

One-rdg. X
P. Hrngs. _____
Pgs. 12
Filed: 09-29-20

Sponsored by: Council

First Reading: _____

Second Reading: _____

COUNCIL BILL 2020- 230

GENERAL ORDINANCE _____

AN ORDINANCE

1 AMENDING the Springfield City Code, Chapter 58, 'Health and Sanitation,' by
2 adding a new Article XIII, 'COVID-19 pandemic,' to add regulations
3 related to Face Coverings, occupancy limits, and physical distancing to
4 respond to the COVID-19 pandemic; and declaring an emergency
5 pursuant to City Charter Section 2.12.
6
7

8 WHEREAS, in December 2019, medical professionals detected a novel
9 coronavirus, now designated as "SARS-CoV-2," which causes a disease known as
10 "coronavirus disease 2019" abbreviated and popularly known as "COVID-19"; and
11

12 WHEREAS, on January 30, 2020, the World Health Organization Director
13 General declared an outbreak of COVID-19 as a Public Health Emergency of
14 International Concern, advising countries to prepare for containment, detection, isolation
15 and case management, contact tracing and prevention of onward spread of the disease;
16 and
17

18 WHEREAS, on March 11, 2020, the World Health Organization Director General
19 characterized COVID-19 as a pandemic; and
20

21 WHEREAS, on March 13, the President of the United States declared the
22 COVID-19 outbreak a national emergency; and
23

24 WHEREAS, COVID-19 is spread person to person through direct or close
25 proximate contact and presents an imminent threat of widespread illness and a threat to
26 public health; and
27

28 WHEREAS, on March 16, 2020, the Mayor determined there reasonably
29 appeared to exist a state of civil emergency which required a response by the City to
30 protect human life, and, therefore declared a local state of civil emergency; and
31

32 WHEREAS, due to the continuing public health crisis created by COVID-19, the
33 Mayor renewed his declaration of civil emergency on March 24, 2020; April 6, 2020;

34 April 30, 2020; May 20, 2020; June 12, 2020; August 13, 2020; and September 10,
35 2020; and
36

37 WHEREAS, on July 13, 2020, City Council adopted General Ordinance 6607 to
38 create a strong community response that could slow the rate of COVID-19 in our
39 community and protect public health and safety due to a high rate of growth of COVID-
40 19 cases in the southwest Missouri region; and
41

42 WHEREAS, General Ordinance 6607 included a sunset provision and will expire
43 on October 11, 2020; and
44

45 WHEREAS, on September 18, 2020, the Springfield-Greene County Health
46 Department released a memo titled "Moving Forward on the Road to Recovery"
47 describing the continued evidence supporting face coverings locally and nationally; and
48

49 WHEREAS, while COVID-19 cases continue to grow in Springfield, evidence of
50 the success of face coverings can be seen in the relatively low percentage of cases in
51 school-aged children in Springfield Public Schools, which currently imposes a masking
52 requirement, and in Springfield's churches, which have widely implemented the City's
53 face covering requirements; and
54

55 WHEREAS, cases in the community have increased in the past few months and
56 in September, the community has seen more than 2,600 cases and 40 deaths, both of
57 which are the highest for any month since the beginning of the COVID-19 pandemic;
58 and
59

60 WHEREAS, it is the judgment of City Council that a continued strong community
61 response could slow the rate of spread of COVID-19 in our community and would
62 protect public health and safety and that the community cannot afford to reduce its
63 efforts to slow the spread of COVID-19.
64

65 NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF
66 SPRINGFIELD, MISSOURI, as follows, that:
67

68 NOTE: Added language is underlined, deleted language is ~~stricken~~.
69

70 Section 1 – The Springfield City Code, Chapter 58, 'Health and Sanitation,' is
71 hereby amended by adding a new Article XIII, 'COVID-19 pandemic,' which reads as
72 follows:
73

74 Section 58-1100. – Definitions.
75

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

79
80 *Business* means any for-profit company, non-profit organization, benevolent
81 association, or educational entity, regardless of its legal organization, form, entity, tax-
82 treatment or structure.

