

*Received by the City Clerk on
May 31, 2020 - 9:54 p.m.
Frances Kersey, City Clerk*



PROCLAMATION OF STATE OF EMERGENCY

WHEREAS, on the evening of May 30, 2020, a peaceful protest was initiated in the area of NW 23rd Street and Classen Boulevard; and

WHEREAS, that protest traveled from NW 23rd Street and Classen Boulevard to the streets adjacent to the Oklahoma City Police Department Headquarters located at 700 Colcord Drive; and

WHEREAS, shortly after arrival at the Police Department, about 11:00pm, the protest became violent and people began throwing objects and vandalizing nearby businesses, police vehicles, and City and County property; and

WHEREAS, specifically an object was thrown through the window of a business located at 417 N. Classen in an attempt to set a fire to the business and other businesses in the downtown core; and

WHEREAS, two Oklahoma City police cars were vandalized, including broken windows, body damage and graffiti spray paint; and

WHEREAS, windows were broken at the Oklahoma City Municipal Court, Oklahoma City Police Department and Emergency Communication Center; and

WHEREAS, an Oklahoma County Sheriff's vehicle was set on fire and destroyed and the Oklahoma County Jail retaining wall was pulled down and broken and windows were broken; and

WHEREAS, that same night, businesses in the area of NW 23rd Street and Classen Boulevard and NW 10th Street and Classen Boulevard were vandalized, and looting occurred; and

WHEREAS, on May 31, 2020, another peaceful protest was planned for NE 36th Street and Kelly Avenue and this protest moved to the Oklahoma State Capital then at approximately 6:00pm to streets adjacent to the Oklahoma City Police Department Headquarters located at 700 Colcord Drive; and

WHEREAS, Title 21, Section 1321.9 of the Oklahoma Statutes allows cities to enact ordinances to issue a Proclamation of State of Emergency due to public disorder and riots; and

WHEREAS, Section 15-37 of the Oklahoma City Municipal Code provides that I, as the Mayor, after finding a public disorder or riots exists which affects life, health, property or the public peace, may proclaim a state of emergency in the area affected; and

WHEREAS, Section 15-37 requires the proclamation be in writing, signed, and filed with the City Clerk and public notice as practical is provided through the news media of the issuance of said proclamation; and

WHEREAS, Section 15-36 defines disorderly as a course of conduct by a person which causes public alarm, or recklessly creates a risk by engaging in fighting or in violent, tumultuous, or threatening behavior or creating a hazardous or physically offensive condition which serves no legitimate purpose, or conduct which is likely to cause substantial harm or serious inconvenience, annoyance, or alarm, and the persons refuses or knowingly fails to obey an order to disperse, made by a peace officer to the participants; and

WHEREAS, Section 15-39 provides no three or more persons shall assemble together or act in concert to do any act with force or violence against the peace, or to the terror of others, or make any movement or preparation therefor; and

WHEREAS, Section 15-38 provides that during the existence of a state of emergency, by proclamation, the following may be prohibited:

- any person being on the public streets, or in the public parks or at any other public place during the hours declared by the Mayor to be a period of curfew;
- the manufacture, transfer, use, possession or transportation of a Molotov cocktail or any other device, instrument or object designed to explode or produce uncontained combustion;
- the transporting, possessing or using of gasoline, kerosene, or combustible, flammable, or explosive liquids or materials in a glass or uncapped container of any kind except in connection with the normal operation of motor vehicles, normal home use or legitimate commercial use;
- the use of certain streets, highways or public ways by the public; and
- such other activities as he reasonably believes should be prohibited to help preserve and maintain life, health, property or the public peace; and

WHEREAS, due to the urgency of the situation, I have determined that an actual emergency exists that requires the use of measures to secure the safety and protection of public life, health, property and public peace; and

WHEREAS, I, David Holt, the Mayor of The City of Oklahoma City, desire to exercise the authority vested in me by the above-cited sections of the Municipal Code.

NOW THEREFORE, BE IT PROCLAIMED, as the Mayor of The City of Oklahoma City I declare a state of emergency exists due to public disorder and rioting which affects life, health, property and public peace within the limits of The City of Oklahoma City.

AND I DO FURTHER PROCLAIM, the following provisions are issued and applicable within following geographical boundaries in The City of Oklahoma City:

BOUNDARIES: the north curb line of NW 4th Street on the north, the east curb line of Harvey Avenue on the east, the south curb line of Sheridan Avenue on the south, and the east curb line of Classen Boulevard on the west, as shown in attachment A incorporated herein.

RESTRICTIONS:

1. A curfew for the above geographical area is put in place from 10:00pm to 5:00am. People are prohibited from walking, running, loitering, standing or motoring upon any alley, street, highway, public property, or vacant premises within the boundaries indicated above, except for official designated duty in response to the emergency, providing public safety services, or going to or from a place of residence or work.
2. The manufacture, transfer, use, possession or transportation of a Molotov cocktail or any other device, instrument or object designed to explode or produce uncontained combustion is prohibited within the limits of The City of Oklahoma City.
3. The transporting, possessing or using of gasoline, kerosene, or combustible, flammable, or explosive liquids or materials in a glass or uncapped container of any kind is prohibited within the limits of The City of Oklahoma City, except in connection with the normal operation of motor vehicles, normal home use or legitimate commercial use.

AND I DO FURTHER PROCLAIM, that public notice of this proclamation and state of emergency shall be given to and filed with the City Clerk of The City of Oklahoma City.

ADOPTED and SIGNED this 31st day of May, 2020.

ATTEST:


City Clerk




MAYOR DAVID HOLT

APPROVED for form and legality.

s/ Amanda Carpenter
Deputy Municipal Counselor

Attachment A



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