



City of Broken Arrow

Request for Action

File #: 21-148, Version: 1

**Broken Arrow City Council
Meeting of: 1-19-2021**

Title:

Consideration, discussion and possible approval of Ordinance No. 3672, an ordinance of the City of Broken Arrow amending chapter 16 of the Code of Ordinances, City of Broken Arrow, Oklahoma, “offenses-miscellaneous,” by adding a new section 16-33 entitled “face covering and social distancing during the covid-19 pandemic civil emergency”; providing definitions; mandating the use of face coverings with certain exceptions; providing an expiration date; providing for severability; repealing conflicting ordinances; and declaring an emergency

Background:

Due to the ongoing COVID-19 Pandemic, Councilmember Parks directed staff to prepare Ordinance No. 3672 for consideration by City Council. Ordinance No. 3672 mandates the wearing of a face covering while in public in the City of Broken Arrow and provides as follows:

Except as otherwise provided herein, persons located within Public Service Areas, Places of Public Accommodation or an Educational Institution are required to wear Face Coverings at all times when present therein. “Face Covering” means a covering that fully covers a person’s nose and mouth.

“Place of Public Accommodation” 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.

“Public Service Area” means areas of a Place of Public Accommodation or an Educational Institution wherein employees interact with the public in the normal course of business.

“Educational Institution” means any building or facility used for academic or athletic purposes on public school campuses, and any private school or preschool. This term excludes the playing surface of any athletic facility during organized activities and practices.

In addition, persons in any “Public Setting” where social or physical distancing cannot be maintained are required to wear face coverings. “Public Setting” means any public place where persons congregate which is not a Place of Public Accommodation including without limitation offices, workplaces, houses of worship and ancillary facilities, childcare facilities, hospitals and health facilities, gymnasiums and physical fitness facilities, adult and youth sports facilities, communal outdoor spaces such as sidewalks, trails, and parks, and food trucks and other outdoor retail entities.

Specifically exempted from the mask covering mandate are the following:

1. Persons who fall into the U.S. Centers for Disease Control and Prevention's guidance for those who should not wear Face Coverings due to a medical or mental health condition or developmental disability;
2. Children under 10 years of age;
3. Restaurant patrons while they are eating or drinking;
4. Persons exercising in communal outdoor spaces, or persons walking or exercising with other persons from the same household in communal outdoor spaces, as long as Physical Distancing is maintained. Persons congregating in communal outdoor spaces with other persons not in their same household are required to wear face coverings when Physical Distancing is not maintained;
5. Settings where it is not practical or feasible to wear a Face Covering, such as dental services, medical treatments, while swimming, or when engaged in athletic team activities where the level of exertion makes wearing a Face Covering impractical;
6. Occupants in a personal vehicle, personal office, or similar private space while other persons outside of the person's household are not present;
7. Private homes; and
8. Offices and workplaces that are not Public Service Areas where Physical Distancing between employees and other occupants can be consistently maintained during hours of operation.

There is no specific penalty for violation of this ordinance. However, persons refusing to wear a face covering in Places of Public Accommodation, Educational Institution or Public Setting are subject to prosecution under criminal trespass, disturbing the peace, disorderly conduct or similar offense as circumstances warrant.

The proposed ordinance would expire the earlier of April 30, 2021 or by the repeal, modification or extension by the City Council through a subsequent ordinance.

Cost: \$0

Funding Source: None

Requested By: Councilmember Johnnie Parks

Approved By: City Manager's Office

Attachments: Ordinance No. 3672

Recommendation:
As Council Directs