

BILL NO. 4659

ORDINANCE NO. _____

AN ORDINANCE ALLOWING ALL BUSINESSES TO OPERATE WITHIN THE CITY OF WEST PLAINS WITH PROPER SAFEGUARDS DURING THE COVID-19 PANDEMIC.

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

WHEREAS: on March 13, 2020, the President of the United States declared the outbreak of COVID-19 in the United States constitutes a national emergency; and

WHEREAS: on March 13, 2020, Governor of the State of Missouri, Mike Parson, signed Executive Order 20-02 declaring a State of Emergency in Missouri in response to COVID-19; and

WHEREAS: On March 27, 2020, the West Plains City Council enacted Ordinance 4656 authorizing the Mayor to declare a state of emergency and to order that proactive and extraordinary measures are necessary to prevent community spread of COVID-19; and

WHEREAS: On March 27, 2020, the Mayor pursuant to Ordinance No. 4656 declared a state of emergency in the City of West Plains and issued a Civil Emergency Order; and

WHEREAS: On April 3, 2020 Missouri Governor Parson issued an Executive Stay-at-Home Order for the State of Missouri through April 24 and reissued through May 4, 2020; and

WHEREAS: On April 7, 2020, the Mayor pursuant to Ordinance No. 4656 issued a Civil Emergency Order extending the Order dated March 27, 2020 through April 30, 2020; and

WHEREAS: On April 22, 2020, the Mayor pursuant to Ordinance No. 4656 issued a revised Emergency Order substantially the same as the Order issued by the Governor of Missouri on April 3, 2020; with an expiration date of May 3, 2020; and

WHEREAS: On Monday, April 28, 2020 Missouri Governor Parson announced Phase 1 of the “Show Me Missouri Recovery Plan” which allows all Missouri businesses to open with safe-spacing requirements of six feet effective Monday, May 4, 2020; and

WHEREAS: pursuant to Article II of the West Plains City Charter, the West Plains City Council has the authority to issue quarantine orders for the prevention and abatement of contagious diseases, including the authority to prevent the assembling of persons within the city and the closing of businesses and amusements, and the orderly re-opening of such gatherings and businesses.

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

SECTION 1. Effective date and applicability.

The Rules and Regulations contained in this ordinance shall be **effective 12:01 a.m. on Monday, May 4, 2020** and will continue **through 11:59 p.m. May 31, 2020** unless amended by action of the West Plains City Council.

SECTION 2. Intent.

By enacting this ordinance, it is the express intent to ensure that the maximum number of people stay at home to slow the spread of COVID-19 within the City of West Plains while enabling businesses and services to operate safely. All provisions of this ordinance shall be interpreted to effectuate this intent.

SECTION 3. Stay at Home; Safe Operation of Businesses and Services.

Section 3.01. Stay at home or place of residence. All individuals living in the City of West Plains are strongly encouraged to stay at home or at their place of residence when able. All persons may leave their homes or place of residence or if visiting the city as a non-resident for activities and to operate businesses and services and to participate in the employment therein.

To the extent individuals are using shared or outdoor spaces when outside their residence, they shall adhere to “Social Distancing Requirements”.

Section 3.02. All businesses may open; limitations. All businesses and operations are allowed to resume reasonable and necessary activities provided CDC guidelines are maintained and subject to the following restrictions:

- a) Restaurants, bars, and retail food establishments that normally prepare food for on-site consumption may resume dine-in food service subject to occupancy limits as defined in section c of this ordinance, social distancing requirements and safe spacing between tables subject to the following:
 - a. Such businesses are encouraged to provide pickup, drive-through, or delivery services.
 - b. Employees who take food orders or serve prepared foods to dine-in customers are required to wear a protective mask or work behind a protective barrier.
 - c. Seating should be limited to no more than 10 related individuals at one table or collection of tables.
 - d. Tables and seating must be arranged to visibly identify at least 6’ separation between any other table or seating as if occupied.
 - e. Bars and restaurants with bar facilities shall remove bar stools and bar seating to prevent patrons from gathering and congregating at the bar.
 - f. Self-serve dining, such as food bars, smorgasbords, buffets or salad bars shall be allowed if the food is distributed from a dedicated server or a means is provided in ensuring patrons are no less than 6 feet apart at self-serve stations. Serving utensils in self-serve areas shall be changed at least every 30 minutes.

