DECLARATION AND ORDER

ISSUED JULY 9, 2020

A DECLARATION OF A LOCAL STATE OF EMERGENCY AND ORDER TO EMPLOY MEASURES TO PROTECT PUBLIC LIFE, HEALTH, SAFETY, AND PROPERTY TO LIMIT THE DEVELOPMENT, CONTRACTION, AND SPREAD OF COVID-19, THE DISEASE CREATING THE EMERGENCY.

WHEREAS, on March 16, 2020, a Declaration and Order to take actions necessary to prevent the possibility of exposure to COVID-19 and protect the health and safety of St. Joseph residents was issued at the request of the City Manager and on the advice of the Health Director; and

WHEREAS, the Declaration and Order was amended on March 18, 2020, March 23, 2020, March 31, 2020 (which amended version was extended on April 22, 2020), May 1, 2020, and May 14, 2020 (which amended version was extended on May 28, 2020), before ultimately expiring at 11:59 p.m. on Monday, June 15, 2020; and

WHEREAS, in conjunction with the expiration of the amended Declaration and Order, on June 12, 2020, a “Mayoral Advisory Regarding a Local State of Emergency” was issued with recommendations that remained in effect through June 30, 2020; and

WHEREAS, while the number of confirmed COVID-19 cases had been trending downward at the time the amended Declaration and Order was allowed to expire, it has begun to trend upward following such expiration; and

WHEREAS, the COVID-19 virus spreads between people who are in close contact with one another through respiratory droplets produced when an infected person coughs or sneezes; and

WHEREAS, a gathering of unidentifiable individuals without necessary mitigation for the spread of infection may pose a risk of the spread of infectious disease; and

WHEREAS, the Centers for Disease Control ("CDC") continues to study the spread and effects of COVID-19 and, on June 28, 2020, issued guidance stating “COVID-19 can be spread by people who do not have symptoms and do not know that they are infected” and recommending “all people 2 years of age and older wear a cloth face covering in public settings when around people outside of their household, especially when other social distancing measures are difficult to [maintain]” while acknowledging that “While cloth face coverings are strongly encouraged to reduce the spread of COVID-19, CDC recognizes there are specific instances when wearing a cloth face covering may not be feasible. In these instances, adaptations and alternatives should be considered whenever possible;” and
WHEREAS, the CDC summarized its recommendation in stating the following:

Cloth face coverings are recommended as a simple barrier to help prevent respiratory droplets from traveling into the air and onto other people when the person wearing the cloth face covering coughs, sneezes, talks, or raises their voice. This is called source control. This recommendation is based on what we know about the role respiratory droplets play in the spread of the virus that causes COVID-19, paired with emerging evidence from clinical and laboratory studies that shows cloth face coverings reduce the spray of droplets when worn over the nose and mouth. COVID-19 spreads mainly among people who are in close contact with one another (within about 6 feet), so the use of cloth face coverings is particularly important in settings where people are close to each other or where social distancing is difficult to maintain.

; and

WHEREAS, the declaration of a local state of emergency provides the City the ability to take measures to reduce the possibility of exposure to disease, control the risk, and promote the health and safety of St. Joseph residents; and

WHEREAS, the City wishes to employ means available under the law to protect public life, health, safety, and property to limit the development, contraction, and spread of COVID-19, which is creating this emergency; and

WHEREAS, pursuant to Section 2-1454 of the Code of Ordinances of the City of St. Joseph, Missouri, the Mayor has authority to declare the existence of a local state of emergency based upon his own determination of the need therefore or upon the request of the City Manager, Emergency Manager, Fire Chief, or Police Chief; and

WHEREAS, the City’s Director of Health has recommended that the Mayor issue a Declaration and Order to require face coverings or masks be worn in certain situations to prevent the possibility of spreading COVID-19 and to protect the health and safety of St. Joseph residents; and

WHEREAS, based on guidance provided by the CDC, individuals should continue to practice social distancing, practice good hygiene, avoid going to work or school when feeling ill, consider avoiding attending group events, and avoid visiting nursing homes, long-term care facilities, retirement homes, or assisted living homes when feasible and elderly or otherwise vulnerable populations should take enhanced precautionary measures to mitigate the risks of contracting COVID-19; and
WHEREAS, except as exempted below, individuals are advised to wear face coverings or masks when in indoor or outdoor public places or places of assembly where a six-foot distance cannot be maintained from others who are not part of the same household or when in retail stores or in restaurants, taverns, and other environments in which food or drinks are being prepared for on-site service; and

WHEREAS, except as exempted below, individuals are also advised to wear face coverings or masks when traveling in a vehicle with others who are not part of the same household; and

WHEREAS, all businesses continue to be advised to limit access to areas in which people may congregate, space employees six feet apart or employ other measures to ensure distancing, require handwashing, regularly disinfect areas touched by multiple people, continuously monitor for COVID-19 symptoms, and require employees who exhibit symptoms to leave the premises and not return until CDC guidelines indicate they should no longer be in isolation; and

