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Filed:  04-27-21

Sponsored by:  Council

First Reading: \_\_\_\_\_

Second Reading: \_\_\_\_\_

COUNCIL BILL  2021- 115

GENERAL ORDINANCE \_\_\_\_\_

AN ORDINANCE

1 AMENDING the Springfield City Code, Chapter 58, 'Health and Sanitation,' by  
2 amending Article XIII, 'COVID-19 pandemic,' to revise regulations  
3 related to the use of Face Coverings outdoors; and declaring an  
4 emergency pursuant to City Charter Section 2.12.  
5  
6

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

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

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

20 WHEREAS, on March 13, 2020, the President of the United States declared the  
21 COVID-19 outbreak a national emergency; and  
22

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

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

31 WHEREAS, due to the continuing public health crisis created by COVID-19, the  
32 Mayor has renewed his declaration of civil emergency every thirty days; and  
33

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

38  
39 WHEREAS, General Ordinance 6607 included a sunset provision and expired on  
40 October 11, 2020; and

41  
42 WHEREAS, on September 18, 2020, the Springfield-Greene County Health  
43 Department released a memo titled "Moving Forward on the Road to Recovery"  
44 describing the continued evidence supporting face coverings locally and nationally; and

45  
46 WHEREAS, while COVID-19 cases continued to grow in Springfield, evidence of  
47 the success of face coverings could be seen in the relatively low percentage of cases in  
48 school-aged children in Springfield Public Schools, which currently imposes a masking  
49 requirement, and in Springfield's churches, which had widely implemented the City's  
50 face covering requirements; and

51  
52 WHEREAS, cases in the community increased in the months prior to October  
53 and in September, the community saw more than 2,600 cases and 40 deaths, both of  
54 which at the time were the highest for any month since the beginning of the COVID-19  
55 pandemic; and

56  
57 WHEREAS, on October 5, 2020, City Council adopted General Ordinance 6619  
58 to continue a strong response to slow the rate of COVID-19 in our community and  
59 protect public health and safety; and

60  
61 WHEREAS, General Ordinance 6619 includes a sunset provision and expired on  
62 January 9, 2021; and

63  
64 WHEREAS, as of December 3, 2020, there had been 15,643 cases of COVID-19  
65 and 216 deaths in Greene County, and Greene County's hospital capability score was  
66 5.5 out of 10 and the Public Health Capability Score was 1.0 out of 10, representing our  
67 community's decreasing capability to respond to additional cases; and

68  
69 WHEREAS, while not one public health prevention measure was enough to  
70 improve these capability scores alone, it was imperative the City continued all mitigation  
71 efforts, including masking and occupancy restrictions, so that our community might have  
72 some capacity to continue to respond to the pandemic; and

73  
74 WHEREAS, the increase of COVID-19 cases in Christian County declined in the  
75 28 days following the implementation of masking ordinances by Nixa and Ozark, and it

76 was critical that Springfield continued to contribute to a regional face covering approach  
77 to help our broader community reduce the spread of COVID-19; and

78  
79 WHEREAS, on December 8, 2020, City Council adopted General Ordinance  
80 6628 to continue a strong response to slow the rate of COVID-19 in our community and  
81 protect public health and safety; and

82  
83 WHEREAS, General Ordinance 6628 includes a sunset provision and is set to  
84 expire on April 9, 2021; and

85  
86 WHEREAS, on March 5, 2021, the Springfield-Greene County Health  
87 Department released a memo titled “Stepping out of the Road to Recovery” which  
88 recommended that due to the emergence of several variants of COVID-19, continued  
89 compliance with public health mitigation strategies, including physical distancing, use of  
90 masks, and hand hygiene, was essential to limit the spread of the virus that causes  
91 COVID-19 and protect public health; and

92  
93 WHEREAS, multiple variants of the virus that causes COVID-19 are circulating  
94 globally, and epidemiological studies indicate that one strain from the United Kingdom is  
95 30 percent to 80 percent more effectively transmitted and results in higher  
96 nasopharyngeal viral loads than the wild-type strain of SARS-CoV-2 and retrospective  
97 observational studies suggest an approximately 30 percent increased risk of death  
98 associated with this variant; and

99  
100 WHEREAS, another variant from South Africa has quickly become the  
101 predominant strain there and is also suspected of having a high potential for  
102 transmission; and

103  
104 WHEREAS, the “Stepping out of the Road to Recovery” describing the three key  
105 indicators that would drive their recommendations to step-down the requirements in the  
106 masking ordinance; and

107  
108 WHEREAS, the three key indicators are the 7-day average case for a 28-day  
109 period, hospitalizations due to COVID-19, and the percent of the eligible population in  
110 Greene County that has been fully vaccinated; and