83
84 *Face Covering* means a device that covers the nose and mouth.

85
86 *Personal care services* include, but are not limited to, barbers, hairdressers,
87 manicurists, estheticians, piercing technicians, tattoo artists, and massage therapists.

88
89 *Public Accommodation* means a Business or other facility, both public and private, both
90 indoors and outdoors, open to and used by the public, including but not limited to retail
91 stores including groceries, service establishments, schools except schools of higher
92 education, other educational providers, transportation services and associated waiting
93 areas, public and private social clubs, and sporting events.

94
95 Section 58-1101. - Centers for Disease Control (“CDC”) social distancing requirements.

96
97 All Businesses shall carry out to the greatest degree possible CDC recommended
98 social distancing and cleaning guidelines in all situations, including, but not limited to,
99 when customers are standing in line or when individuals, including employees, are
100 using shared indoor or outdoor spaces, except as otherwise provided in this Article. If a
101 Business cannot comply with CDC recommended social distancing, then said Business
102 shall carry out to the greatest degree possible social distancing of at least 3 feet and
103 comply with the Face Covering requirements of this Article.

104
105 Section 58-1102. - Face coverings in places of Public Accommodation.

106
107 (a) Except as otherwise provided in this Article, all persons over the age of 11,
108 including employees or visitors, present in those parts of any Public
109 Accommodation open to the public must wear a Face Covering, including while
110 standing in a line to enter the place of Public Accommodation, subject to the
111 following exceptions:

112
113 (1) Children under the age of 3;

114
115 (2) Children ages 3 to 11 are strongly encouraged, but not required to wear a
116 Face Covering, while under the direct supervision of an adult;

117

- 118 (3) Persons with health conditions that prohibit wearing a Face Covering.
119 Nothing in this Article shall require the use of a Face Covering by any
120 person for whom doing so would be contrary to their health or safety
121 because of a medical condition;
122
- 123 (4) Persons who have trouble breathing, or are unconscious, incapacitated, or
124 otherwise unable to remove the Face Covering without assistance;
125
- 126 (5) Persons who are hearing impaired, or someone who is communicating
127 with a person who is hearing impaired, where the ability to see the mouth
128 is essential for communication;
129
- 130 (6) Persons who are at a place of Public Accommodation who are consuming
131 food or drink while maintaining a physical distance from other groups of
132 patrons of a least six feet, but such persons must wear a Face Covering
133 while in waiting areas and while walking to and from seating or other parts
134 of the premises;
135
- 136 (7) Persons at a swimming pool;
137
- 138 (8) Persons who are obtaining a service involving the face or nose for which
139 temporary removal of the Face Covering is necessary to perform the
140 service;
141
- 142 (9) Persons playing a sport, exercising or using exercise equipment while
143 exerting themselves;
144
- 145 (10) Persons working in settings which might increase the risk of heat-related
146 illnesses;
147
- 148 (11) Persons who are outdoors while maintaining physical distancing of at
149 least six feet, except as otherwise provided in this Article, and persons
150 who are outdoors who are closer than six feet to solely members of their
151 own household; and
152
- 153 (12) Speakers and performers while addressing and performing for a group of
154 persons, provided the speakers and performers can maintain a distance of
155 at least six feet from any other person.
156
- 157 (b) Except as otherwise provided in this Article, all places of Public Accommodation
158 shall require Face Coverings as described in this Article.
159

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

161
162
163
164
165
166
167
168
169
170
171
172
173
174
175
176
177
178
179
180
181
182
183
184
185
186
187
188
189
190
191
192
193
194
195
196
197
198
199
200
201
202

(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.

- (2) All Businesses engaged in retail sales to the public shall require Face Coverings as described in Section 58-1102.

(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.

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

206
207 (5) All providers of restaurant services to the public shall require Face
208 Coverings as described in this section and in Section 58-1102.

209
210 (d) Sports spectators.

