

Introduced by _____

First Reading _____

Second Reading _____

Ordinance No. _____

Council Bill No. B 168-20

AN ORDINANCE

establishing the requirement to wear a face mask in certain locations in order to prevent or limit the spread of the COVID-19 disease; authorizing the adoption of further orders for the implementation of the ordinance; declaring an emergency for enactment; and fixing the time when this ordinance shall become effective.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBIA, MISSOURI, AS FOLLOWS:

WHEREAS, the novel coronavirus disease (COVID-19) is a highly infectious and dangerous disease that on March 11, 2020 was declared by the World Health Organization to be a pandemic; and

WHEREAS, due to the COVID-19 pandemic there have been declarations of emergency enacted by the President of the United States, the Governor of the State of Missouri and the City of Columbia; and

WHEREAS, on March 17, 2020 due to the presence of COVID-19 within the City of Columbia and consistent with guidelines issued by the Centers for Disease Control, the Director of Public Health and Human Services ("Director") issued Order 2020-01, which placed a limit on the number of people to congregate at mass gatherings, public and private events and other places of business to 50 persons; and

WHEREAS, Order 2020-01 was superseded on March 21, 2020 by Order 2020-02, which provided for additional rules and regulations on public gatherings and limited the number of persons at any particular gathering to 10 persons; and

WHEREAS, on March 24, 2020 due to the rapid spread and the existence of community transmission of COVID-19 within the City, the Director issued Order 2020-03, which continued the limit on public gatherings and added a Stay at Home Order mandating all persons within the City of Columbia stay at home or at their place of residence except for carrying out Essential Activities, Essential Governmental Functions, or to operate Essential Businesses and Operations as more fully set forth in that order; and

WHEREAS, on April 23, 2020 the Director extended and revised the March 24, 2020 Stay at Home Order by issuing Order 2020-04, which allowed more businesses to operate while at the same time continuing to place limitations on public interaction in

order to the control the spread of COVID-19; and

WHEREAS, the orders issued on March 24, 2020 and April 23, 2020 were effective in controlling the spread of COVID-19, reducing both the number of cases and the rate of community transmission to near zero, but at the same time created significant economic hardship and disruption for some members of the community; and

WHEREAS, the Director began the slow reopening of the local economy with Order 2020-05 effective on May 4, 2020, which generally provided for 25% occupancy for businesses while continuing to limit intentional gatherings to 10 persons and requiring social distancing between employees at all establishments; and

WHEREAS, on May 26, 2020, Order 2020-06 implementing Phase 2 Step 2 of the reopening plan was implemented generally authorizing 50% occupancy of businesses and increasing the size of intentional gatherings to 50 persons; and

WHEREAS, on June 23, 2020, Phase 2 Step 3 of the reopening plan went into effect under Order 2020-07 generally authorizing most businesses to reopen with implementation of social distancing requirements and limiting large gatherings to 100 persons with certain exceptions allowed if the business could provide an operational plan to ensure customer safety; and

WHEREAS, the COVID 19 positivity rate of Boone County residents increased from 0.4% during the period from May 1 to May 7, 2020, to 8.2% during the period from June 19 to June 25, 2020; and

WHEREAS, it took 55 days from the first identified case of COVID-19 in Boone County for the total number of cases get to 100, another 26 days to go from 100 to 200 cases but only 14 days to go from 200 to 300 cases; and

WHEREAS, identified active COVID-19 cases in Boone County have gone from 10 cases on May 22, 2020 to 101 cases on June 28, 2020, a tenfold increase in active cases over a thirty-eight day period.

WHEREAS, the above information indicates that since the expiration of the April 23, 2020 order COVID-19 cases have increased exponentially; and

WHEREAS, the spread of COVID-19 will continue to grow at an exponential rate for the foreseeable future unless additional measures are implemented to reduce the spread of the disease in Columbia; and

WHEREAS, exponential spread of the disease adversely affects the ability of the Department of Public Health and Human Services to provide contact tracing to further control community spread and has the potential to overwhelm the community's medical resources; and

WHEREAS, in addition to overwhelming the medical system and threatening the health and lives of residents, the spread of the disease will cause economic damage,

disruption and hardship in the event the City finds it necessary to return to the former stay at home orders in order to reduce the spread of the disease; and

WHEREAS, due to the escalating spread of the COVID-19 pandemic it necessary for the immediate preservation of public health, safety and welfare of the residents of Columbia to take steps to mitigate the spread of the disease; and

WHEREAS, the key transmission method for the COVID-19 virus is through respiratory droplets that people expel when they breathe, speak, cough, or sneeze; and

WHEREAS, people can be infected with the COVID-19 virus and be asymptomatic or pre-symptomatic but still be contagious to others; and

WHEREAS, numerous epidemiologists have found that widespread use of a face mask is necessary to prevent the more rapid spread of the COVID-19 virus, and thereby necessary for the safety and health of Columbia citizens, residents, and visitors; and

WHEREAS, the United States Centers for Disease Control and Prevention has recommended that members of the public, when they need to interact with others outside the home, and especially in indoor settings should cover the mouth and nose to prevent inadvertently spreading COVID-19; and

WHEREAS, the wearing of a mask by patrons and employees to the greatest extent possible may allow businesses to remain open while protecting the health and safety of the public and employees and keeping the local economy strong during the period in which the disease is being brought under control in the community; and

WHEREAS, the City Council finds that wearing a Face Mask is an appropriate and necessary method of reducing the spread of COVID-19 and will be the least restrictive means imposed with the greatest benefit to reduce community spread; and

WHEREAS, strict use of face masks may limit the spread of COVID-19 to such an extent that further Stay at Home Orders may not be needed; and

WHEREAS, the City Council finds it is necessary for the immediate preservation of public health and safety to enact such rules and regulations regarding the use of face masks as an emergency ordinance on the day of introduction so that such rules may go into effect immediately.