111  
112 WHEREAS, as of April 1, 2021, the 7-day average case count for a 28-day  
113 period was 20.29, hospitalizations due to COVID-19 were 30, and the percent of the  
114 eligible population in Greene County that had been fully vaccinated was 16.8 percent;  
115 therefore, two of the three key indicators to move to the next phase of the Road to  
116 Recovery Plan have been met with the third indicator showing strong progress, and the  
117 Springfield-Greene County Health Department recommends remaining in the red phase

118 until April 16, 2021, to allow moving closer to the 25 percent vaccination goal, then  
119 progressing to the next phase of the Recovery Plan; and  
120

121 WHEREAS, the CDC revised its guidance on face coverings on April 27, 2021,  
122 allowing for the removal of masks in many outdoor settings for vaccinated individuals;  
123 and  
124

125 WHEREAS, both research and the local experience have found reduced  
126 transmission in outdoor settings, and a recent systematic review of research found that  
127 less than 10 percent of COVID-19 cases were due to outdoor transmission; and  
128

129 WHEREAS, local data suggests that 3.6 percent of COVID-19 cases had  
130 probable outdoor transmission; and  
131

132 WHEREAS, it is the judgment of City Council that a continued strong community  
133 response could slow the rate of spread of COVID-19 in our community and would  
134 protect public health and safety but that the community can begin to return to additional  
135 activities if certain precautions continue to be taken.  
136

137 NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF  
138 SPRINGFIELD, MISSOURI, as follows, that:  
139

140 NOTE: Added language is underlined, deleted language is ~~stricken~~.  
141

142 Section 1 – The Springfield City Code, Chapter 58, ‘Health and Sanitation,’ is  
143 hereby amended by revising Article XIII, ‘COVID-19 pandemic,’ to read as follows:  
144

145 Section 58-1100. – Definitions.  
146

147 The following words, terms and phrases, when used in this Article, shall have the  
148 meanings ascribed to them in this section, except where the context clearly indicates a  
149 different meaning:  
150

151 *Business* means any for-profit company, non-profit organization, benevolent  
152 association, or educational entity, regardless of its legal organization, form, entity, tax-  
153 treatment or structure.  
154

155 *Face Covering* means a device that covers the nose and mouth.  
156

157 *Personal care services* include, but are not limited to, barbers, hairdressers,  
158 manicurists, estheticians, piercing technicians, tattoo artists, and massage therapists.  
159

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

165  
166 Section 58-1101. - Centers for Disease Control (“CDC”) social distancing requirements.

167  
168 All Businesses are recommended to carry out to the greatest degree possible CDC  
169 recommended social distancing and cleaning guidelines in all situations, including, but  
170 not limited to, when customers are standing in line or when individuals, including  
171 employees, are using shared indoor or outdoor spaces.

172  
173 Section 58-1102. - Face coverings in places of Public Accommodation.

174  
175 (a) Except as otherwise provided in this Article, all persons over the age of 11,  
176 including employees or visitors, present in those parts of any Public  
177 Accommodation open to the public must wear a Face Covering, ~~including while~~  
178 ~~standing in a line to enter the place of Public Accommodation~~, subject to the  
179 following exceptions:

180  
181 (1) Children under the age of 3;

182  
183 (2) Children ages 3 to 11 are strongly encouraged, but not required to wear a  
184 Face Covering, while under the direct supervision of an adult;

185  
186 (3) Persons with health conditions that prohibit wearing a Face Covering,  
187 such as persons who have trouble breathing due to an underlying  
188 condition, or who are unconscious, incapacitated, or otherwise unable to  
189 remove a Face Covering without assistance. Persons who are unable to  
190 wear a Face Covering are strongly encouraged to use options such as  
191 curbside pickup or delivery when available. Nothing in this Article shall  
192 prohibit any Business, as defined in this Article, from requiring Face  
193 Coverings for entry or from providing alternative options for service or  
194 accommodation for individuals without Face Coverings;

195  
196 (4) Persons who are hearing impaired, or someone who is communicating  
197 with a person who is hearing impaired, where the ability to see the mouth  
198 is essential for communication;

199  
200 (5) Persons who are at a place of Public Accommodation who are consuming  
201 food or drink while maintaining a physical distance from other groups of  
202 patrons of a least six feet, but such persons must wear a Face Covering

203 while in waiting areas and while walking to and from seating or other parts  
204 of the premises except while outdoors;

