

DECLARATION AND ORDER

ISSUED NOVEMBER 20, 2020

A MODIFICATION OF AN EXTENDED DECLARATION OF A LOCAL STATE OF EMERGENCY AND ORDER TO TEMPORARILY EMPLOY ADDITIONAL MEASURES TO PROTECT PUBLIC LIFE, HEALTH, SAFETY, AND PROPERTY TO LIMIT THE DEVELOPMENT, CONTRACTION, AND SPREAD OF COVID-19, THE DISEASE CREATING THE EMERGENCY, BY REQUIRING SIX-FOOT SOCIAL DISTANCING OR THE USE OF FACE COVERINGS OR MASKS WHEN IN INDOOR SPACES OTHER THAN RESIDENCES.

WHEREAS, on March 16, 2020, a Declaration and Order to take actions necessary to prevent the possibility of exposure to COVID-19 and protect the health and safety of St. Joseph residents was issued at the request of the City Manager and on the advice of the Director of Health; and

WHEREAS, the Declaration and Order was amended on March 18, 2020, March 23, 2020, March 31, 2020 (which amended version was extended on April 22, 2020), May 1, 2020, and May 14, 2020 (which amended version was extended on May 28, 2020), before ultimately expiring at 11:59 p.m. on Monday, June 15, 2020; and

WHEREAS, in conjunction with the expiration of the amended Declaration and Order, on June 12, 2020, a “Mayoral Advisory Regarding a Local State of Emergency” was issued with recommendations that remained in effect through June 30, 2020; and

WHEREAS, while the number of confirmed COVID-19 cases had been trending downward in the weeks before the amended Declaration and Order was allowed to expire, they began to trend upward following such expiration; and

WHEREAS, on July 9, 2020, a Declaration and Order that went into effect on Monday, July 13, 2020, was issued to take actions necessary to prevent the possibility of exposure to COVID-19 and protect the health and safety of St. Joseph residents and to require managers or operators of indoor retail stores with 10,000 or more interior square feet of space to require individuals to wear face coverings or masks when those individuals are inside the retail store, with limited exceptions as set forth in the Declaration and Order; and

WHEREAS, the July 9, 2020 Declaration and Order was modified on July 16, 2020, to add a limited exception to the mandate stated in the July 9, 2020 Declaration and Order; and

WHEREAS, rather than extending the Declaration and Order, on September 8, 2020, the City Council enacted COVID-19-related regulations by General Ordinance to recognize the longer-term nature of the requirements initially imposed in July, 2020; thereafter, the Declaration and Order expired; and

- WHEREAS,** the COVID-19-related regulations were adopted on September 8, 2020, as Section 17-5 of the Code of Ordinances; and
- WHEREAS,** following the adoption of the General Ordinance enacting Section 17-5 on September 8, 2020, the local hospital reported an increase in the number of inpatients being treated for COVID-19; and
- WHEREAS,** on September 15, 2020, a Declaration of Emergency and temporary orders were issued to require managers or operators of indoor spaces not including private residences to require individuals who are not part of the same household to either maintain six-foot distances between them or wear face coverings or masks over their nose and mouth while in indoor spaces, subject to limited exceptions; and
- WHEREAS,** the September 15, 2020, Declaration of Emergency and temporary orders stated that it would remain in effect from 12:01 a.m. on Thursday, September 17, 2020, through 11:59 p.m. on Friday, October 16, 2020; and
- WHEREAS,** on October 5, 2020, the City Council approved Resolution 45589 expressing its support for an extension of the Mayor's Declaration and Order issued pursuant to Section 2-1454 of the Code of Ordinances on September 15, 2020, to extend expiration of said Declaration and Order by thirty days; and
- WHEREAS,** on October 6, 2020, the Mayor's Declaration and Order issued pursuant to Section 2-1454 of the Code of Ordinances was extended through 11:59 p.m. on Monday, November 16, 2020; and
- WHEREAS,** on October 13, 2020, the Mayor's Declaration and Order issued pursuant to Section 2-1454 of the Code of Ordinances was modified to allow participation in strenuous athletic activities as part of an organized league or association without face coverings or masks; and
- WHEREAS,** on November 16, 2020, the City Council approved a Resolution 45683 expressing its support for an extension of the Mayor's Declaration and Order issued pursuant to Section 2-1454 of the Code of Ordinances on September 15, 2020, and modified on October 13, 2020, to extend expiration of said Declaration and Order through 11:59 p.m. on Sunday, February 14, 2021; and
- WHEREAS,** despite the measures employed by the October 13, 2020, Declaration and Order, as extended on November 16, 2020, COVID-19 has continued to spread within the community; and
- WHEREAS,** reports have indicated an increasing trend in the transmission of COVID-19 in indoor restaurants and taverns, where patrons are often seated in close proximity each other for extended durations; and

