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3 **ORDINANCE NO. 3406**

4 **AN ORDINANCE AMENDING THE MIDWEST CITY MUNICIPAL CODE, CHAPTER**
5 **11, CITY EMERGENCY MANAGEMENT, SECTION 11-3 EMERGENCY OPERATING**
6 **HOURS AND PROCEDURES FOR COMMERCIAL ENTERPRISES; PROVIDING FOR**
7 **REPEALER AND SEVERABILITY AND DECLARING AN EMERGENCY.**

8 BE IT ORDAINED BY THE CITY OF THE CITY OF MIDWEST CITY, OKLAHOMA:

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10 **EMERGENCY ORDINANCE**

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12 **SECTION 1.** The Midwest City Municipal Code, Chapter 11, City Emergency Management,
13 Section 11-3 Emergency Operating Hours and Procedures for Commercial Enterprises is hereby
14 added as follows:

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16 **Sec. -1. – Emergency Operating Hours and Procedures for Food Establishments.**

17 1. During the course of the State of Emergency declared by the City of Midwest City on
18 March 16, 2020, all businesses should comply with the requirements of this section until the City
19 Manager declares that the State of Emergency has ended for the City of Midwest City.

20 2. The City of Midwest City shall be implementing the Governor’s “Open Up and Recover
21 Safely (OURS)” plan which was implemented by the Governor’s Order as of April 24, 2020.

22 3. All personal care service businesses allowed to reopen on April 24, 2020 under the
23 OURS plan shall implement the safety guidelines for employees and customers outlined in the
24 OURS plan as well as require employees to wear masks when interacting with customers and
25 other employees. When other personal care businesses, dining facilities and other non-essential
26 businesses which are allowed to reopen on or around May 1, 2020 in the OURS plan, those
27 businesses shall implement the safety guidelines set out in the OURS plan and also be required to
28 have employees wear masks while interacting with customers and fellow employees. All dining
29 facilities shall be required to specifically comply with the OURS Plan recommendations, that
30 workers that are possibly sick with COVID-19 symptoms (Fever over 100.4F) are required to
31 stay home or be sent home immediately. Said employers should take measures to check
32 employees’ temperatures before their work shifts begin. Other non-essential businesses and
33 activities allowed to resume on or around May 15, 2020 in the OURS plan, shall also follow the
34 safety guidelines set out in the OURS plan and require employees to wear masks when
35 interactions occur between other employees and customers.

36 4. The opening dates listed above, and the safety criteria for the businesses set out for each
37 date, may be modified as needed by the City Manager or his designee.

38 5. The owner and/or operator of any establishment upon which premises any of the
39 violations of this ordinance occurs will be in violation for allowing such offense to occur upon
40 the premises and shall be fined an amount not to exceed \$200.00 and may have its municipal

41 license or permit revoked or suspended for a period of time up to one (1) year. Any patrons or
42 staff present may also be cited for any violations of this subsection and shall be fined an amount
43 not to exceed \$200.00 for each such violation.

44 6. The above restrictions shall not apply to blood drives held by the American Red Cross or
45 Oklahoma Blood Institute provided social distancing practices are implemented to the maximum
46 extent practicable in the administration of such drives.

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48 **SECTION 2. REPEALER.** All ordinances or parts of ordinances in conflict herewith are
49 hereby repealed.

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51 **SECTION 3. SEVERABILITY.** If any section, sentence, clause or portion of this ordinance is
52 for any reason held to be invalid, such decision shall not affect the validity of the remaining
53 portions of the ordinance.

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55 PASSED AND APPROVED by the Mayor and Council of the City of Midwest City, Oklahoma,
56 on the 28 day of April, 2020.

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THE CITY OF MIDWEST CITY, OKLAHOMA

MATTHEW D. DUKES, II, Mayor

ATTEST:

SARA HANCOCK, City Clerk

APPROVED as to form and legality this 28 day of April, 2020.

HEATHER POOLE, City Attorney

SECTION 4. EMERGENCY. The City Council declares this ordinance to be an emergency, it being immediately necessary for the preservation of the peace, health and safety of the City of Midwest City and the 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 from and after its passage as provided by law.

EMERGENCY CLAUSE PASSED AND APPROVED by the Mayor and the Council of the City of Midwest City,

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Oklahoma, this 28 day of April, 2020

CITY OF MIDWEST CITY, OKLAHOMA



Matthew D. Dukes II

MATTHEW D. DUKES II, Mayor

ATTEST:

Sara Hancock

SARA HANCOCK, City Clerk

APPROVED as to form and legality this 28 day of April, 2020

Heather Poole

HEATHER POOLE, City Attorney