

ORDINANCE NO. 21-07

AN ORDINANCE PERTAINING TO OFFENSES AND CRIMES, REPEALING AND RESERVING SECTION 16-5-1-546, DIVISION 16-5-1, ARTICLE 16-5, CHAPTER 16, LAWTON CITY CODE, 2015, ELIMINATING THE REQUIREMENTS FOR THE POSTING OF SIGNAGE AND THE WEARING OF FACE MASKS IN CERTAIN INSTANCES TO HELP LIMIT THE SPREADING OF DISEASE, PROVIDING FOR SEVERABILITY AND DECLARING AN EMERGENCY.

ORDINANCE

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF LAWTON, OKLAHOMA:

Section 1. Section 16-5-1-546 is hereby repelled and reserved to read as follows:

~~16-5-1-546 – Wearing of face masks in certain instances and posting of associated signage is required to help limit the spreading of disease~~ Reserved.

~~A. Face Coverings Mandate Under Certain Circumstances.~~

- ~~1. Every person in the City of Lawton shall wear a face covering over the nose and mouth and shall be worn consistent with CDC guidelines when inside a commercial entity or other building, structure or space open to the public, or public transit; provided, however, that this face covering requirement does not apply to the following:~~
 - ~~a. Any person younger than six (6) years of age;~~
 - ~~b. Any person with a medical condition or disability for which a qualified physician has documented prevents said person from wearing a face covering, however, those excused from wearing a face covering should consider wearing a face shield;~~
 - ~~c. Any person who is consuming food or drink, or is seated at a restaurant to eat or drink;~~
 - ~~d. Any person while the person is driving alone or with passengers who are part of the same household as the driver;~~

- ~~e. Any person obtaining a service that requires temporary removal of the face covering for security surveillance, screening, or a need for specific access to the face, such as while visiting a bank or while obtaining a personal care or dental service involving the face, but only to the extent necessary;~~
 - ~~f. Any person who is in a personal office, or similarly private space while other persons are not present;~~
 - ~~g. Private homes;~~
 - ~~h. Any person while giving a speech or independent performance, whether for an audience or a broadcast; performing groups shall be required to adhere to all covering CDC guidelines;~~
 - ~~i. Any person performing work in which face coverings present or exacerbates a hazard;~~
 - ~~j. Educational institutions that have adopted a plan to prevent the spread of COVID-19 that includes physical distancing mandates and/or face covering mandates as appropriate for the specific institutional environment;~~
 - ~~k. Persons who care for, or interact with, a person who is hearing impaired and relies on lip reading to communicate;~~
 - ~~l. Private lodging rooms in places of public accommodation;~~
 - ~~m. Offices and workplaces that are not open to the public and where social distancing between employees and other occupants can be and is consistently maintained during hours of operation;~~
- ~~B. 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 must wear face coverings pursuant to this ordinance to be admitted into the premises. The city manager shall direct the development of a uniform sign meeting this requirement and distribute, or make available, the required signage to the building managers/owners.~~
- ~~C. Penalty for Violations of Subsection A or B. A person in first time violation of the face covering requirement in this ordinance shall receive a verbal or written warning, and if subsequently violating this ordinance, shall be guilty of a misdemeanor offense, receive a citation for such violation, and, upon conviction thereof shall be punished by a fine of not more than one hundred dollars (\$100.00), excluding costs. In addition, the city may pursue any other legal remedy to obtain compliance.~~

~~D. Definitions.~~

~~"Face covering" or "mask" both mean a covering that fully covers a person's nose and mouth. The term(s) face covering/mask 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 be worn consistent with the guidance provided by the CDC or OSDH.~~

~~"Social" or "physical distancing" means maintaining a minimum of six (6) feet of distance between persons at all times who are not part of the same household while in a public space.~~

Section 2. 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 3. Emergency clause. Whereas, it being immediately necessary for the immediate preservation of the peace, health or safety of the City of Lawton and inhabitants thereof that the provisions of this ordinance be put into full force and effect, an emergency is hereby declared to exist by reason whereof this ordinance shall take effect and be in full force immediately after its passage, as provided by law.

ADOPTED AND APPROVED, by the City Council of Lawton this 23rd day of March 2021.

(SEAL)

STANLEY BOOKER, MAYOR

ATTEST:

TRACI L. HUSHBECK, CITY CLERK

APPROVED as to form and legality this ____ day of March 2021.

JOHN RATLIFF, CITY ATTORNEY