WHEREAS, in order to help limit the spread of COVID-19 occurring at indoor restaurants and taverns without imposing elevated restrictions such as business hour limitations, capacity limitations, or full closures, this revised Declaration and Order is being issued to revise the restrictions applicable to restaurants and taverns and require increased use of face coverings or masks in indoor restaurants and taverns; and

WHEREAS, this Declaration of Emergency and the temporary orders contained herein are necessary, in significant part, to minimize the local increase in the number of inpatients being treated for COVID-19; and

WHEREAS, a gathering of individuals without necessary mitigation for the spread of infection may pose a risk of the spread of infectious disease; and

WHEREAS, the Centers for Disease Control and Prevention (“CDC”) continues to study the spread and effects of COVID-19 and, on August 7, 2020, issued updated guidance recommending people wear masks in public settings and stating:

Masks are recommended as a simple barrier to help prevent respiratory droplets from traveling into the air and onto other people when the person wearing the mask coughs, sneezes, talks, or raises their voice. This is called source control. This recommendation is based on what we know about the role respiratory droplets play in the spread of the virus that causes COVID-19, paired with emerging evidence from clinical and laboratory studies that shows masks reduce the spray of droplets when worn over the nose and mouth. COVID-19 spreads mainly among people who are in close contact with one another (within about 6 feet), so the use of masks is particularly important in settings where people are close to each other or where social distancing is difficult to maintain. CDC’s recommendations for masks will be updated as new scientific evidence becomes available.

; and

WHEREAS, the August 7, 2020, CDC guidance further explained “Masks may help prevent people who have COVID-19 from spreading the virus to others [and] masks are most likely to reduce the spread of COVID-19 when they are widely used by people in public settings”; and

WHEREAS, the CDC issued additional guidance dated August 18, 2020, stating “Wearing masks can help communities slow the spread of COVID-19 when worn consistently and correctly by a majority of people in public settings and when masks are used along with other preventive measures, including social distancing, frequent handwashing, and cleaning and disinfecting”; and

WHEREAS, the City wishes to employ means available under the law to protect public life, health, safety, and property to limit the development, contraction, and spread of COVID-19, which is creating this emergency; and

WHEREAS, the City’s Director of Health has recommended that the City impose measures to require face coverings or masks be worn over the nose and mouth in public places to prevent the possibility of spreading COVID-19 and to protect the health and safety of St. Joseph residents; and

WHEREAS, based on guidance provided by the CDC, individuals should continue to wash their hands often, avoid close contact, cover their mouth and nose with a mask when around others, cover coughs and sneezes, clean and disinfect surfaces daily, and monitor their health daily to remain alert for symptoms; and

WHEREAS, in addition to the regulations adopted herein, and in order to enable compliance with CDC guidance, the City recommends that all businesses, public places, and places of assembly limit access to areas in which people may congregate, space employees six feet apart or employ other measures to ensure distancing, require handwashing, regularly disinfect areas touched by multiple people, continuously monitor for COVID-19 symptoms, and require employees who exhibit symptoms to leave the premises and not return until CDC guidelines indicate they should no longer be in isolation; and

WHEREAS, in addition to the regulations adopted herein, and in order to enable compliance with CDC guidance, the City recommends that businesses, public places, and places of assembly make sanitization products available, post signage to designate distances of at least six feet in areas where lines form, prohibit customers from congregating or waiting inside or outside, space customers to ensure distancing, construct barriers between customers and employees, restrict person-to-person contact when feasible, and limit building occupancy; and

WHEREAS, in addition to the regulations adopted herein, and in order to enable compliance with CDC guidance, the City recommends that restaurants, bars, and prepared food providers serving customers for dine-in service require advanced reservations or immediate seating separated from other parties by at least six feet, prohibit customers from congregating or waiting to be seated, and refrain from making reusable condiment containers and menus available to customers unless the containers and menus are sanitized between parties accessing them; and

WHEREAS, in addition to the regulations adopted herein, and in order to enable compliance with CDC guidance, the City recommends that theaters, private clubs, bowling alleys, and other recreational venues sanitize surfaces between uses by customers and separate seating from other parties by at least six feet; and

WHEREAS, in addition to the regulations adopted herein, and in order to enable compliance with CDC guidance, the City recommends that fitness centers space cardiovascular exercise equipment to prevent its use within six feet of other equipment and ensure all equipment and personal storage areas are sanitized between uses; and

WHEREAS, in addition to the regulations adopted herein, and in order to enable compliance with CDC guidance, the City recommends that salons, tattoo parlors, and others providing services that require person-to-person contact require advanced appointments and prohibit customers from waiting onsite for service, space employees providing services to ensure social distancing, sanitize all equipment between uses on separate customers, and record the name and phone number of all customers, and the dates and times during which they were in the business for the purpose of contact tracing.

