AN ORDINANCE

AMENDING the Springfield City Code, Chapter 58, ‘Health and Sanitation,’ by adding a new Article XIII, ‘COVID-19 pandemic,’ to add regulations related to Face Coverings, occupancy limits, and physical distancing to respond to the COVID-19 pandemic; and declaring an emergency pursuant to City Charter Section 2.12.

WHEREAS, in December 2019, medical professionals detected a novel coronavirus, now designated as “SARS-CoV-2,” which causes a disease known as “coronavirus disease 2019” abbreviated and popularly known as “COVID-19”; and

WHEREAS, on January 30, 2020, the World Health Organization Director General declared an outbreak of COVID-19 as a Public Health Emergency of International Concern, advising countries to prepare for containment, detection, isolation and case management, contact tracing and prevention of onward spread of the disease; and

WHEREAS, on March 11, 2020, the World Health Organization Director General characterized COVID-19 as a pandemic; and

WHEREAS, on March 13, the President of the United States declared the COVID-19 outbreak a national emergency; and

WHEREAS, COVID-19 is spread person to person through direct or close proximate contact and presents an imminent threat of widespread illness and a threat to public health; and

WHEREAS, on March 16, 2020, the Mayor determined there reasonably appeared to exist a state of civil emergency which required a response by the City to protect human life, and, therefore declared a local state of civil emergency; and
WHEREAS, due to the continuing public health crisis created by COVID-19, the Mayor renewed his declaration of civil emergency on March 24, 2020; April 6, 2020; April 30, 2020; May 20, 2020; and June 12, 2020; and

WHEREAS, although the public health system had the resources to begin the process of safely reopening the economy, and, therefore over time the Mayor’s declaration authorized some reopening, data now indicates that the growth of COVID-19 cases in the southwest Missouri region is high; and

WHEREAS, it is the judgment of City Council that a stronger community response now could slow the rate of spread of COVID-19 in our community and would protect public health and safety.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF SPRINGFIELD, MISSOURI, as follows, that:

NOTE: Added language is underlined, deleted language is struck.

Section 1 – The Springfield City Code, Chapter 58, ‘Health and Sanitation,’ is hereby amended by adding a new Article XIII, ‘COVID-19 pandemic,’ which reads as follows:

Section 58-1100. – Definitions.

The following words, terms and phrases, when used in this Article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Business means any for-profit company, non-profit organization, benevolent association, or educational entity, regardless of its legal organization, form, entity, tax-treatment or structure.

Face Covering means a device that covers the nose and mouth.

Personal care services include, but are not limited to, barbers, hairdressers, manicurists, estheticians, piercing technicians, tattoo artists, and massage therapists.

Public Accommodation means a Business or other facility, both public and private, both indoors and outdoors, open to and used by the public, including but not limited to retail stores including groceries, service establishments, schools except schools of higher education, other educational providers, transportation services and associated waiting areas, public and private social clubs, and sporting events.
Section 58-1101. - Centers for Disease Control ("CDC") social distancing requirements.

All Businesses shall carry out to the greatest degree possible CDC recommended social distancing and cleaning guidelines in all situations, including, but not limited to, when customers are standing in line or when individuals, including employees, are using shared indoor or outdoor spaces, except as otherwise provided in this Article. If a Business cannot comply with CDC recommended social distancing, then said Business shall carry out to the greatest degree possible social distancing of at least 3 feet and comply with the Face Covering requirements of this Article.

Section 58-1102. - Face coverings in places of Public Accommodation.

(a) Except as otherwise provided in this Article, all persons over the age of 11, including employees or visitors, present in those parts of any Public Accommodation open to the public must wear a Face Covering, including while standing in a line to enter the place of Public Accommodation, subject to the following exceptions:

1. Children under the age of 3;
2. Children ages 3 to 11 are strongly encouraged, but not required to wear a Face Covering, while under the direct supervision of an adult;
3. Persons with health conditions that prohibit wearing a Face Covering. Nothing in this Article shall require the use of a Face Covering by any person for whom doing so would be contrary to their health or safety because of a medical condition;
4. Persons who have trouble breathing, or are unconscious, incapacitated, or otherwise unable to remove the Face Covering without assistance;
5. Persons who are hearing impaired, or someone who is communicating with a person who is hearing impaired, where the ability to see the mouth is essential for communication;
6. Persons who are at a place of Public Accommodation who are consuming food or drink while maintaining a physical distance from other groups of patrons of a least six feet, but such persons must wear a Face Covering while in waiting areas and while walking to and from seating or other parts of the premises;
7. Persons at a swimming pool;
(8) Persons who are obtaining a service involving the face or nose for which temporary removal of the Face Covering is necessary to perform the service; and

(9) Persons playing a sport, exercising or using exercise equipment while exerting themselves;

(10) Persons working in settings which might increase the risk of heat-related illnesses; and

(11) Persons who are outdoors while maintaining physical distancing of at least six feet, except as otherwise provided in this Article, and persons who are outdoors who are closer than six feet to solely members of their own household.

(b) Except as otherwise provided in this Article, all places of Public Accommodation shall require Face Coverings as described in this Article.

