

Published in the Tulsa World

December 2 \_\_\_\_\_, 2020

ORDINANCE NO. 24490

AN ORDINANCE AMENDING CITY OF TULSA PENAL CODE, TITLE 27, TULSA REVISED ORDINANCES; AMENDING CHAPTER 4 BY CREATING NEW SECTION 411, TITLED “SEPARATION AND OPERATIONAL REQUIREMENTS CONCERNING RESTAURANTS, BARS, CERTAIN OTHER PLACES OF PUBLIC ACCOMMODATION AND PUBLIC SETTINGS DURING THE COVID-19 PANDEMIC CIVIL EMERGENCY” AND CREATING A NEW SECTION 412 REQUIRING APPROVED HEALTH DEPARTMENT PLAN FOR ALL EVENTS AND GATHERINGS WITH ONE HUNDRED FIFTY (150) OR MORE ATTENDEES; SETTING FORTH, IN A NEW SECTION 413, A SUNSET EXPIRATION DATE; DECLARING AN EMERGENCY; REPEALING CONFLICTING ORDINANCES AND PROVIDING FOR THE SEVERABILITY THEREOF.

BE IT ORDAINED BY THE CITY OF TULSA:

*Section 1. That Title 27, Tulsa Revised Ordinances, “Penal Code,” is hereby amended by creating and adopting new Section 411 of Chapter 4, “Operation of Restaurants, Bars and Other Places of Public Accommodation During COVID-19 Pandemic Civil Emergency,” enacted pursuant to Title 11, Oklahoma Statutes, Section 22-120(A), which shall read as follows:*

**“Section 411. Separation and Operational Requirements Concerning Restaurants, Bars Certain Other Places of Public Accommodation and Public Settings During COVID-19 Pandemic Civil Emergency.**

**A. Definitions.**

‘Bar’ shall be defined as any location or premises which has as its main purpose the sale or distribution of alcoholic beverages for on-premises consumption, notwithstanding that as an incidental service, meals or short-order foods are made available therein. Determination of the ‘main purpose’ of a location or premises is that determined by the Oklahoma Alcoholic Beverage Laws Enforcement Commission pursuant to Title 37A, Section 6-114, of the Oklahoma Statutes. For purposes of this Section, the term ‘Bar’ shall also include taverns, brew pubs, breweries, microbreweries, distilleries, wineries, tasting rooms and other places of public accommodation offering alcoholic beverages for on-premises consumption, and shall also include hookah bars, cigar bars, and vaping lounges offering their products for on-premises consumption, whether or not such businesses offer food or beverages for sale.

‘Restaurant’ shall be defined as any location or premises which has as its main purpose the sale of food to customers for on-premises consumption and shall include and encompass food courts, cafes, and coffeehouses.

**B. Separation and Operational Requirements Concerning Restaurants, Bars, other Places of Public Accommodation and Public Settings.**

1. Restaurants and bars serving, selling, or permitting on premises consumption of food and/or beverages shall ensure a minimum of six (6) feet of separation between parties or groups at different tables, booths, or bar tops, unless the tables or booths are separated by properly sanitized glass or plexiglass.
2. All Places of Public Accommodation serving, selling, or permitting on premises consumption of food and/or beverages shall ensure a minimum of six (6) feet of separation between parties or groups at different tables, booths, or bar tops, unless the tables or booths are separated by properly sanitized glass or plexiglass.
3. All Places of Public Accommodation and all Public Settings, as defined in Title 27, Chapter 4, Section 409, except child care facilities and places where children under the age of ten (10) congregate or play, shall consistently take measures to ensure a minimum of six (6) feet of separation between customers, clients, attendees, and similarly situated individuals who are unassociated or do not reside in the same household.
4. All Places of Public Accommodation and all Public Settings, as defined in Title 27, Chapter 4, Section 409, shall take measures to implement a sanitation protocol that protects employees and customers, clients, attendees, and similarly situated individuals.”

*Section 2. That Title 27, Tulsa Revised Ordinances, “Penal Code,” is hereby amended by adopting new Sections 412 and 413 of Chapter 4, “Restrictions on Indoor Events and Gatherings” and “Expiration of Ordinance” respectively, which shall read as follows:*

**“Section 412. Restrictions on Events and Gatherings.**

All events and gatherings with One Hundred Fifty (150) attendees or more are required to submit a COVID-19 safety plan for approval by the Tulsa Health Department a minimum of fourteen (14) calendar days prior to the event or gathering. Safety plans should be submitted by email to [covid19plans@tulsa-health.org](mailto:covid19plans@tulsa-health.org). No events or gatherings with One Hundred Fifty (150) attendees or more taking place on or after December 11, 2020, may be in held in the City of Tulsa without such safety plan approved by the Tulsa Health Department.

**Section 413. Expiration of Ordinance.**

Sections 411 and 412 of this ordinance shall expire the earlier of: January 31, 2021; the expiration of all Civil Emergency Orders related to COVID-19 issued by the Mayor; or repeal, modification or extension by the City Council through a subsequent ordinance.”

*Section 3. 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 4. Repeal of Conflicting Ordinance. That all ordinances or parts of ordinances in conflict herewith be and the same are now expressly repealed.*

*Section 5. Emergency Clause. That an emergency is now declared to exist for the preservation of the public peace, health and safety, by reason whereof this Ordinance shall take effect immediately from and after its adoption and required approvals.*

ADOPTED, by the Council on this 24<sup>th</sup> day of November 2020.

*Councilor Ben Kimbro*

Chair of the Council

ADOPTED, as an emergency measure, on this 24<sup>th</sup> day of November 2020.

*Councilor Ben Kimbro*

Chair of the Council

OFFICE OF THE MAYOR

Received by the Mayor: \_\_\_\_\_, at \_\_\_\_\_.  
Date Time

G.T. Bynum, Mayor

By: \_\_\_\_\_  
Secretary

APPROVED by the Mayor of the City of Tulsa, Oklahoma: November 25, 2020.  
Date

at \_\_\_\_\_  
Time



*[Handwritten Signature]*

Mayor

ATTEST:

*David O'Melia*

City Attorney

*Melissa Steer*

Deputy City Clerk

APPROVED: