

REVISED PROCLAMATION OF STATE OF EMERGENCY

WHEREAS, the United States is experiencing an outbreak of Novel Coronavirus-2019 also known as COVID-19; and

WHEREAS, on March 11, 2020, the World Health Organization characterized the COVID-19 outbreak as a pandemic; and

WHEREAS, 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

WHEREAS, on March 15, 2020, the Governor of Oklahoma declared a State of Emergency because of the COVID-19 pandemic and which declaration is still in effect today; and

WHEREAS, 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

WHEREAS, there have been COVID-19 related deaths statewide with over 75 deaths in the Oklahoma City metropolitan area; and

WHEREAS, Oklahoma City-County Health Department (“OCCHD”) states this is the worst public health crisis to face our city in the last half-century; and

WHEREAS, the CDC issued Interim Guidance for Mass Gatherings or Large Community Events which recommends putting into action strategies for prohibiting people from direct contact with one another and postponing or canceling large gatherings; and

WHEREAS, on March 25, 2020, the State Board of Education unanimously approved an order that implements a Distance Learning Plan to complete the 2019-2020 school year for Oklahoma students without reopening school buildings; and

WHEREAS, on April 6, 2020, the President declared COVID-19 as a major disaster in the State of Oklahoma; and

WHEREAS, upon the declarations of emergency by the President and the Governor of Oklahoma, the Emergency Price Stabilization Act was automatically applicable, and this Act prohibits the sudden and often dramatic increase in the price of goods and/or services, including but not limited to rental prices of dwelling units in an amount of more than ten percent of the amount prior to the declaration; and

WHEREAS, Title 21, Section 1321.9 of the Oklahoma Statutes allows cities and towns to enact ordinances to issue a Proclamation of State of Emergency; and

WHEREAS, Section 15-37 of the Oklahoma City Municipal Code provides that I, as the Mayor, after finding that a public disaster exists which affects life, health, property or the public peace, may proclaim a state of emergency in the area affected; and

WHEREAS, Section 15-37 requires the proclamation be in writing, signed, and filed with the City Clerk and public notice as practical is provided through the news media of the issuance of said proclamation; and

WHEREAS, Section 15-38 provides that during the existence of a state of emergency, by proclamation, the following may be prohibited: (2) a designated number of persons from assembling or gathering on the public streets, parks or other areas either public or private, (6) the sale, purchase, or dispensing of alcoholic beverages, (7) the sale, purchase or dispensing of other commodities or goods, and (9) such other activities as Mayor reasonably believes should be prohibited to help preserve and maintain life, health, property or the public peace; and

WHEREAS, due to the urgency of the situation and the advice of our public health professionals, I have determined that an actual emergency exists that requires the use of measures to secure the safety and protection of the public life and health; and

WHEREAS, due to the confirmation of local transmission of COVID-19 on March 15, 2020, on March 16, 2020, I issued a Proclamation of State of Emergency declaring a public disaster due to COVID-19 and suspending events on public property, revoking special event permits, and imposing distance requirements for public transit riders; and

WHEREAS, that Proclamation was revised on March 17, 2020, March 28, 2020, April 2, 2020, and April 29, 2020; and

WHEREAS, due to the measures put in place under the Proclamation, as of this date, the local data indicated Oklahoma City appeared to meet the gating criteria set out in the White House Opening Up America Again Guidelines to move to Phase 2; specifically a downward trajectory of influenza-like illnesses and COVID-like syndromic cases within the past 14 days and a downward trajectory of positive COVID tests as a percent of total tests within the 14-day period; and

WHEREAS, on April 22, 2020, the Governor announced the Open Up & Recover Safely Plan (“OURS Plan”) and guidelines on how, dependent upon the data indicators, Oklahoma may lift restrictions on businesses while maintaining the safety and health of the community; and

WHEREAS, on May 11, 2020, the Governor announced Oklahoma would be moving into Phase 2 of the OURS Plan beginning May 15, 2020; and

WHEREAS, the transmission of COVID-19 and COVID-related deaths continue, and provisions for the safety of the life, health, and property of Oklahoma City residents are still necessary and require a phased approach to reopen businesses in Oklahoma City; and

WHEREAS, it is important, as supported by the President and Governor, to slowly and cautiously work towards reopening businesses, and this can be accomplished through Proclamation provisions in a gradual nature, as has occurred over the past revised versions of this document; and

WHEREAS, pursuant to the powers and authority provided in Section 15-37 and 15-38 of the Oklahoma City Municipal Code, my previous Revised Proclamation should be revised to provide additional provisions concerning Phase 2 of reopening businesses in Oklahoma City and on May 14, 2020, a press release was issued providing notice of this sixth Revised Proclamation.

NOW THEREFORE, BE IT PROCLAIMED, as the Mayor of The City of Oklahoma City, the COVID-19 pandemic, and specifically the local community transmission of such disease, is and continues to be a public disaster which affects life, health, property and public peace within the limits of The City of Oklahoma City.

