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P. Hrngs. _____
Pgs. 11
Filed: 07-08-20

Sponsored by: Council

First Reading: _____

Second Reading: _____

COUNCIL BILL 2020- 159

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; and June 12, 2020; and
35

36 WHEREAS, although the public health system had the resources to begin the
37 process of safely reopening the economy, and, therefore over time the Mayor's
38 declaration authorized some reopening, data now indicates that the growth of COVID-
39 19 cases in the southwest Missouri region is high; and
40

41 WHEREAS, it is the judgment of City Council that a stronger community
42 response now could slow the rate of spread of COVID-19 in our community and would
43 protect public health and safety.
44

45 NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF
46 SPRINGFIELD, MISSOURI, as follows, that:
47

48 NOTE: Added language is underlined, deleted language is ~~stricken~~.
49

50 Section 1 – The Springfield City Code, Chapter 58, 'Health and Sanitation,' is
51 hereby amended by adding a new Article XIII, 'COVID-19 pandemic,' which reads as
52 follows:
53

54 Section 58-1100. – Definitions.
55

56 The following words, terms and phrases, when used in this Article, shall have the
57 meanings ascribed to them in this section, except where the context clearly indicates a
58 different meaning:
59

60 *Business* means any for-profit company, non-profit organization, benevolent
61 association, or educational entity, regardless of its legal organization, form, entity, tax-
62 treatment or structure.
63

64 *Face Covering* means a device that covers the nose and mouth.
65

66 *Personal care services* include, but are not limited to, barbers, hairdressers,
67 manicurists, estheticians, piercing technicians, tattoo artists, and massage therapists
68

69 *Public Accommodation* means a Business or other facility, both public and private, both
70 indoors and outdoors, open to and used by the public, including but not limited to retail
71 stores including groceries, service establishments, schools except schools of higher
72 education, other educational providers, transportation services and associated waiting
73 areas, public and private social clubs, and sporting events.
74

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

76
77 All Businesses shall carry out to the greatest degree possible CDC recommended
78 social distancing and cleaning guidelines in all situations, including, but not limited to,
79 when customers are standing in line or when individuals, including employees, are
80 using shared indoor or outdoor spaces, except as otherwise provided in this Article. If a
81 Business cannot comply with CDC recommended social distancing, then said Business
82 shall carry out to the greatest degree possible social distancing of at least 3 feet and
83 comply with the Face Covering requirements of this Article.

84
85 Section 58-1102. - Face coverings in places of Public Accommodation.

86
87 (a) Except as otherwise provided in this Article, all persons over the age of 11,
88 including employees or visitors, present in those parts of any Public
89 Accommodation open to the public must wear a Face Covering, including while
90 standing in a line to enter the place of Public Accommodation, subject to the
91 following exceptions:

92
93 (1) Children under the age of 3;

94
95 (2) Children ages 3 to 11 are strongly encouraged, but not required to wear a
96 Face Covering, while under the direct supervision of an adult;

97
98 (3) Persons with health conditions that prohibit wearing a Face Covering.
99 Nothing in this Article shall require the use of a Face Covering by any
100 person for whom doing so would be contrary to their health or safety
101 because of a medical condition;

102
103 (4) Persons who have trouble breathing, or are unconscious, incapacitated, or
104 otherwise unable to remove the Face Covering without assistance;

105
106 (5) Persons who are hearing impaired, or someone who is communicating
107 with a person who is hearing impaired, where the ability to see the mouth
108 is essential for communication;

109
110 (6) Persons who are at a place of Public Accommodation who are consuming
111 food or drink while maintaining a physical distance from other groups of
112 patrons of a least six feet, but such persons must wear a Face Covering
113 while in waiting areas and while walking to and from seating or other parts
114 of the premises;

115
116 (7) Persons at a swimming pool;

