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Filed: 07-13-20

Sponsored by: Council

First Reading: July 13, 2020

Second Reading: July 13, 2020

AMENDED
COUNCIL BILL 2020-159

GENERAL ORDINANCE 6607

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;
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;
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; and
132
- 133 (12) Speakers and performers while addressing and performing for a group of
134 persons, provided the speakers and performers can maintain a distance of
135 at least six feet from any other person.
136
- 137 (b) Except as otherwise provided in this Article, all places of Public Accommodation
138 shall require Face Coverings as described in this Article.
139

140 Section 58-1103. - Rules for certain services, businesses, and activities.
141

142 (a) Personal care services.
143

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

147
148 The result of the total square feet of that part of the building devoted to
149 the subject Business divided by 30 times 50 percent.
150

- 151 (2) In addition to the social distancing requirements set out in Section 58-
152 1101, all Businesses providing personal care services shall require Face
153 Coverings as described in Section 58-1102.
154

155 (b) Retail businesses.
156

- 157 (1) Any Business engaged in retail sales to the public shall limit the number
158 of customers in any particular Business or retail location at any one time
159 to a maximum of:
160

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

163
164 (2) All Businesses engaged in retail sales to the public shall require Face
165 Coverings as described in Section 58-1102.

166
167 (c) Restaurants.

168
169 (1) Counter seating and self-service buffets shall not be allowed.

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

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

182
183 (4) Staff must wear a Face Covering at all times when they are working in any
184 space where food or drinks are prepared for sale to others and when they
185 are serving others.

186
187 (5) All providers of restaurant services to the public shall require Face
188 Coverings as described in this section and in Section 58-1102.

189
190 (d) Sports spectators.

191
192 (1) Spectators at outdoor sporting events and practices must wear a Face
193 Covering if they cannot maintain a physical distance of at least six feet.

194
195 (2) Spectators at indoor sporting events and practices must wear a Face
196 Covering as described in Section 58-1102.

197
198 (3) Umpires, referees, coaches and other team support personnel shall not be
199 considered a spectator for purposes of this Article, although they are
200 encouraged to wear a Face Covering.

201
202 (4) The maximum number of customers and/or patrons allowed in a facility
203 shall be limited to 35 or the result of the total square feet of the facility

204 divided by 30 times 50 percent, or 50 percent of the total occupancy of
205 fixed seating in a spectator area, whichever is greater.

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

211
212 (6) All providers of sports activities with spectators shall require Face
213 Coverings as described in this section and in Section 58-1102.

214
215 (e) Enhanced risk activities.

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

222
223 a. Entertainment, movies, concerts and other live performances,
224 dancing, arcades, gaming, bowling, and billiards and pool;

225
226 b. Exhibitions and museums;

227
228 c. Fitness classes;

229
230 d. Religious services;

231
232 e. Conferences, and seminars;

233
234 f. Bars, nightclubs, and brewery taprooms;

235
236 (2) Notwithstanding any other provision in this Article, an Enhanced Risk
237 Activity is subject to the following at any one time at a particular facility:

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

244
245 b. The maximum number of customers allowed in any outdoor space
246 or area shall be limited to 35 or the result of the total square feet of

247 the space or area divided by 30 times 50 percent, or 50 percent of
248 the total occupancy of fixed seating in a spectator area, whichever
249 is greater.

250
251 (3) No counter seating shall be used during any Enhanced Risk Activity.

252
253 (4) All providers of an Enhanced Risk Activity shall require Face Coverings
254 as set out in Section 58-1102. Staff must wear a Face Covering at all
255 times when they are working in any space where food or drinks are
256 prepared for sale to others and when they are serving others.

257
258 (f) Swimming pools.

259
260 (1) The maximum number of customers and/or patrons allowed at any one
261 time at a particular swimming pool shall be limited to the bather load of
262 the pool times 50 percent.

263
264 (g) Weddings.

265
266 (1) The maximum number of customers and/or patrons allowed in a facility
267 shall be limited to 35 or the result of the total square feet of the facility
268 divided by 30 times 50 percent, whichever is greater

269
270 (2) The maximum number of customers allowed in any outdoor space or area
271 shall be limited to 35 or the result of the total square feet of the space or
272 area divided by 30 times 50 percent, whichever is greater.

273
274 (3) All providers of weddings shall require Face Coverings as set out in
275 Section 58-1102. Notwithstanding any other provision in this Article, the
276 wedding party shall not be required to wear a Face Covering during a
277 wedding ceremony or while photographs of the wedding and reception are
278 taken.

