

FIFTH PROCLAMATION OF THE CITY OF SAPULPA, OKLAHOMA,
DECLARING A CONTINUED STATE OF EMERGENCY
AND REQUIRING FACE COVERINGS

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

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 City of Sapulpa has issued multiple emergency orders by Mayoral proclamations of in response to COVID-19 to impose the least restrictive means available to protect public health, safety and welfare in the City of Sapulpa and ensure an effective response to this continuing health emergency; and

WHEREAS, public health officials have consistently encouraged people to use face coverings and 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, on November 10, 2020, the United States Centers for Disease Control and Prevention (CDC) issued updated recommendations regarding 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, it is essential that the spread of the virus be slowed to protect the ability of public and private health care providers and facilities to handle and care for the influx of new patients in order to safeguard public health and safety; and

WHEREAS, according to a study in the October 30, 2020 Oklahoma weekly epidemiology report, COVID-19 cases in areas without mask mandates grew by 88% whereas in areas covered by mask mandates rose only 21% during the same period; and

WHEREAS, according to an October 27, 2020 COVID-19 hospitalization report from the federal Department of Health and Human Services, the Tulsa metropolitan area's estimated ventilator utilization was the highest in the nation, and the area ranked among the top ten for estimated staffed intensive care unit bed utilization and ventilator utilization; and

WHEREAS, as of the 3rd day of November, 2020, there were 2,442 active cases (23,153 total cases diagnosed) of COVID-19 in Tulsa County with a rolling seven day average of 189.1 new cases per day; and

WHEREAS, as of the 3rd day of November, 2020, there were 219 COVID-19 positive patients in Tulsa-area hospitals, 83 of those persons in the Intensive Care Unit (ICU). At the previous peak in July, there were 185 COVID-19 cases in the hospital; and

WHEREAS, as of the 10th day of November, 2020, the State of Oklahoma is not meeting the White House Opening Up America Again gating criteria for downward trajectory of cases or the downward trajectory of positive tests as a percentage of total tests, nor the 14 day trend of such downward trajectory, and

WHEREAS, given the current status of COVID-19 in the metro area in and around the City of Sapulpa, 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 to; and

WHEREAS, wearing a face covering is important not only to protect oneself, but also to avoid unknowingly harming fellow Sapulpans and others with whom they may come into contact, especially given that many people who go into public may have COVID-19 without knowing it because they have no symptoms; and

WHEREAS, it is deemed necessary for the protection of the public health and safety of the City of Sapulpa and its inhabitants to enact further measures to prevent the introduction and spread of the contagious disease COVID-19 and thus avoid a need for more extreme measures to preserve the peace and safety of the public; and

WHEREAS, the Sapulpa City Code, Part 13, Public Safety, Chapter 4, Civil Emergency Management, gives the Mayor the authority to enact and enforce such rules, orders and regulations as deemed necessary for the protection of public health and to prevent the introduction or spread of contagious disease in the City of Sapulpa.

NOW, THEREFORE, BY VIRTUE OF THE AUTHORITY VESTED IN ME BY THE STATE OF OKLAHOMA AND THE SAPULPA CITY CODE, I, CRAIG HENDERSON, MAYOR OF THE CITY OF SAPULPA, DO HEREBY PROCLAIM AND DECLARE:

SECTION ONE: State of Emergency. The declared state of emergency, as identified in the Prior Emergency Proclamations, is continuing in the City of Sapulpa and constitutes a health emergency as declared by the Governor of the State of Oklahoma. This fifth Proclamation is and shall be effective at 12:01 A.M. November ____, 2020, and shall continue until the date and time of termination of the Governor's declared state of emergency from the COVID:19 pandemic; provided further that this proclamation may be repealed, amended or extended prior to said date and time if assessment of the pandemic so warrants by further action of the Sapulpa City Council.

SECTION TWO: Face Coverings Required Under Certain Circumstances. Except as otherwise provided herein, persons located within Public Service Areas of Places of Public Accommodation or an Educational Institution 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, or while swimming;
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 THREE: Definitions.

"Face Covering" means a covering that fully covers a person's nose and mouth. The term "Face Covering" includes, but is not limited to, cloth face masks, towels, scarves, and bandanas as recommended by the CDC or OSDH, an N95, KN95, or other mask that would be appropriate for a health care setting, or a surgical mask. The Face Covering should fit snugly on a person's face but allow the person to breathe easily and worn consistent with the guidance provided by the CDC or OSDH. "Social" or "Physical Distancing" means maintaining six feet of distance between persons who are not part of the same household while in a public accommodation, educational building, or public setting.

"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/or 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.

"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, child care facilities, hospitals and health facilities, gymnasiums and physical fitness facilities, adult and youth sports facilities, communal outdoor spaces such as sidewalks, trails, parks, food trucks and other outdoor retail entities.

“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.

SECTION FOUR: Repealer. This fifth Proclamation supersedes the Prior Emergency Proclamations as follows: any provision contained in the Prior Emergency Proclamations that is in actual conflict with the terms and conditions of this Proclamation is hereby rescinded and repealed to the extent of actual conflict only.

SECTION FIVE: Penalty. Any person violating the orders or restrictions contained in this Proclamation, or violating or causing a business, commercial establishment, or other place of public accommodation to violate this Proclamation, shall be subject to the penalties set forth in the Sapulpa City Code and other applicable state law.

PROCLAIMED AND ORDERED THIS ____ DAY OF NOVEMBER, 2020.

IN WITNESS WHEREOF, we have hereunto set our hand and caused the Seal of Sapulpa of the State of Oklahoma to be affixed this ____ day of November, 2020.

Craig Henderson, Mayor

Approved as to form:

Attest:

David R. Widdoes

Shirley Burzio, City Clerk