- 205  
206 (6) Persons at a swimming pool;  
207  
208 (7) Persons who are obtaining a service involving the face or nose for which  
209 temporary removal of the Face Covering is necessary to perform the  
210 service;  
211  
212 (8) Persons playing a sport, exercising or using exercise equipment while  
213 exerting themselves;  
214  
215 (9) Persons working in settings which might increase the risk of heat-related  
216 illnesses;  
217  
218 (10) Persons who are outdoors unless such persons are part of a gathering of  
219 more than 500 persons who are within six feet of the same other persons  
220 for more than fifteen minutes while maintaining physical distancing of at  
221 least six feet, except as otherwise provided in this Article, and persons  
222 who are outdoors who are closer than six feet to solely members of their  
223 own household; and  
224  
225 (11) Speakers and performers while addressing and performing for a group of  
226 persons, provided the speakers and performers can maintain a distance of  
227 at least six feet from any other person; and  
228  
229 (b) Except as otherwise provided in this Article, all places of Public Accommodation  
230 shall require Face Coverings as described in this Article.

231  
232 Section 58-1103. - Rules for certain services, businesses, and activities.

- 233  
234 (a) Personal care services.  
235  
236 (1) All Businesses providing personal care services shall require Face  
237 Coverings as described in Section 58-1102.  
238  
239 (b) Retail businesses.  
240  
241 (1) All Businesses engaged in retail sales to the public shall require Face  
242 Coverings as described in Section 58-1102.  
243  
244 (c) Restaurants.  
245

- 246 (1) Counter seating shall not be allowed.  
247
- 248 (2) Patrons must wear a Face Covering in indoor waiting areas and while  
249 walking to or from indoor seating, ~~including patio seating~~, or throughout  
250 the restaurant.  
251
- 252 (3) Staff must wear a Face Covering at all times when they are working in any  
253 space where food or drinks are prepared for sale to others and when they  
254 are serving others.  
255
- 256 (4) All providers of restaurant services to the public shall require Face  
257 Coverings as described in this section and in Section 58-1102.  
258
- 259 (d) Sports spectators.  
260
- 261 (1) Spectators at indoor sporting events and practices must wear a Face  
262 Covering as described in Section 58-1102.  
263
- 264 (2) Umpires, referees, coaches and other team support personnel shall not be  
265 considered a spectator for purposes of this Article, although they are  
266 encouraged to wear a Face Covering.  
267
- 268 (3) All providers of sports activities with spectators shall require Face  
269 Coverings as described in this section and in Section 58-1102.  
270
- 271 (e) Enhanced risk activities.  
272
- 273 (1) An Enhanced Risk Activity is any business or non-business activity that  
274 enhances the risk of the spread of a communicable disease by bringing  
275 groups of people together to share the same space, indoors or outdoors,  
276 in close physical proximity for a period of time. Examples of said activities  
277 include but are not limited to:  
278
- 279 a. Entertainment, movies, concerts and other live performances,  
280 dancing, arcades, gaming, bowling, and billiards and pool;  
281
- 282 b. Exhibitions and museums;  
283
- 284 c. Fitness classes;  
285
- 286 d. Religious services;  
287
- 288 e. Conferences, and seminars;

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- f. Bars, nightclubs, and brewery taprooms;
- (2) Notwithstanding any other provision in this Article, an Enhanced Risk Activity is subject to the following at any one time at a particular facility if any persons will remain within six feet of the same other persons for 15 minutes or more:
- a. The maximum number of customers and/or patrons allowed in a facility shall be limited to 500 or the result of the total square feet of the facility divided by 30 times 50 percent, or 50 percent of the total occupancy of fixed seating in a spectator area, whichever is greater, and
  - b. The maximum number of customers allowed in any outdoor space or area shall be limited to 500 or the result of the total square feet of the space or area divided by 30 times 50 percent, or 50 percent of the total occupancy of fixed seating in a spectator area, whichever is greater.
  - c. Social distancing as set out in Section 58-1101 is recommended.
- (3) No counter seating shall be used during any Enhanced Risk Activity.
- (4) All providers of an Enhanced Risk Activity shall require Face Coverings as set out in Section 58-1102. Staff must wear a Face Covering at all times when they are working in any space where food or drinks are prepared for sale to others and when they are serving others. Notwithstanding any other provision in this Article, participants in a baptism ceremony shall not be required to wear a Face Covering during a baptism ceremony or while photographs of the baptism are taken.
- (f) Weddings.
- (1) All providers of weddings shall require Face Coverings as set out in Section 58-1102. Notwithstanding any other provision in this Article, the wedding party shall not be required to wear a Face Covering during a wedding ceremony or while photographs of the wedding and reception are taken.
- (g) Funerals.
- (1) All providers of funerals, visitations, or wakes shall require Face

332 Coverings as set out in Section 58-1102.

333

334 (h) Childcare programs and day camps.