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBIA, MISSOURI, AS FOLLOWS:

Section 1. **Incorporation of findings.** The City Council makes and reaffirms the findings set forth above and incorporates the same by reference as if fully set forth herein.

Section 2. **Emergency clause, effective date and duration.** Due to the community spread of the COVID-19 pandemic within the City of Columbia and for the immediate

preservation of public health, safety and welfare, this ordinance is enacted as an emergency ordinance within the meaning of Article II of Section 15 of the Home Rule Charter of the City. This ordinance shall go into effect immediately after its passage by six-sevenths (6/7) of the members of the City Council and shall remain in effect for ninety (90) days after the effective date or until it is extended, rescinded, superseded or amended in writing by later adopted ordinances.

Section 3. **Definition.** As used in this ordinance, a “Face Mask” means a covering made of cloth, fabric, or other soft or permeable material, without holes, that covers only the nose and mouth and surrounding areas of the lower face. A covering that hides or obscures the wearer’s eyes or forehead is not a Face Mask. A Face Mask may be factory-made, or may be handmade and improvised from ordinary household materials.

Any mask that incorporates a one-way valve (typically a raised plastic cylinder about the size of a quarter on the front or side of the mask) that is designed to facilitate easy exhaling allows droplets to be released from the mask, putting others nearby at risk. As a result, these masks are not a Face Mask under this Ordinance and must not be used to comply with this Ordinance’s requirements.

Section 4. **Wearing of Face Masks Required.** Except as otherwise provided in this ordinance all persons age ten years old and above who are present within the jurisdiction of the City of Columbia are required to wear a clean Face Mask any time they are, or will be, in contact with other people who are not household members in public or private indoor spaces.

Section 5. **Employers to Provide Face Masks to Employees.** Any time an employee or staff person is required to wear a Face Mask pursuant to this ordinance, the employer shall make face masks available in sufficient quantity to assure each employee can wear a clean Face Mask at all times.

Section 6. **Exempted Activities.** A person may remove their Face Mask where otherwise required under the following circumstances:

1. While outdoors when able to maintain a distance of at least six feet from others;
2. While exercising outdoors;
3. When engaged in a sporting activity;
4. While at home and exclusively in the presence of members of their own household; provided however, the wearing of a Face Mask shall be required in all common areas of any multifamily structure;
5. When in a vehicle and exclusively with members of their own household;
6. While eating or drinking only when inside or in the outside dining area of a restaurant or other establishment that offers food or beverage service,

provided that person is able to maintain a distance of at least six feet from persons seated at other tables, and provided this distance restriction is enforced by the restaurant or other establishment;

7. When an individual has a medical condition, mental health condition or disability that prevents wearing a Face Mask;
8. When any party to a communication is deaf or hard of hearing and not wearing a Face Mask is essential to communication;
9. While obtaining a service that requires temporary removal of the Face Mask, such as dental examinations;
10. When necessary to confirm the individual's identity;
11. When federal or state law prohibits wearing a Face Mask or requires the removal of a Face Mask;
12. When requested by a law enforcement officer;
13. When requested by a medical provider, including emergency response personnel;
14. When in a business/commercial/office setting and not within six feet of any other person; provided however, when moving from place to place in a business location a Face Mask shall be worn;
15. Under such other circumstances identified in any subsequent order issued by the Director;

Section 7. **Adoption of Orders.** This ordinance is in addition to and supplements Order 2020-07 and any subsequent orders of the Director. The city manager and Director are hereby expressly authorized to make such additional orders as are necessary and reasonable for the effective implementation of this ordinance, including such exceptions as are not detrimental to the public health. Nothing in this ordinance shall limit on the authority of the city manager or the Director to issue orders under existing authority, including orders extending the requirement to wear masks as needed for the protection of human health.

Section 8. **Enforcement.** A person who has been convicted of a violation of this ordinance or an order implementing this ordinance may be sentenced to pay a fine which does not exceed fifteen dollars (\$15.00) for an individual and one hundred dollars (\$100.00) for a business, government or non-profit entity of any kind. For a business, government or non-profit entity, each violation of the requirements of this ordinance by an individual within or working for the entity shall be a separate violation. By way of example, where two people who are not members of the same household are in a business vehicle and are not wearing masks, each individual is subject to a fine of \$15.00 and the business is subject to two fines of \$100.00 each for a total of \$200.00.

Section 9. **Severability clause.** If any provisions, sections or portion of this ordinance is found or determined by a court for any reason to be invalid or unenforceable, those provisions shall be severed from the remaining portions of this ordinance, which shall remain effective in the absence of any invalid or unenforceable provisions.

PASSED this _____ day of _____, 2020.

ATTEST:

City Clerk

Mayor and Presiding Officer

APPROVED AS TO FORM:

City Counselor