

ORDINANCE NO.

24446

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AN ORDINANCE AMENDING CITY OF TULSA PENAL CODE, TITLE 27, TULSA REVISED ORDINANCES; AMENDING CHAPTER 4, "OFFENSES AGAINST THE PERSON", SECTION 409, TITLED "FACE COVERING AND SOCIAL DISTANCING DURING COVID-19 PANDEMIC CIVIL EMERGENCY"; AMENDING SUBSECTIONS 409.C AND 409.E ONLY, BY LOWERING THE AGE EXEMPTION IN SUBSECTION 409.C.2; CLARIFYING IN SUBSECTION 409.C.5 THE EXEMPTION IN SETTINGS WHERE IT IS NOT PRACTICAL OR FEASIBLE TO WEAR A REQUIRED FACE COVERING; AMENDING THE SUNSET EXPIRATION DATE IN SUBSECTION 409.E; DECLARING AN EMERGENCY; REPEALING CONFLICTING ORDINANCES AND PROVIDING FOR THE SEVERABILITY THEREOF.

BE IT ORDAINED BY THE CITY OF TULSA:

*Section 1. That Title 27, Tulsa Revised Ordinances, "Penal Code", Section 409, Subsections C, be amended to read as follows:*

**"C. Face Coverings Mandate Under Certain Circumstances**

Except as otherwise provided herein, persons located within Public Service Areas of Places of Public Accommodation or an Educational Building are required to wear face coverings at all times when present therein. Except as otherwise provided herein, persons in any Public Setting wherein social or physical distancing cannot be maintained are required to wear face coverings. The following persons, locations and activities are exempt from this requirement:

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 similarly 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.”

*Section 2. That Title 27, Tulsa Revised Ordinances, “Penal Code”, Section 409, Subsection E, be amended to read as follows:*

**“E. Expiration of Ordinance**

This ordinance shall expire the earlier of: January 31, 2021; the expiration of all Civil Emergency Orders related to COVID-19 issued by the Mayor; or repeal, modification or extension by the City Council through a subsequent ordinance.”

*Section 3. Amendments made by this ordinance to Section 409, C and E*

The specific amendment and revision of Section 409, Subsections C(2) and C(5), and E only, made by passage of this ordinance shall not change nor affect any other language or Subsections of the original ordinance than that amended herein.

*Section 4. Severability Clause*

If any section, sentence, clause, or phrase of this ordinance or any part thereof is for any reason found to be invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remainder of this ordinance or any part thereof.

*Section 5. Repeal of Conflicting Ordinance*

That all ordinances or parts of ordinances in conflict herewith be and the same are now expressly repealed.

*Section 6. Emergency Clause*

That an emergency is now declared to exist for the preservation of the public peace, health and safety, by reason whereof this Ordinance shall take effect immediately from and after its adoption and required approvals.

ADOPTED, by the Council on this 30<sup>th</sup> day of September 2020.

  
\_\_\_\_\_  
Chair of the Council

ADOPTED, as an emergency measure, on this 30<sup>th</sup> day of September 2020.

[Signature]  
Chair of the Council

OFFICE OF THE MAYOR

Received by the Mayor: \_\_\_\_\_, at \_\_\_\_\_.  
Date Time

G.T. Bynum, Mayor

By: \_\_\_\_\_  
Secretary

APPROVED by the Mayor of the City of Tulsa, Oklahoma: OCT 01 2020,  
Date

at \_\_\_\_\_.  
Time

[Signature]  
Mayor

ATTEST:

[Signature]  
City Clerk



APPROVED AS TO FORM AND LEGALITY:

[Signature] 10/1/2020  
Deputy City Attorney