211
212 (1) Spectators at outdoor sporting events and practices must wear a Face
213 Covering if they cannot maintain a physical distance of at least six feet.

214
215 (2) Spectators at indoor sporting events and practices must wear a Face
216 Covering as described in Section 58-1102.

217
218 (3) Umpires, referees, coaches and other team support personnel shall not be
219 considered a spectator for purposes of this Article, although they are
220 encouraged to wear a Face Covering.

221
222 (4) The maximum number of customers and/or patrons allowed in a facility
223 shall be limited to 35 or the result of the total square feet of the facility
224 divided by 30 times 50 percent, or 50 percent of the total occupancy of
225 fixed seating in a spectator area, whichever is greater.

226
227 (5) The maximum number of customers and/or patrons allowed in any
228 outdoor space or area shall be limited to 35 or the result of the total
229 square feet of the space or area divided by 30 times 50 percent,
230 whichever is greater.

231
232 (6) All providers of sports activities with spectators shall require Face
233 Coverings as described in this section and in Section 58-1102.

234
235 (e) Enhanced risk activities.

236
237 (1) An Enhanced Risk Activity is any business or non-business activity that
238 enhances the risk of the spread of a communicable disease by bringing
239 groups of people together to share the same space, indoors or outdoors,
240 in close physical proximity for a period of time. Examples of said activities
241 include but are not limited to:

242
243 a. Entertainment, movies, concerts and other live performances,
244 dancing, arcades, gaming, bowling, and billiards and pool;

245

- 246 b. Exhibitions and museums;
247
248 c. Fitness classes;
249
250 d. Religious services;
251
252 e. Conferences, and seminars;
253
254 f. Bars, nightclubs, and brewery taprooms;
255
256 (2) Notwithstanding any other provision in this Article, an Enhanced Risk
257 Activity is subject to the following at any one time at a particular facility:
258
259 a. The maximum number of customers and/or patrons allowed in a
260 facility shall be limited to 35 or the result of the total square feet of
261 the facility divided by 30 times 50 percent, or 50 percent of the
262 total occupancy of fixed seating in a spectator area, whichever is
263 greater, and
264
265 b. The maximum number of customers allowed in any outdoor space
266 or area shall be limited to 35 or the result of the total square feet of
267 the space or area divided by 30 times 50 percent, or 50 percent of
268 the total occupancy of fixed seating in a spectator area, whichever
269 is greater.
270
271 (3) No counter seating shall be used during any Enhanced Risk Activity.
272
273 (4) All providers of an Enhanced Risk Activity shall require Face Coverings
274 as set out in Section 58-1102. Staff must wear a Face Covering at all
275 times when they are working in any space where food or drinks are
276 prepared for sale to others and when they are serving others.
277
278 (f) Swimming pools.
279
280 (1) The maximum number of customers and/or patrons allowed at any one
281 time at a particular swimming pool shall be limited to the bather load of
282 the pool times 50 percent.
283
284 (g) Weddings.
285
286 (1) The maximum number of customers and/or patrons allowed in a facility
287 shall be limited to 35 or the result of the total square feet of the facility
288 divided by 30 times 50 percent, whichever is greater

289
290 (2) The maximum number of customers allowed in any outdoor space or area
291 shall be limited to 35 or the result of the total square feet of the space or
292 area divided by 30 times 50 percent, whichever is greater.

293
294 (3) All providers of weddings shall require Face Coverings as set out in
295 Section 58-1102. Notwithstanding any other provision in this Article, the
296 wedding party shall not be required to wear a Face Covering during a
297 wedding ceremony or while photographs of the wedding and reception are
298 taken.

299
300 (h) Funerals.

301
302 (1) The maximum number of persons allowed into a funeral, visitation, or
303 wake at any one time for a facility shall be limited to 35 or the result of
304 the total square feet of the facility divided by 30 times 50 percent,
305 whichever is greater.

306
307 (2) All providers of funerals, visitations, or wakes shall require Face
308 Coverings as set out in Section 58-1102.