117

- 118 (8) Persons who are obtaining a service involving the face or nose for which
119 temporary removal of the Face Covering is necessary to perform the
120 service; and
121
122 (9) Persons playing a sport, exercising or using exercise equipment while
123 exerting themselves;
124
125 (10) Persons working in settings which might increase the risk of heat-related
126 illnesses; and
127
128 (11) Persons who are outdoors while maintaining physical distancing of at
129 least six feet, except as otherwise provided in this Article, and persons
130 who are outdoors who are closer than six feet to solely members of their
131 own household.
132
133 (b) Except as otherwise provided in this Article, all places of Public Accommodation
134 shall require Face Coverings as described in this Article.
135

136 Section 58-1103. - Rules for certain services, businesses, and activities.
137

138 (a) Personal care services.
139

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

143
144 The result of the total square feet of that part of the building devoted to
145 the subject Business divided by 30 times 50 percent.
146

- 147 (2) In addition to the social distancing requirements set out in Section 58-
148 1101, all Businesses providing personal care services shall require Face
149 Coverings as described in Section 58-1102.
150

151 (b) Retail businesses.
152

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

156
157 The result of the total square feet of that part of the building devoted to
158 the subject Business divided by 30 times 50 percent.
159

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

162
163 (c) Restaurants.

164
165 (1) Counter seating and self-service buffets shall not be allowed.

166
167 (2) Indoor dine-in services may be provided only with physical distancing of at
168 least six feet between groups of patrons dining together unless solid
169 barriers at least six feet tall have been installed between tables or booths.
170 Patrons must wear a Face Covering in waiting areas and while walking to
171 or from seating or throughout the restaurant.

172
173 (3) Patio seating may be provided and if physical distancing of at least six feet
174 between groups of patrons dining together cannot be maintained, patrons
175 must wear a Face Covering while seated except when drinking or eating.
176 Patrons must wear a Face Covering in waiting areas and while walking to
177 or from seating or throughout the restaurant.

178
179 (4) Staff must wear a Face Covering at all times when they are working in any
180 space where food or drinks are prepared for sale to others and when they
181 are serving others.

182
183 (5) All providers of restaurant services to the public shall require Face
184 Coverings as described in this section and in Section 58-1102.

185
186 (d) Sports spectators.

187
188 (1) Spectators at outdoor sporting events and practices must wear a Face
189 Covering if they cannot maintain a physical distance of at least six feet.

190
191 (2) Spectators at indoor sporting events and practices must wear a Face
192 Covering as described in Section 58-1102.

193
194 (3) Umpires, referees, coaches and other team support personnel shall not be
195 considered a spectator for purposes of this Article, although they are
196 encouraged to wear a Face Covering.

197
198 (4) The maximum number of customers and/or patrons allowed in a facility
199 shall be limited to 35 or the result of the total square feet of the facility
200 divided by 30 times 50 percent, or 50 percent of the total occupancy of
201 fixed seating in a spectator area, whichever is greater.

202

203 (5) The maximum number of customers and/or patrons allowed in
204 any outdoor space or area shall be limited to 35 or the result of the total
205 square feet of the space or area divided by 30 times 50 percent,
206 whichever is greater.
207

208 (6) All providers of sports activities with spectators shall require Face
209 Coverings as described in this section and in Section 58-1102.
210

211 (e) Enhanced risk activities.
212

213 (1) An Enhanced Risk Activity is any business or non-business activity that
214 enhances the risk of the spread of a communicable disease by bringing
215 groups of people together to share the same space, indoors or outdoors,
216 in close physical proximity for a period of time. Examples of said activities
217 include but are not limited to:
218

219 a. Entertainment, movies, concerts and other live performances,
220 dancing, arcades, gaming, bowling, and billiards and pool;
221

222 b. Exhibitions and museums;
223

224 c. Fitness classes;
225

226 d. Religious services;
227

228 e. Conferences, and seminars;
229

230 f. Bars, nightclubs, and brewery taprooms;
231

232 (2) Notwithstanding any other provision in this Article, an Enhanced Risk
233 Activity is subject to the following at any one time at a particular facility:
234

235 a. The maximum number of customers and/or patrons allowed in a
236 facility shall be limited to 35 or the result of the total square feet of
237 the facility divided by 30 times 50 percent, or 50 percent of the
238 total occupancy of fixed seating in a spectator area, whichever is
239 greater, and
240

241 b. The maximum number of customers allowed in any outdoor space
242 or area shall be limited to 35 or the result of the total square feet of
243 the space or area divided by 30 times 50 percent, or 50 percent of
244 the total occupancy of fixed seating in a spectator area, whichever
245 is greater.