Section 58-1103. - Rules for certain services, businesses, and activities.

(a) Personal care services.

(1) Businesses providing personal care services shall limit the number of all persons, including but not limited to employees, vendors, and customers, in any particular Business location at any one time to a maximum of:

The result of the total square feet of that part of the building devoted to the subject Business divided by 30 times 50 percent.

(2) In addition to the social distancing requirements set out in Section 58-1101, all Businesses providing personal care services shall require Face Coverings as described in Section 58-1102.

(b) Retail businesses.

(1) Any Business engaged in retail sales to the public shall limit the number of customers in any particular Business or retail location at any one time to a maximum of:

The result of the total square feet of that part of the building devoted to the subject Business divided by 30 times 50 percent.
(c) Restaurants.

(1) Counter seating and self-service buffets shall not be allowed.

(2) Indoor dine-in services may be provided only with physical distancing of at least six feet between groups of patrons dining together unless solid barriers at least six feet tall have been installed between tables or booths. Patrons must wear a Face Covering in waiting areas and while walking to or from seating or throughout the restaurant.

(3) Patio seating may be provided and if physical distancing of at least six feet between groups of patrons dining together cannot be maintained, patrons must wear a Face Covering while seated except when drinking or eating. Patrons must wear a Face Covering in waiting areas and while walking to or from seating or throughout the restaurant.

(4) Staff must wear a Face Covering at all times when they are working in any space where food or drinks are prepared for sale to others and when they are serving others.

(5) All providers of restaurant services to the public shall require Face Coverings as described in this section and in Section 58-1102.

(d) Sports spectators.

(1) Spectators at outdoor sporting events and practices must wear a Face Covering if they cannot maintain a physical distance of at least six feet.

(2) Spectators at indoor sporting events and practices must wear a Face Covering as described in Section 58-1102.

(3) Umpires, referees, coaches and other team support personnel shall not be considered a spectator for purposes of this Article, although they are encouraged to wear a Face Covering.

(4) The maximum number of customers and/or patrons allowed in a facility shall be limited to 35 or the result of the total square feet of the facility divided by 30 times 50 percent, or 50 percent of the total occupancy of fixed seating in a spectator area, whichever is greater.
(5) The maximum number of customers and/or patrons allowed in any outdoor space or area shall be limited to 35 or the result of the total square feet of the space or area divided by 30 times 50 percent, whichever is greater.

(6) All providers of sports activities with spectators shall require Face Coverings as described in this section and in Section 58-1102.

(e) Enhanced risk activities.

(1) An Enhanced Risk Activity is any business or non-business activity that enhances the risk of the spread of a communicable disease by bringing groups of people together to share the same space, indoors or outdoors, in close physical proximity for a period of time. Examples of said activities include but are not limited to:

a. Entertainment, movies, concerts and other live performances, dancing, arcades, gaming, bowling, and billiards and pool;

b. Exhibitions and museums;

c. Fitness classes;

d. Religious services;

e. Conferences, and seminars;

f. Bars, nightclubs, and brewery taprooms;

(2) Notwithstanding any other provision in this Article, an Enhanced Risk Activity is subject to the following at any one time at a particular facility:

a. The maximum number of customers and/or patrons allowed in a facility shall be limited to 35 or the result of the total square feet of the facility divided by 30 times 50 percent, or 50 percent of the total occupancy of fixed seating in a spectator area, whichever is greater, and

b. The maximum number of customers allowed in any outdoor space or area shall be limited to 35 or the result of the total square feet of the space or area divided by 30 times 50 percent, or 50 percent of the total occupancy of fixed seating in a spectator area, whichever is greater.
(3) No counter seating shall be used during any Enhanced Risk Activity.

(4) All providers of an Enhanced Risk Activity shall require Face Coverings as set out in Section 58-1102. Staff must wear a Face Covering at all times when they are working in any space where food or drinks are prepared for sale to others and when they are serving others.

(f) Swimming pools.

(1) The maximum number of customers and/or patrons allowed at any one time at a particular swimming pool shall be limited to the bather load of the pool times 50 percent.

(g) Weddings.

(1) The maximum number of customers and/or patrons allowed in a facility shall be limited to 35 or the result of the total square feet of the facility divided by 30 times 50 percent, whichever is greater.

(2) The maximum number of customers allowed in any outdoor space or area shall be limited to 35 or the result of the total square feet of the space or area divided by 30 times 50 percent, whichever is greater.

(3) Notwithstanding any other provision in this Article, the wedding party shall not be required to wear a Face Covering during a wedding ceremony or while photographs of the wedding and reception are taken.

(h) Funerals.

(1) The maximum number of persons allowed into a funeral, visitation, or wake at any one time for a facility shall be limited to 35 or the result of the total square feet of the facility divided by 30 times 50 percent, whichever is greater.

(2) All providers of funerals, visitations, or wakes shall require Face Coverings as set out in Section 58-1102.

(i) Childcare programs and day camps.