309
310 (i) Childcare programs and day camps.

311
312 (1) Childcare programs must follow the social distancing provisions set out in
313 Section 58-1101.

314
315 (2) Day camps must be carried out in stable groups, preferably with 25 or
316 fewer (“stable” means that the same 25 or fewer children are in the same
317 group each day); children must not change from one group to another;
318 and if more than one group of children is cared for at one facility, each
319 group must be in a separate room. Groups must not mix with each other;
320 and childcare providers must remain solely with one group of children.

321
322 (3) All providers of childcare programs and day camps shall require Face
323 Coverings as set out in Section 58-1102.

324
325 (j) Special events.

326
327 (1) A permit for a Special Event required pursuant to City Code Section 2-503
328 for a Special Event using City-owned property, public right of way, public
329 streets, public buildings or other city facilities shall not be issued unless
330 the maximum number of participants is not greater than the result of the

331 total square feet of the space or area in which the Special Event is held
332 divided by 30 times 50 percent.

333
334 (2) All providers of a Special Event shall require Face Coverings as set out in
335 Section 58-1102.

336
337 Section 58-1104. - Penalties.

338
339 (a) A person who fails to wear a Face Covering when wearing a Face Covering is
340 required by the provisions of this Article shall be guilty of a violation of a
341 municipal ordinance, punishable by a fine not exceeding \$100.00.

342
343 (b) A person who owns, manages, operates, or otherwise controls a place at which
344 wearing Face Coverings is required by this Article and who fails to comply or to
345 require compliance with the provisions of this Article shall be guilty of a violation
346 of a municipal ordinance, punishable by a fine not exceeding \$100.00.

347
348 No person shall be in violation of this subsection if such person or the place the
349 person owns, manages, operates or otherwise controls requires compliance with
350 the provisions of this Article to wear a Face Covering and a patron or customer
351 refuses to wear a Face Covering.

352
353 (c) A person who owns, manages, operates or otherwise controls a place which
354 violates provisions of this Article aside from Face Covering requirements shall be
355 guilty of a violation of a municipal ordinance and shall be punished as provided in
356 Springfield City Code Section 1-7.

357
358 (d) In addition to the fines established by this section, violation of this Article by a
359 person who owns, manages, operates, or otherwise controls a place at which
360 wearing Face Coverings is required by this Article may result in the suspension
361 or revocation of any permit or license issued to the person for the premises on
362 which the violation occurred.

363
364 (e) Violation of this Article is hereby declared to be a public nuisance, which may be
365 abated by the city manager by restraining order, preliminary and permanent
366 injunction, or other means provided for by law, and the city may take action to
367 recover the costs of the nuisance abatement.

368
369 (f) Each day on which a violation of this Article occurs shall be considered a
370 separate and distinct violation.

371
372 Section 2 – Savings Clause. Nothing in this Ordinance shall be construed to
373 affect any suit or proceeding now pending in any court or any rights acquired or liability

374 incurred nor any cause or causes of action occurred or existing, under any act or
375 ordinance repealed hereby. Nor shall any right or remedy of any character be lost,
376 impaired, or affected by this Ordinance.
377

378 Section 3 – Severability Clause. If any section, subsection, sentence, clause, or
379 phrase of this Ordinance is for any reason held to be invalid, such decision shall not
380 affect the validity of the remaining portions of this Ordinance. City Council hereby
381 declares that it would have adopted the Ordinance and each section, subsection,
382 sentence, clause, or phrase thereof, irrespective of the fact that any one or more
383 sections, subsections, sentences, clauses, or phrases be declared invalid.
384

385 Section 4 – City Council hereby finds and declares that an emergency exists in
386 that this adoption of this Ordinance is required to fight against the COVID-19 pandemic,
387 and therefore this Ordinance relates to the preservation of public health and safety
388 pursuant to section 2.12 of the City Charter and may be passed in one reading. This
389 Ordinance shall be in full force and effect immediately upon the expiration of General
390 Ordinance 6607 and shall expire and cease to be in effect at 11:59 p.m. on January 9,
391 2021, unless a new ordinance amends the sunset date of this Ordinance or readopts its
392 provisions.
393