WHEREAS, business facilities that allow members of the public to enter the facility and that provide goods or services through in-person transactions (e.g. retail, restaurants, services offices, and similar businesses and service providers) continue to be advised to make sanitization products available, post signage to designate distances of at least six feet in areas where lines form, prohibit customers from congregating or waiting inside or outside, space customers to ensure distancing, construct barriers between customers and employees, restrict person-to-person contact when feasible, and limit building occupancy; and

WHEREAS, restaurants, bars, and prepared food providers serving customers for dine-in service continue to be advised to require advanced reservations or immediate seating separated from other parties by at least six feet, prohibit customers from congregating or waiting to be seated, and refrain from making reusable condiment containers and menus available to customers unless the containers and menus are sanitized between parties accessing them; and

WHEREAS, theaters, private clubs, bowling alleys, and other recreational venues continue to be advised to sanitize surfaces between uses by customers and separate seating from other parties by at least six feet; and

WHEREAS, fitness centers continue to be advised to space cardiovascular exercise equipment to prevent its use within six feet of other equipment and ensure all equipment and personal storage areas are sanitized between uses; and
WHEREAS, salons, tattoo parlors, and others providing services that require person-to-person contact continue to be advised to require advanced appointments and prohibit customers from waiting onsite for service, space employees providing services to ensure social distancing, sanitize all equipment between uses on separate customers, and record the name and phone number of all customers, and the dates and times during which they were in the business for the purpose of contact tracing.

NOW, THEREFORE, PURSUANT TO AUTHORITY GRANTED BY SECTION 2-1454 OF THE CODE OF ORDINANCES OF THE CITY OF ST. JOSEPH, MISSOURI, I, MAYOR BILL McMURRAY, DECLARE A LOCAL STATE OF EMERGENCY AND ORDER THE FOLLOWING:

SECTION 1. That, except as specifically exempted below, managers or operators of indoor retail stores with 10,000 or more interior square feet of space (including space that is not accessible to the general public) shall require individuals to wear face coverings or masks when those individuals are inside the retail store.

The **requirements imposed by this Section shall not apply** to the following:

1. Persons under the age of five years or those who are otherwise developmentally unable to comply.
2. Persons who have physical disabilities that prevent them from comfortably wearing or taking off a face covering or mask or prevent them from communicating while wearing a face covering or mask.
3. Persons who have a medical condition that is exacerbated by wearing a face covering or mask.
4. Persons who are hearing impaired, or communicating with a person who is hearing impaired, where the ability to see the mouth is essential for communication.
5. Persons who are engaged in consuming food or drink.

SECTION 2. That **violations of the requirements** of this Declaration and Order may only be enforced against the operators or managers of the retail store in which persons who are required to wear a face covering or mask are not wearing the required face covering or mask; such violations shall constitute violations of Section 2-1454 of the Code of Ordinances; violators shall be subject to a penalty as set forth in Section 1-14 of the Code of Ordinances, including a fine of not less than $1.00 nor more than $500.00 or the maximum amount allowed by law. Operators or managers are entitled to rely on customer’s or patrons’ statements about whether or not they are exempt from wearing a face covering or mask and will not be deemed to have violated this Declaration and Order if they rely on such statements.
SECTION 3. Law enforcement personnel are not authorized to criminally enforce the face covering or mask requirements of this Declaration and Order against individual workers, customers, or patrons other than operators or managers of a business, other public place, or place of assembly; however, if a business, other public place, or place of assembly does not allow a person to enter, or requests that a person leave, because that person refuses to wear a face covering or mask, and if that person enters the premises or refuses to leave the premises, the person may be prosecuted for a violation of Section 20-51 (Trespass) of the Code of Ordinances or any other ordinance, regulation, or statute that may apply to the person’s presence without permission.

SECTION 4. That the City Manager or the Director of Health shall review the need for continuing the declaration and orders made herein at least every fourteen days, and report such need to the Mayor, until the local state of emergency is terminated by the City Council.

SECTION 5. That this declaration and the orders stated herein shall be in full force and effect from and after 12:01 a.m. on Monday, July 13, 2020.

SECTION 6. That on or before 11:59 p.m. on Friday, September 11, 2020, this Declaration and Order shall be extended, amended, or withdrawn; if it is not so extended, amended, or withdrawn, it shall be deemed to have expired.

SECTION 7. That if any provision of this Declaration and Order or its application to any person or circumstance is held to be invalid, then the remainder of the Declaration and Order, including the application of such part or provision to other persons or circumstances, shall not be affected and shall continue in full force and effect.

SECTION 8. That this declaration and the orders stated herein may be amended at any time based upon the continuing development and spread of COVID-19.

Authenticated as Declared and Ordered:

Bill McMurray, Mayor

Filed with me, the City Clerk of the City of St. Joseph, Missouri, on this 10th day of July 2020, by Mayor Bill McMurray, whose signature I hereby attest.

Paula Heyde, City Clerk