335

336 (1) All providers of childcare programs and day camps shall require Face  
337 Coverings as set out in Section 58-1102.

338

339 (i) Special events.

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341 (1) A permit for a Special Event required pursuant to City Code Section 2-503  
342 for a Special Event using City-owned property, public right of way, public  
343 streets, public buildings or other city facilities shall not be issued if any  
344 persons will remain within six feet of the same other persons for 15  
345 minutes or more unless:

346

347 a. The maximum number of participants is limited to 500 or the result  
348 of the total square feet of the space or area in which the Special  
349 Event is held divided by 30 times 50 percent, whichever is greater;  
350 and

351

352 b. Social distancing as set out in Section 58-1101 is recommended.

353

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

356

357 Section 58-1104. - Penalties.

358

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

362

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

367

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

372

373 (c) A person who owns, manages, operates, or otherwise controls a place which  
374 violates provisions of this Article aside from Face Covering requirements shall be

375 guilty of a violation of a municipal ordinance and shall be punished as provided in  
376 Springfield City Code Section 1-7.

377  
378 (d) In addition to the fines established by this section, violation of this Article by a  
379 person who owns, manages, operates, or otherwise controls a place at which  
380 wearing Face Coverings is required by this Article may result in the suspension  
381 or revocation of any permit or license issued to the person for the premises on  
382 which the violation occurred.

383  
384 (e) Violation of this Article is hereby declared to be a public nuisance, which may be  
385 abated by the city manager by restraining order, preliminary and permanent  
386 injunction, or other means provided for by law, and the city may take action to  
387 recover the costs of the nuisance abatement.

388  
389 (f) Each day on which a violation of this Article occurs shall be considered a  
390 separate and distinct violation.

391  
392 Section 2 – Savings Clause. Nothing in this Ordinance shall be construed to  
393 affect any suit or proceeding now pending in any court or any rights acquired or liability  
394 incurred nor any cause or causes of action occurred or existing, under any act or  
395 ordinance repealed hereby. Nor shall any right or remedy of any character be lost,  
396 impaired, or affected by this Ordinance.

397  
398 Section 3 – Severability Clause. If any section, subsection, sentence, clause, or  
399 phrase of this Ordinance is for any reason held to be invalid, such decision shall not  
400 affect the validity of the remaining portions of this Ordinance. City Council hereby  
401 declares that it would have adopted the Ordinance and each section, subsection,  
402 sentence, clause, or phrase thereof, irrespective of the fact that any one or more  
403 sections, subsections, sentences, clauses, or phrases be declared invalid.

404  
405 Section 4 – City Council hereby finds and declares that an emergency exists in  
406 that this adoption of this Ordinance is required to fight against the COVID-19 pandemic,  
407 and therefore this Ordinance relates to the preservation of public health and safety  
408 pursuant to section 2.12 of the City Charter and may be passed in one reading. This  
409 Ordinance shall be in full force and effect immediately upon adoption.

410  
411 Passed at meeting: \_\_\_\_\_

412  
413  
414 \_\_\_\_\_  
415 Mayor

416  
417 Attest: \_\_\_\_\_, City Clerk

418

419 Filed as Ordinance: \_\_\_\_\_

420

421

422 Approved as to form: Rhonda Lewsader, City Attorney

423

424

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

**EXPLANATION TO COUNCIL BILL 2021- 115**

FILED: 04-27-21

ORIGINATING DEPARTMENT: Health Department

PURPOSE: To amend the Springfield City Code, Chapter 58, 'Health and Sanitation,' by amending Article XIII, 'COVID-19 pandemic,' to allow for the removal of the face covering requirement in some outdoor settings.

REMARKS: On April 27, 2021, the Centers for Disease Control issued guidance allowing individuals to remove their masks in certain outdoor settings. These recommendations are due to a general lower risk of transmission when outdoors and largely pertain to vaccinated individuals.

Local experience supports this experience, with only 3.6 percent of cases of COVID-19 having a probable association with an outdoor transmission. This, coupled with a growing percent of fully vaccinated individuals in the community, 31.7 percent as of April 28, 2021, creates a safer outdoor environment.

The recommended amendments include the removal of the masking requirement in most outdoor settings. The requirement will remain for gatherings of 500 or more that have people in close proximity (within 6 feet) for an extended period (greater than 15 minutes), similar to the remaining occupancy requirements. It does not alter the masking requirement for indoor settings.

In addition, the department also recommends that individuals who are not fully vaccinated continue to mask in outdoor settings when around others. This amendment allows for the community to take another step on the road to recovery while the community continues to seek vaccination.

Submitted by:



Katie Towns  
Interim Director of Health

Approved by:



Jason Gage  
City Manager