be in effect within the City of Stilwell beginning at 12:01 A.M. on Thursday, November 19, 2020:

## **ARTICLE ONE DEFINITIONS.**

### **SECTION 1 – Definitions.**

- A. “Face coverings” 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 face shield. Face coverings should fit snugly but comfortably against the side of the face and allow for breathing without restriction.
- B. “Retail Business” 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.
- C. “Public Service Area” means areas of a Retail Business wherein employees interact with the public in the normal course of business.
- D. “Public Setting” means any public place where persons congregate which is not a Retail Business including without limitation offices, workplaces, houses of worship and ancillary facilities, child care facilities, hospital and health facilities, gymnasiums and physical fitness facilities, adult and youth sports facilities, places and situations where in-person contact is made at the door or window in residential or commercial settings, communal outdoor spaces such as sidewalks, rails, and parks, food trucks, and other outdoor retail entities.
- E. “Social Distancing” or “Physical Distancing” means the maintenance of at least a 6-foot minimum social distancing from other individuals outside of your household.

**ARTICLE TWO  
MASKS, SOCIAL DISTANCING AND SIGNAGE**

**SECTION 1 – Face Masks**

- A. Any Retail Business located within the corporate limits of the City of Stilwell, who invites, permits, or otherwise receives any member of the public into a physical building shall recommend face coverings be worn by all persons upon entry and while inside of the physical building.
  
- B. Nothing in this section shall prohibit a business from exempting the following persons from these recommendations:
  - a. Persons under 10 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/or hard of hearing.

**SECTION 2 – SOCIAL DISTANCING**

Social distancing, while not mandated, has been shown to be a very effective tool for helping combat the spread of disease. It is highly recommended that all persons, especially indoors, maintain social distancing of 6 feet even if masked.

**SECTION 2 – Signage**

All businesses, commercial entities, and/or other building or structure open to the public who accept visitors/customers shall post conspicuous signs at all entrances indicating employees, customers, users, and visitors recommended to wear face coverings pursuant to this ordinance to be admitted into the premises. The City shall direct the development of a uniform sign meeting this requirement and distribute, or make available, the required signage to the building managers/owners. Masks will be provided to businesses by the City as needed.

**ARTICLE THREE  
PENALTY AND APPEAL**

**SECTION 1 – Penalty for Violations**

There is no specific penalty for violation of this recommendation. However, all mandates and penalties adopted by the State of Oklahoma both by law and Executive Order are and shall be incorporated as part of this ordinance.

**SECTION 2 – Appeal**

Any Retail Business for whom this ordinance will create an undue financial burden may petition for an exemption by requesting the same in writing, along with a brief explanation of the need, addressed to: Jeff Jones, City Attorney, P.O. Box 1387, Stilwell, Oklahoma 74960. All requests will be reviewed and a written decision will be submitted to the Retail Business.

**ARTICLE FOUR**

**EXPIRATION AND SEVERABILITY**

**SECTION 1 – Expiration of Ordinance**

Unless otherwise repealed, amended, or superseded by ordinance, this ordinance shall remain in effect until midnight on the 6<sup>th</sup> day of January, 2021.

**SECTION 2 – Severability Clause**

The provisions of this ordinance shall be severable and, if any of the provisions shall be held in contravention of the Constitution and laws of the State of Oklahoma, the decisions of the court shall not affect the validity of the remaining portions. It is the intent of this ordinance that the same would have been adopted had such unconstitutional or unlawful provisions, if any, not been included herein.

PASSED by the City Council this 16<sup>th</sup> day of November, 2020.

APPROVED by the Mayor this 16<sup>th</sup> day of November, 2020.

**ATTEST:**

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Jean Ann Wright, Mayor

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Larry A, Nettles, City Clerk-Treasurer