- 246
247 (3) No counter seating shall be used during any Enhanced Risk Activity.
248
249 (4) All providers of an Enhanced Risk Activity shall require Face Coverings
250 as set out in Section 58-1102. Staff must wear a Face Covering at all
251 times when they are working in any space where food or drinks are
252 prepared for sale to others and when they are serving others.
253
254 (f) Swimming pools.
255
256 (1) The maximum number of customers and/or patrons allowed at any one
257 time at a particular swimming pool shall be limited to the bather load of
258 the pool times 50 percent.
259
260 (g) Weddings.
261
262 (1) The maximum number of customers and/or patrons allowed in a facility
263 shall be limited to 35 or the result of the total square feet of the facility
264 divided by 30 times 50 percent, whichever is greater
265
266 (2) The maximum number of customers allowed in any outdoor space or area
267 shall be limited to 35 or the result of the total square feet of the space or
268 area divided by 30 times 50 percent, whichever is greater.
269
270 (3) Notwithstanding any other provision in this Article, the wedding party shall
271 not be required to wear a Face Covering during a wedding ceremony or
272 while photographs of the wedding and reception are taken.
273
274 (h) Funerals.
275
276 (1) The maximum number of persons allowed into a funeral, visitation, or
277 wake at any one time for a facility shall be limited to 35 or the result of
278 the total square feet of the facility divided by 30 times 50 percent,
279 whichever is greater.
280
281 (2) All providers of funerals, visitations, or wakes shall require Face
282 Coverings as set out in Section 58-1102.
283
284 (i) Childcare programs and day camps.
285
286 (1) Childcare programs must follow the social distancing provisions
287 set out in Section 58-1101.
288

289 (2) Day camps must be carried out in stable groups, preferably with 25 or
290 fewer ("stable" means that the same 25 or fewer children are in the same
291 group each day); children must not change from one group to
292 another; and if more than one group of children is cared for at one facility,
293 each group must be in a separate room. Groups must not mix with each
294 other; and childcare providers must remain solely with one group of
295 children.

296
297 (3) All providers of childcare programs and day camps shall require Face
298 Coverings as set out in Section 58-1102.
299

300 (j) Special events.

301
302 (1) A permit for a Special Event required pursuant to City Code Section 2-503
303 for a Special Event using City-owned property, public right of way, public
304 streets, public buildings or other city facilities shall not be issued unless
305 the maximum number of participants is not greater than the result of the
306 total square feet of the space or area in which the Special Event is held
307 divided by 30 times twenty-five (25) percent.
308

309 (2) All providers of a Special Event shall require Face Coverings as set out in
310 Section 58-1102.
311

312 Section 58-1104. - Penalties.

313
314 (a) A person who fails to wear a Face Covering when wearing a Face Covering is
315 required by the provisions of this Article shall be guilty of a violation of a
316 municipal ordinance, punishable by a fine not exceeding \$100.00.
317

318 (b) A person who owns, manages, operates, or otherwise controls a place at which
319 wearing Face Coverings is required by this Article and who fails to comply or to
320 require compliance with the provisions of this Article shall be guilty of a violation
321 of a municipal ordinance, punishable by a fine not exceeding \$100.00.
322

323 No person shall be in violation of this subsection if such person or the place the
324 person owns, manages, operates or otherwise controls requires compliance with
325 the provisions of this Article to wear a Face Covering and a patron or customer
326 refuses to wear a Face Covering.
327

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

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(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

375

376 Filed as Ordinance: _____

377

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379 Approved as to form: *Rhonda Lewaden*, City Attorney

380

381

382 Approved for Council action: *Jason P. Hays*, 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:



Katie Towns, Asst. Director of Health


Jason Gage, City Manager