NOW, THEREFORE, PURSUANT TO AUTHORITY GRANTED BY SECTION 2-1454 OF THE CODE OF ORDINANCES OF THE CITY OF ST. JOSEPH, MISSOURI, I, MAYOR BILL MCMURRAY, DECLARE A LOCAL STATE OF EMERGENCY AND ORDER THE FOLLOWING:

SECTION 1. Managers or operators of indoor spaces not including private residences shall require individuals who are not part of the same household to either maintain six-foot distances between them or wear face coverings or masks over their nose and mouth while in indoor spaces unless those persons who are present in the indoor spaces are the following:

- (1) Persons under the age of five years or those who are otherwise developmentally unable to comply.
- (2) Persons who have physical disabilities that prevent them from wearing or taking off a face covering or mask or prevent them from communicating while wearing a face covering or mask.
- * (3) Persons in places other than restaurants and taverns, who have a medical condition that is exacerbated by wearing a face covering or mask (persons with a medical condition exacerbated by wearing a face covering or mask are advised to refrain from entering indoor restaurants or taverns).
- (4) Persons who are hearing impaired, or communicating with a person who is hearing impaired, where the ability to see the mouth is essential for communication.
- (5) Persons who are engaged in consuming food or drink.
- (6) Persons who are obtaining a service involving the face for which temporary removal of the face covering or mask is necessary to perform the service.
- (7) Persons actively engaged in strenuous athletic activities as part of an organized league or association, provided six-foot distance is maintained or face coverings or masks covering the nose and mouth are used when not actively engaged in strenuous athletic activities.

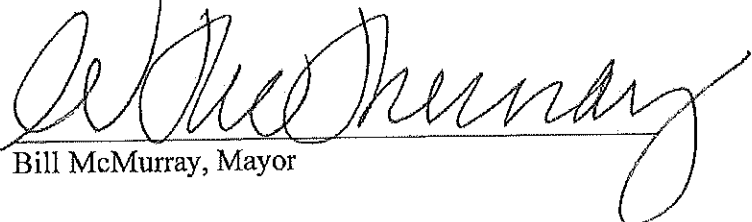
SECTION 2. Violations of the requirements of this Declaration and Order may only be enforced against the operators or managers of the indoor spaces in which persons who are required to wear a face covering or mask are not wearing the required face covering or mask. Such violations of the requirements of this Declaration and Order shall constitute violations of Section 2-1454 of the Code of Ordinances; violators shall be subject to a penalty as set forth in Section 1-14 of the Code of Ordinances, including a fine of not less than \$1.00 nor more than \$500.00 or the maximum amount allowed by law. Operators or managers are entitled to rely on customers' or patrons' statements about whether or not they are exempt from wearing a face covering or mask and will not be deemed to have violated this section if they rely on such statements. If a person is asked to leave a premises for failure to comply with this Declaration and Order, such individuals may be prosecuted for a violation of Section 20-51 (Trespass) of the Code of Ordinances or any other ordinance, regulation, or statute that may apply to the persons' presence without permission.

SECTION 3. This Declaration and the orders stated herein become effective immediately upon execution and shall remain in effect until 11:59 p.m. on Sunday, February 14, 2021; thereafter, the Declaration and Order shall be deemed to have expired unless it is extended, amended, or withdrawn.

SECTION 4. If any provision of this Declaration and the orders stated herein, or their application to any person or circumstance, is held to be invalid, then the remainder of the Declaration and the orders stated herein, including the application of such part or provision to other persons or circumstances, shall not be affected and shall continue in full force and effect.

SECTION 5. This Declaration and the orders stated herein may be amended at any time based upon the continuing development and spread of COVID-19 and other considerations related to the emergency necessitating the issuance of this Declaration and the orders contained herein.

Authenticated as Declared and Ordered:


Bill McMurray, Mayor

Filed with me, the City Clerk of the City of St. Joseph, Missouri, on this 20~~th~~ day of November 2020, by Mayor Bill McMurray, whose signature I hereby attest.


Paula Heyde, City Clerk