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Filed:  09-29-20

Sponsored by:  Council

First Reading:  October 5, 2020

Second Reading:  October 5, 2020

COUNCIL BILL  2020- 230

GENERAL ORDINANCE  6619

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.

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(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: October 5, 2020

395  
396   
397 \_\_\_\_\_  
398 Mayor

399  
400 Attest:  \_\_\_\_\_, City Clerk

401  
402 Filed as Ordinance: October 5, 2020

403  
404  
405 Approved as to form:  \_\_\_\_\_, City Attorney

406  
407  
408 Approved for Council action:  \_\_\_\_\_, 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

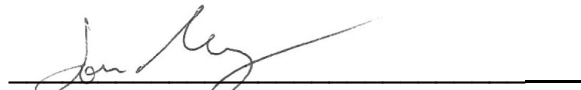
essential part of the community's response. To protect the public's health during the next few months, a time that traditionally results in increased spread of respiratory illnesses, widespread masking and physical distancing, and limits on the number of persons engaging in certain activities or gathered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