AND I DO FURTHER PROCLAIM, the following provisions are issued and applicable within The City of Oklahoma City limits. The requirements and closures from the April 29, 2020 Revised Proclamation of State of Emergency remain in effect through May 14, 2020. The requirements provided below are intended to limit the spread of the virus and are based upon the recommendations of health officials and the Governor’s OURS Plan and guidelines. These requirements shall be effective May 15, 2020, and shall continue until data indicators support moving to less restrictive means which will be re-evaluated no later than May 29, 2020:

1. City of Oklahoma City Senior Health and Wellness Centers shall remain closed until the Governor lifts the “Safer at Home” order for those over 65 or people who have serious underlying medical conditions.
2. If an employee chooses to wear personal protective equipment (PPE) due to potential hazards involved in their place of employment, then per OSHA requirements, the business must assess the occupational hazards and should allow the employee to wear PPE while on duty so long as it does not interfere with the essential functions of their job. Enforcement of this provision will be through the mechanisms provided by OSHA.
3. All restaurants, breweries, wineries, taverns, shopping mall food courts, food halls, cafeterias, bars, night clubs, hookah bars, cigar bars, vaping lounges and any other food service are required to maintain at least the following standards:

- a. Employees' temperatures should be checked each day either by the employee or their employer and employees with a temperature above 100.4 °F should not be at the facility;
 - b. All servers and staff interacting with customers must wear facial masks or coverings unless staff is behind a barrier such as plexiglass;
 - c. All tables must be at least six (6) feet apart;
 - d. All menus shall be single use or capable of being sanitized using antimicrobial disinfectants after each use;
 - e. All condiment bottles must be sanitized after each table change, or condiments must be served in a single use packet, disposable container, or washable dish;
 - f. Service at buffets and salad bars must be provided by an employee only;
 - g. Tables, chairs, and objects used to complete purchases must be sanitized using antimicrobial disinfectants after each use;
 - h. Standing room only patios shall be limited to 50% of total patio occupancy capacity.
4. All athletic gyms, recreation centers, exercise facilities, indoor sports facilities, indoor climbing facilities, bowling alleys, skating rinks, trampoline parks, whitewater rafting facilities, and similar recreational facilities must maintain strict social distancing, CDC protocols for sanitizing, and comply with at least the following standards:
- a. Employees' temperatures should be checked each day either by the employee or their employer and employees with a temperature above 100.4 °F should not be at the facility;
 - b. Employees that have contact with the public must wear face masks or coverings unless staff is behind a barrier such as plexiglass;
 - c. Surfaces such as doorknobs, gates, counters, and other items that are high-touch must be regularly cleaned and sanitized using antimicrobial disinfectants;
 - d. Locker rooms and bathrooms must be regularly cleaned and sanitized using antimicrobial disinfectants, particularly high-touch surfaces, and ensure they have handwashing supplies;
 - e. Ensure that access to handwashing/hand sanitizing facilities and supplies are available for employees and customers; and
 - f. Rental equipment and shared equipment must be cleaned and sanitized by the customer or an employee between each use using antimicrobial disinfectants.
 - g. All food service must comply with the requirements of subsection 3.
5. Businesses where persons gather for presentation or entertainment, such as movie and live theaters, concert halls, bingo halls, sporting venues, amusement parks, places of worship, wedding venues, event venues, and funeral homes. These facilities must maintain strict social distancing, CDC protocols for sanitizing, and comply with at least the following standards:
- a. Employees' temperatures should be checked each day either by the employee or their employer and employees with a temperature above 100.4 °F should not be at the facility;
 - b. Offer seating in a staggered manner. This means at least two (2) seats between customer groups in the same row and the closure of every other row. If using moveable seating then seating must be spaced to accomplish the same spacing as above;
 - c. All food service must comply with the requirements of subsection 3.

This category specifically includes, but is not limited to, the following City/Public Trust locations: Civic Center Music Hall, Zoo Amphitheater, Chesapeake Arena, Chickasaw Bricktown Ballpark, USA Softball Hall of Fame Stadium Complex, and OKC Fairgrounds.

6. Personal care businesses may operate by appointment only and must follow CDC protocols for sanitizing, and comply with at least the following standards:
- a. Employees' temperatures should be checked each day either by the employee or their employer and employees with a temperature above 100.4 °F should not be at the facility;
 - b. Employees at these facilities must use facial masks or coverings and all customers who do not have their own masks must be offered disposable facial masks; and

- c. All chairs and tools must be sanitized between customers using antimicrobial disinfectants; and
- d. While receiving services, customers shall remain at least six (6) feet apart.

“Personal care” businesses include salons (hair and nail), barber shops, cosmetology facilities, esthetician facilities, laser hair removal facilities, spas, massage facilities, tattoo parlors, and piercing facilities.

- 7. OCCHD developed health guidelines which every business in Oklahoma City should consult for further best practices beyond those requirements listed here. That document is available at www.occhd.org.
- 8. Except special event permits and revocable permits, all licenses, permits, and certificates previously issued by the City and scheduled to expire while this State of Emergency is in effect shall be deemed to be renewed, provided that the applicable fees are paid and necessary inspections and approvals, if any, are satisfactorily completed, within thirty (30) days following the termination of this State of Emergency.
- 9. Any person, including but not limited to a business owner or employee, not complying with the requirements of this Proclamation shall be subject to Section 15-40 of the Oklahoma City Municipal Code.