(1) Childcare programs must follow the social distancing provisions set out in Section 58-1101.
(2) Day camps must be carried out in stable groups, preferably with 25 or fewer (“stable” means that the same 25 or fewer children are in the same group each day); children must not change from one group to another; and if more than one group of children is cared for at one facility, each group must be in a separate room. Groups must not mix with each other; and childcare providers must remain solely with one group of children.

(3) All providers of childcare programs and day camps shall require Face Coverings as set out in Section 58-1102.

(j) Special events.

(1) A permit for a Special Event required pursuant to City Code Section 2-503 for a Special Event using City-owned property, public right of way, public streets, public buildings or other city facilities shall not be issued unless the maximum number of participants is not greater than the result of the total square feet of the space or area in which the Special Event is held divided by 30 times twenty-five (25) percent.

(2) All providers of a Special Event shall require Face Coverings as set out in Section 58-1102.

Section 58-1104. - Penalties.

(a) A person who fails to wear a Face Covering when wearing a Face Covering is required by the provisions of this Article shall be guilty of a violation of a municipal ordinance, punishable by a fine not exceeding $100.00.

(b) A person who owns, manages, operates, or otherwise controls a place at which wearing Face Coverings is required by this Article and who fails to comply or to require compliance with the provisions of this Article shall be guilty of a violation of a municipal ordinance, punishable by a fine not exceeding $100.00.

No person shall be in violation of this subsection if such person or the place the person owns, manages, operates or otherwise controls requires compliance with the provisions of this Article to wear a Face Covering and a patron or customer refuses to wear a Face Covering.

(c) A person who owns, manages, operates or otherwise controls a place which violates provisions of this Article aside from Face Covering requirements shall be guilty of a violation of a municipal ordinance and shall be punished as provided in Springfield City Code Section 1-7.
(d) In addition to the fines established by this section, violation of this Article by a person who owns, manages, operates, or otherwise controls a place at which wearing Face Coverings is required by this Article may result in the suspension or revocation of any permit or license issued to the person for the premises on which the violation occurred.

(e) Violation of this Article is hereby declared to be a public nuisance, which may be abated by the city manager by restraining order, preliminary and permanent injunction, or other means provided for by law, and the city may take action to recover the costs of the nuisance abatement.

(f) Each day on which a violation of this Article occurs shall be considered a separate and distinct violation.

Section 2 – Savings Clause. Nothing in this Ordinance shall be construed to affect any suit or proceeding now pending in any court or any rights acquired or liability incurred nor any cause or causes of action occurred or existing, under any act or ordinance repealed hereby. Nor shall any right or remedy of any character be lost, impaired, or affected by this Ordinance.

Section 3 – Severability Clause. If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Ordinance. City Council hereby declares that it would have adopted the Ordinance and each section, subsection, sentence, clause, or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

Section 4 – City Council hereby finds and declares that an emergency exists in that this adoption of this Ordinance is required to fight against the COVID-19 pandemic, and therefore this Ordinance relates to the preservation of public health and safety pursuant to section 2.12 of the City Charter and may be passed in one reading. This Ordinance shall be in full force and effect beginning July 16, 2020, at 12:01 a.m. and shall expire and cease to be at 11:59 p.m. on the ninetieth day after passage, unless a new ordinance amends the sunset date of this Ordinance or readopts its provisions.

Passed at meeting: __________________________

__________________________________________
Mayor

Attest: _______________________________________, City Clerk
Filed as Ordinance: ______________________

Approved as to form: _________________, City Attorney

Approved for Council action: _________________, City Manager
EXPLANATION TO COUNCIL BILL 2020-159

FILED: 07-08-20

ORIGINATING DEPARTMENT: Health

PURPOSE: To amend the Springfield City Code, Chapter 58, ‘Health and Sanitation,’ by adding a new Article XIII, ‘COVID-19 pandemic,’ to add regulations related to Face Coverings, occupancy limits, and physical distancing to respond to the COVID-19 pandemic; and declaring an emergency pursuant to City Charter Section 2.12.

REMARKS:

As of July 8th, 2020, there are 168 active cases of COVID-19, with 140 new cases reported in the last two weeks. Both numbers represent the highest rates of disease our community has experienced. In the previous week, 90 new cases were reported, which represents an increase of 83% from the previous week. And in the last month, Greene County has had 208 cases, which more than doubles the cases since the beginning of the pandemic. The infectiousness of COVID-19 results in exponential growth if individuals and communities do not take measures to slow this spread. These trends are straining the Health Department’s capability to respond to and contain additional cases of COVID-19. Implementing additional evidence-based approaches to reduce the spread of COVID-19 are essential to an effective continued response.

Evidence from policies implemented throughout the country that have required the use of face coverings/masks have proven the effectiveness of such policies in creating declines in rising positive COVID-19 case counts. The CDC points to 19 studies that show the use of face coverings have provided an effective tool to decrease the transmission of disease. Additionally, a recent Goldman Sachs study published on June 29, 2020, has indicated that there is evidence to show that the use of policy that requires the use of face coverings/masks can serve as an alternative to other disease control measures like lockdowns and allow the community to stay open while also controlling the spread of disease.

Submitted by: Approved by:

[Signature]
Katie Towns, Asst. Director of Health

[Signature]
Jason Gage, City Manager