279
280 (h) Funerals.

281
282 (1) The maximum number of persons allowed into a funeral, visitation, or
283 wake at any one time for a facility shall be limited to 35 or the result of
284 the total square feet of the facility divided by 30 times 50 percent,
285 whichever is greater.

286
287 (2) All providers of funerals, visitations, or wakes shall require Face
288 Coverings as set out in Section 58-1102.

289

290 (i) Childcare programs and day camps.

291

292 (1) Childcare programs must follow the social distancing provisions
293 set out in Section 58-1101.

294

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

302

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

305

306 (j) Special events.

307

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

314

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

317

318 Section 58-1104. - Penalties.

319

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

323

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

328

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

- 333
334 (c) A person who owns, manages, operates or otherwise controls a place which
335 violates provisions of this Article aside from Face Covering requirements shall be
336 guilty of a violation of a municipal ordinance and shall be punished as provided in
337 Springfield City Code Section 1-7.
338
339 (d) In addition to the fines established by this section, violation of this Article by a
340 person who owns, manages, operates, or otherwise controls a place at which
341 wearing Face Coverings is required by this Article may result in the suspension
342 or revocation of any permit or license issued to the person for the premises on
343 which the violation occurred.
344
345 (e) Violation of this Article is hereby declared to be a public nuisance, which may be
346 abated by the city manager by restraining order, preliminary and permanent
347 injunction, or other means provided for by law, and the city may take action to
348 recover the costs of the nuisance abatement.
349
350 (f) Each day on which a violation of this Article occurs shall be considered a
351 separate and distinct violation.
352

353 Section 2 – Savings Clause. Nothing in this Ordinance shall be construed to
354 affect any suit or proceeding now pending in any court or any rights acquired or liability
355 incurred nor any cause or causes of action occurred or existing, under any act or
356 ordinance repealed hereby. Nor shall any right or remedy of any character be lost,
357 impaired, or affected by this Ordinance.
358

359 Section 3 – Severability Clause. If any section, subsection, sentence, clause, or
360 phrase of this Ordinance is for any reason held to be invalid, such decision shall not
361 affect the validity of the remaining portions of this Ordinance. City Council hereby
362 declares that it would have adopted the Ordinance and each section, subsection,
363 sentence, clause, or phrase thereof, irrespective of the fact that any one or more
364 sections, subsections, sentences, clauses, or phrases be declared invalid.
365

366 Section 4 – City Council hereby finds and declares that an emergency exists in
367 that this adoption of this Ordinance is required to fight against the COVID-19 pandemic,
368 and therefore this Ordinance relates to the preservation of public health and safety
369 pursuant to section 2.12 of the City Charter and may be passed in one reading. This
370 Ordinance shall be in full force and effect beginning July 16, 2020, at 12:01 a.m. and
371 shall expire and cease to be at 11:59 p.m. on the ninetieth day after passage, unless a
372 new ordinance amends the sunset date of this Ordinance or readopts its provisions.
373

374 Passed at meeting: July 13, 2020
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Ken Williams
Mayor

Attest: Anita J Cotter, City Clerk

Filed as Ordinance: July 13, 2020

Approved as to form: Rhonda Lewsader, City Attorney

Approved for Council action: Jason A. Page, City Manager

SUPPLEMENTAL EXPLANATION TO AMENDED COUNCIL BILL 2020-159

FILED: 07-13-20

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:

At the July 13, 2020, City Council meeting, City Council amended Council Bill 2020-159 by adopting two separate motions. One motion added an exception to the requirement to wear a Face Covering for speakers and performers while addressing and performing for a group of persons, provided that they can maintain a distance of at least six feet from any other person. This exception was added to Article XIII as Section 58-1102(a)(12).

The other motion corrected a drafting error in the original draft of the ordinance by inserting into Section 58-1103(g)(3) a requirement that providers of weddings must require Face Coverings as set out in Section 58-1102. This requirement had been included for other business activities.

Submitted by:



Rhonda Lewsader, City Attorney

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.

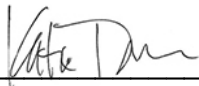
REMARKS:

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.

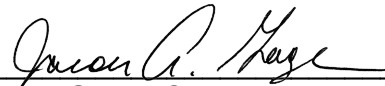
Evidence from policies implemented throughout the country that have required the use of face coverings/masks have proven the effectiveness of such policies in creating declines in rising positive COVID-19 case counts. The CDC points to 19 studies that show the use of face coverings have provided an effective 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