

MOTION BY COUNCILMEMBER _____

I hereby move that Ordinance No. 42368 on the November 10, 2020 Agenda of the City Council, be amended in the whole by deleting it in its entirety and substituting, in lieu thereof, the attached Ordinance.

APPROVED AS TO FORM:



ASSISTANT CITY ATTORNEY

10/22/2020

DATE

ORDINANCE NO. _____

AN ORDINANCE to amend Chapter 12, Article III, entitled "Prevention of COVID-19", Section 12-51 of the Omaha Municipal Code; to establish conditions precedent to the expiration of the duties and requirements imposed therein; and to provide the effective date thereof.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF OMAHA:

Section 1. That, as a result of the Novel Coronavirus (COVID-19) pandemic and with continued community transmission of confirmed COVID-19 cases within the City limits of the City of Omaha, a danger to the public health, safety, and welfare continues to exist within the City of Omaha. This Ordinance seeks to extend the imposition a non-pharmaceutical intervention to combat the spread of COVID-19 and to halt the progression thereof.

Section 2. That Chapter 12, Article III, Section 12-51 of the Omaha Municipal Code is hereby amended as follows:

Sec. 12-51. – Sunset Provision.

~~The requirements imposed by this Article shall expire and terminate at 11:59 p.m. on November 24, 2020, unless otherwise extended by ordinance of the City Council. The requirements imposed by this Article shall expire and terminate upon certification by the City of Omaha Health Director to the Mayor that:~~

- (1) the positivity rate, that being the percent positive of all COVID-19 tests performed for all zip codes encompassing the City of Omaha, equals five percent or less for two consecutive weekly reporting periods, as set forth in Section 12-52, below; and
- (2) the seven-day rolling average of positive cases, within all zip codes encompassing the City of Omaha, per 100,000 population equals 10 or fewer cases for two consecutive weekly reporting periods, as set forth in Section 12-52, below.

The positivity rate and the cases per 100,000 population shall be calculated by the City Health Director using data reported to and collected by the City of Omaha and Douglas County Health Department.

Section 3. The sections, subsections, paragraphs, sentences, clauses, and phrases of this Ordinance are severable, and if any section, subsection, paragraph, sentence, clause, or phrase of this Ordinance shall be declared invalid, unenforceable, or unconstitutional by the valid judgment or decree of a court of competent jurisdiction, such invalidity, unenforceability, or

1 unconstitutionality shall not affect any of the remaining sections, subsections, paragraphs,
2 sentences, clauses, or phrases of this Ordinance.

3 Section 4. This Ordinance shall be in full force and take effect 15 days from and after
4 the date of its passage.

INTRODUCED BY COUNCILMEMBER

APPROVED BY:

PASSED _____

MAYOR OF THE CITY OF OMAHA DATE

ATTEST:

CITY CLERK OF THE CITY OF OMAHA DATE

APPROVED AS TO FORM:



ASSISTANT CITY ATTORNEY DATE 10/22/2020