## **ORDINANCE NO. 3406**

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 AND SEVERABILITY AND DECLARING AN EMERGENCY.

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 should comply with the requirements of this section until the City Manager declares that the State of Emergency has ended for the City of Midwest City.
- 2. The City of Midwest City shall be implementing the Governor's "Open Up and Recover Safely (OURS)" plan which was implemented by the Governor's Order as of April 24, 2020.
- 3. All personal care service businesses allowed to reopen on April 24, 2020 under the OURS plan shall implement the safety guidelines for employees and customers outlined in the OURS plan as well as require employees to wear masks when interacting with customers and other employees. When other personal care businesses, dining facilities and other non-essential businesses which are allowed to reopen on or around May 1, 2020 in the OURS plan, those businesses shall implement the safety guidelines set out in the OURS plan and also be required to have employees wear masks while interacting with customers and fellow employees. All dining facilities shall be required to specifically comply with the OURS Plan recommendations, that workers that are possibly sick with COVID-19 symptoms (Fever over 100.4F) are required to stay home or be sent home immediately. Said employers should take measures to check employees' temperatures before their work shifts begin. Other non-essential businesses and activities allowed to resume on or around May 15, 2020 in the OURS plan, shall also follow the safety guidelines set out in the OURS plan and require employees to wear masks when interactions occur between other employees and customers.
- 4. The opening dates listed above, and the safety criteria for the businesses set out for each date, may be modified as needed by the City Manager or his designee.
- 5. The owner and/or operator of any establishment upon which premises any of the violations of this ordinance 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. The above restrictions shall not apply to blood drives held by the American Red Cross or Oklahoma Blood Institute provided social distancing practices are implemented to the maximum extent practicable in the administration of such drives. **SECTION 2.** REPEALER. All ordinances or parts of ordinances in conflict herewith are hereby repealed. **SECTION 3.** SEVERABILITY. If any section, sentence, clause or portion of this ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of the ordinance. PASSED AND APPROVED by the Mayor and Council of the City of Midwest City, Oklahoma, on the <u>**28**</u> day of <u>**April**</u>, 2020. THE CITY OF MIDWEST CITY, OKLAHOMA MATTHEW D. DUKES, II, Mayor ATTEST: SARA HANCOCK, City Clerk APPROVED as to form and legality this <u>28</u> day of <u>Upul</u> 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 

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

take effect and be in full force from and after its passage as provided by law.

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