## **ADDENDUM**

# TO THE CITY COUNCIL AGENDA

March 24, 2020 – 6:00 p.m.

City Hall – Midwest City Council Chambers, 100 N. Midwest Boulevard

#### D. DISCUSSION ITEMS.

- 5. Discussion and Consideration of an Ordinance amending the Midwest City Municipal Code, Chapter 11, City Emergency Management, Section 11-3 Emergency Operating hours and procedures for Commercial Enterprises; providing for repealer, severability and declaring an emergency. (City Attorney H. Poole)
  - 5A. Discussion and consideration approving the Emergency Clause.





**City Attorney** 

100 N. Midwest Boulevard Midwest City, OK 73110 Hpoole@midwestcity.org Office: 405-739-1203 www.midwestcityok.org

To: Honorable Mayor and Council

From: Heather Poole, City Attorney

Date: March 24, 2020

Subject: Discussion and Consideration of an Ordinance amending the Midwest City

Municipal Code, Chapter 11, City Emergency Management, Section 11-3 Emergency Operating hours and procedures for Commercial Enterprises;

providing for repealer, severability and declaring an emergency.

The City of Midwest City has continued to address the issues raised by COVID-19 and the changing recommendations on public health controls. On March 13, 2020, the President of the United States declared COVID-19 a national emergency and ordered each state to set up emergency operations centers and ordered hospitals to activate their emergency preparedness plans; then on the 15th of March, 2020 the State of Oklahoma 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, and all 77 of Oklahoma's counties were included in the declaration. The State's declaration of emergency activated the State of Emergency Operations Plan, and the resources of all state departments and agencies were made available to meet the reasonable extent necessary to prepare for and respond to COVID-19 and to protect the health and safety of the public. The state's efforts will be coordinated by the director of the Department of Emergency Management with comparable functions of the federal government and political subdivisions of the state.

The City wants to insure that public health measures are enforceable and to that end has chosen to enact ordinances to address the public health measures the City is taking under the authority granted under Title 63 Oklahoma Statutes Section 683.3, the Oklahoma Emergency Act of 2003

The current CDC guidelines set out that individuals aged 65 or older and those with underlying health issues are at the highest risk of both contracting and suffering from the effects of COVID-19, that all individuals should remain six feet apart at work, shopping or at home, that individuals avoid gathering in groups of 10 or more, and that proper personal hygiene measures should be taken. The current changes in the City's Ordinances are made in an attempt to insure compliance where possible with these guidelines.

Currently, there is a severe blood shortage caused blood drive cancellations and individuals avoiding any group events. The term "gatherings" as used in Presidential Executive Order 14FY1920 March 18, 2020, as used in Section I (a), does not apply to blood drives conducted by the American Red Cross provided social distancing practices are implemented to the maximum extent practicable in the administration of such drives, therefore this need is also addressed in the ordinance change.

Action is	at the	discretion	of Mayo	r and	Council

1	ORDINANCE NO
2	
3	AN ORDINANCE AMENDING THE MIDWEST CITY MUNICIPAL CODE, CHAPTER
4	11, CITY EMERGENCY MANAGEMENT, SECTION 11-3 EMERGENCY OPERATING
5	HOURS AND PROCEDURES FOR COMMERCIAL ENTERPRISES; PROVIDING FOR
6	REPEALER AND SEVERABILITY AND DECLARING AN EMERGENCY.
7	

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

### **EMERGENCY ORDINANCE**

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

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

- 1. During the course of the State of Emergency declared by the City of Midwest City on March 16, 2020, all businesses that do not provide food products or health services or products must close from 12:00 p.m. on March 25, 2020 through April 12, 2020, unless said time period is extended or reduced by the City of Midwest City's City Manager or designee.
- 2. All bars and similar venues with on-premises food, may serve take-out or delivery food, or pre-packaged alcohol authorized for sale under state law, from 12:00 p.m. March 20, 2020 through April 12, 2020 unless said time period is extended or reduced by the City of Midwest City's City Manager or designee. They must otherwise remain closed to everyone but employees.
- 3. Dine in services for food products shall no longer be made available. Food service may only be provided for "carry-out" and "delivery" services from 12:00 p.m. March 25, 2020 to April 12, 2020 unless said time period is extended or reduced by the City of Midwest City's City Manager or designee.
- 4. All commercial enterprises that remain open during the City's State of Emergency after March 24, 2020 shall ensure that CDC recommendations on public distancing are complied with through measures to distance customers in line, customers being served, and among employees providing these services.
- 5. The owner and/or operator of any establishment upon which premises any of the violations of this subsection occurs will be in violation for allowing such offense to occur upon the premises and shall be fined an amount not to exceed \$200.00 and may have its municipal license or permit revoked or suspended for a period of time up to one (1) year. Any patrons or staff present may also be cited for any violations of this subsection and shall be fined an amount not to exceed \$200.00 for each such violation.

40	6. The above restrictions shall not apply to blood drives held by the American Red Cross or					
41	Oklahoma Blood Institute provided social distancing practices are implemented to the maximum					
42 43	extent practicable in the administration of such drives.					
44	<b>SECTION 2.</b> REPEALER. All ordinances or parts of ordinances in conflict herewith are					
45	hereby repealed.					
46	nereby repealed.					
47	<b>SECTION 3.</b> SEVERABILITY. If any section, sentence, clause or portion of this ordinance is					
48	for any reason held to be invalid, such decision shall not affect the validity of the remaining					
49	portions of the ordinance.					
50						
51	PASSED AND APPROVED by the Mayor and Council of the City of Midwest City, Oklahoma,					
52	on theday of, 2020.					
53						
54	THE CITY OF MIDWEST CITY, OKLAHOMA					
55						
56						
57	MATTHEW D. DUKES, II, Mayor					
58						
59	ATTEST:					
60						
61						
62	SARA HANCOCK, City Clerk					
63						
64	APPROVED as to form and legality this day of, 2020.					
65						
66						
67	HEATHER POOLE, City Attorney					
68						
69	<b>SECTION 4.</b> EMERGENCY. The City Council declares this ordinance to be an emergency, it					
70	being immediately necessary for the preservation of the peace, health and safety of the City of					
71	Midwest City and the inhabitants thereof that the provisions of this ordinance be put into full					
72	force and effect, an emergency is hereby declared to exist by reason whereof this ordinance shall					
73	take effect and be in full force from and after its passage as provided by law.					
74						
75	EMERGENCY CLAUSE PASSED AND APPROVED by the Mayor and the Council of the					
76	City of Midwest City,					
77 <b>-</b> 0						
78 <b>-</b> 2	Oklahoma, this day of, 2020					
79						

	CITY OF MIDWEST CITY, OKLAHOMA
	MATTHEW D. DUKES II, Mayor
ATTEST:	
SARA HANCOCK, City Clerk	
APPROVED as to form and legality this	day of, 2020
	HEATHER POOLE, City Attorney