- g. Restaurants shall be required to use disposable menus or at the very minimum sanitizing all menus after each use.
- b) Personal service businesses (i.e. tattoo parlors, massage therapy, barbershops, hairdressers) may resume business subject to the following limitations:
 - a. Employees are required to wear a protective mask when interacting with any customer.
 - b. Businesses shall operate with scheduled appointments only.
 - c. Lobbies or waiting rooms shall be limited to no more than 3 persons.
 - d. Patrons are required to wear protective masks as much as reasonably possible.
 - e. Facilities, therapeutic chairs or beds, and other shared equipment shall be thoroughly sanitized between patrons.
- c) Retail, commercial, manufacturing and food service businesses must ensure 6' social distancing for all employees and customers. If 6' social distancing is not reasonably maintained at all times employees shall either wear a protective mask or be shielded by an installed barrier. In addition to 6' social distancing any retail establishment shall limit the number of individuals as follows:
 - a. Twenty-five (25) percent or less of the entity's authorized fire or building code occupancy, as determined by City Fire Code, for a retail location with square footage of less than ten thousand square feet.
 - b. Ten (10) percent or less of the entity's authorized fire or building code occupancy, as determined by City Fire Code, for a retail location with square footage of ten thousand square feet or more.
- d) Nursing homes, long-term care facilities, retirement homes or assisted living homes shall not be accessible by the general visiting public except to provide critical assistance or in end-of-life circumstances.
- e) All businesses shall:
 - a. Maximize social distancing between employees, employees and customers, and customers (including standing in line, lobbies, aisles, etc.).
 - b. Provide hand-sanitizing stations for employees and customers at entrances and in high volume areas (subject to availability).
 - c. Increase sanitation, including disinfection of common and high-traffic areas.
 - d. Ensure frequent cleaning of high-touch items like door handles, credit card terminals, computers/tablets, etc.
 - e. Minimize business travel.
 - f. Encourage temperature checks on employees.
 - g. Encourage telework opportunities whenever possible.
 - h. Follow an infectious disease preparedness and response plan if an employee tests positive for COVID-19 as provided by CDC guidelines.
 - i. Hospitals, dental offices, medical clinics or any other business that provides health care are required to follow CDC guidelines.
 - j. In accordance with the guidelines from the President and the CDC, schools shall remain closed for the remainder of the 2019-2020 academic school year.

Section 3.03. Social activities. All public and private gatherings shall be permitted provided occupancy restrictions are adhered to and 6' social distancing is maintained at all times.

Nothing in this Order prohibits the gathering of members of a household or residence of individuals who reside in such residence.

Public parks, public restrooms, and indoor and outdoor recreation areas may open with the exception of public playgrounds. Other places of public amusement, including but not limited to roller skating rinks, bowling alleys, movie and other theaters, concert and music halls, fairs, and golf/social/athletic clubs, may operate provided 6-foot social distancing is maintained at all times.

Recreational facilities and amenities including sports leagues, group activities, and other City properties and services may be opened upon order by the Mayor of West Plains in keeping with CDC guidelines and social distancing practices.

Churches and other places of worship may resume services (including weddings, funerals, wakes, memorial services or similar gatherings) provided they comply with 6' social distancing in all directions.

SECTION 4. Definitions.

For purposes of this order, these terms, regardless of whether capitalized, are defined as follows:

- A. "Business" or "businesses" means any for-profit companies, non-profit organizations, benevolent associations, limited liability companies, or partnerships, regardless of legal organization, form, entity, tax-treatment, or structure;
- B. "CDC" means the Centers for Disease Control and Prevention of the United States Department of Health and Human Services;
- C. "City" means West Plains, Missouri;
- D. "Gathering" means an occasion when people come together as a group, whether formal or informal and whether public or private;
- E. "Residences" means a house, a condominium unit, an apartment unit, a dwelling, a hotel room, a motel room, a shared rental unit, shelters, or similar facilities but extends only within the bounds of a person's ownership, the person's leasehold interest, or the space occupied in a hotel, motel or shared rental unit and does not include common areas;
- F. "Social Distancing Requirements" means the social distancing recommendations of the CDC which include maintaining at least six-foot social distancing from other individuals, washing hands with soap and water for at least twenty seconds as frequently as possible or using hand sanitizer with more than sixty percent alcohol, covering coughs or sneezes with something other than hands, regularly cleaning high-touch surfaces, and not shaking hands, or as otherwise defined by order;

SECTION 5. Enforcement; Severability

Section 5.01. Application with other laws. Unless otherwise specifically provided or suspended in this Order, any order of the Mayor, or any Executive Order, this Order shall not supplant, supersede, replace, rescind, amend, or modify any other law or ordinance.

Section 5.02. Inspection by City. The City Administrator after consultation with the Mayor shall designate Inspectors charged with the monitoring of businesses and organizations for compliance with this order.

Section 5.03. Enforcement. Failure to comply with this Order is a misdemeanor crime punishable by a fine not exceeding \$500.00, imprisonment for a period not exceeding three months, or both. In addition to the criminal enforcement authority of the Prosecuting Attorney, the City Counselor is delegated the authority to take appropriate actions with respect to any person or business that has failed to comply or attempted to fail to comply with the Order, including, after offering notice and an opportunity to be heard that are reasonable in the circumstances or other actions the City Counselor may deem appropriate to ensure compliance with this Order, to address non-compliance, or to deter non-compliance by others. The City Counselor may also seek emergency injunctive or other civil relief as the City Counselor deems appropriate. Any action by the City Counselor, if taken after consulting the city Administrator and Mayor, shall be considered an emergency proceeding that is necessary to protect the public health and safety.

Section 5.04. Savings clause. If any provision of this Order or its application to any person or circumstance is held to be invalid, then the remainder of the 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. To this end, the provisions of the Order are severable.

PASSED BY THE CITY COUNCIL OF THE CITY OF WEST PLAINS, MISSOURI THIS 1ST DAY of MAY, 2020.

Jack Pahlmann, Mayor

ATTEST:

Mallory Snodgras, City Clerk