394 Passed at meeting: _____
395

396
397 _____
398 Mayor
399

400 Attest: _____, City Clerk
401

402 Filed as Ordinance: _____
403

404
405 Approved as to form: Rhonda Lewsader, City Attorney
406

407
408 Approved for Council action: Jason A. Hays, City Manager

EXPLANATION TO COUNCIL BILL 2020-230

FILED: 09-29-20

ORIGINATING DEPARTMENT: Health

PURPOSE: To continue Springfield's Road to Recovery plan including the extension of the face covering/masking requirement for areas of public accommodation, distancing, and occupancy limits.

BACKGROUND INFORMATION:

On July 13, 2020, Springfield City Council passed General Ordinance 6607 which relaxed some COVID-19 restrictions that had been implemented in the Mayor's emergency orders while implementing a face covering/masking requirement for areas of public accommodation. That recommendation from the Springfield-Greene County Health Department was built upon evidence cited by the Centers for Disease Control and Prevention, the White House Coronavirus Task Force and the World Health Organization, as well as our own local experience with a major potential exposure at the Great Clips hair salon—which resulted in no additional cases among patrons.

While COVID-19 cases continue to grow in Springfield, evidence of the success of masking can be seen. Our greatest areas of case growth have been among college-age students who tend to engage in more high-risk activities which may not require masking, such as eating out and attending house parties. We have also seen outbreaks in the jail and long-term care facilities – locations where our masking ordinance was not expected to have an impact, due to the nature of those living situations.

Conversely, we have seen a relatively low percentage of cases in school-aged children—only 6% of positive COVID-19 cases in Greene County have been in kids 5-17 since August 24 (the first day of K-12 classes in Springfield Public Schools). Springfield Public Schools currently requires masking for all students, staff and teachers, except while eating or during P.E. and recess.

Evidence of the impact of masking can also be seen in Springfield's churches, which have widely implemented Springfield's masking mandate. To date, of the positive cases investigated, churches have been the source of exposure in a mere 1.3% of cases.

Cases in the community have increased over the past few months. In September, we have seen more than 2,600 cases and 40 deaths, both are the highest for any month since the beginning of the pandemic. With these high case counts and deaths related to COVID-19, the community cannot afford to reduce its efforts to slow the spread of disease. Masking has been shown to be effective in slowing the spread of COVID-19 and removing this requirement will have a detrimental effect within the community.

Masks have helped to slow the spread of COVID-19 through the community, and is an

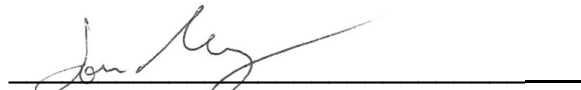
essential part of the community's response. To protect the public's health during the next few months, a time that traditionally results in increased spread of respiratory illnesses, widespread masking and physical distancing, and limits on the number of persons engaging in certain activities or gathered in certain locations is a continued need of community mitigation.

REMARKS:

COVID-19 spreads mainly from person to person through respiratory droplets produced when an infected person coughs, sneezes, talks, or raises their voice (e.g., while shouting, chanting, or singing). These droplets can land in the mouths or noses of people who are nearby or possibly be inhaled into the lungs. The general philosophy behind a cloth face covering is that while it does not directly protect the wearer, it likely keeps the wearer—symptomatic or not—from spreading the illness—whether or not they know they are infectious.

The use of face coverings is a non-intrusive way to reduce the spread of COVID-19. While not the only solution, it is an important tool. Masking, combined with physical distancing, limits on the number of persons engaging in certain enhanced risk activities together or gathered in higher risk locations, and frequent hand washing is crucial to reducing illnesses, hospitalizations and deaths associated with the coronavirus pandemic.

Submitted by:


Jon Mooney, Asst. Director of Health

Approved by:


Jason Gage, City Manager