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Pgs.  12   
Filed:  05-13-21

Sponsored by:  Council

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

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

COUNCIL BILL  2021- 127

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

AN ORDINANCE

1 AMENDING the Springfield City Code, Chapter 58, 'Health and Sanitation,' by  
2 repealing Article XIII, 'COVID-19 Pandemic,' and replacing it with a new  
3 Article XIII, 'COVID-19 Pandemic,' to revise regulations related to the  
4 use of Face Coverings outdoors; amending the Springfield City Code,  
5 Chapter 58, 'Health and Sanitation,' by repealing Article XIII, 'COVID-19  
6 Pandemic' to be effective May 27, 2021; and declaring an emergency  
7 pursuant to City Charter Section 2.12.  
8  
9

10 WHEREAS, in December 2019, medical professionals detected a novel  
11 coronavirus, now designated as "SARS-CoV-2," which causes a disease known as  
12 "coronavirus disease 2019" abbreviated and popularly known as "COVID-19"; and  
13

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

20 WHEREAS, on March 11, 2020, the World Health Organization Director General  
21 characterized COVID-19 as a pandemic; and  
22

23 WHEREAS, on March 13, 2020, the President of the United States declared the  
24 COVID-19 outbreak a national emergency; and  
25

26 WHEREAS, COVID-19 is spread person to person through direct or close  
27 proximate contact and presents an imminent threat of widespread illness and a threat to  
28 public health; and  
29

30 WHEREAS, on March 16, 2020, the Mayor determined there reasonably  
31 appeared to exist a state of civil emergency which required a response by the City to  
32 protect human life, and, therefore declared a local state of civil emergency; and  
33

34 WHEREAS, due to the continuing public health crisis created by COVID-19, the  
35 Mayor has renewed his declaration of civil emergency every thirty days; and  
36

37 WHEREAS, on July 13, 2020, City Council adopted General Ordinance 6607 to  
38 create a strong community response that could slow the rate of COVID-19 in our  
39 community and protect public health and safety due to a high rate of growth of COVID-  
40 19 cases in the southwest Missouri region; and  
41

42 WHEREAS, General Ordinance 6607 included a sunset provision and expired on  
43 October 11, 2020; and  
44

45 WHEREAS, on September 18, 2020, the Springfield-Greene County Health  
46 Department released a memo titled "Moving Forward on the Road to Recovery"  
47 describing the continued evidence supporting face coverings locally and nationally; and  
48

49 WHEREAS, while COVID-19 cases continued to grow in Springfield, evidence of  
50 the success of face coverings could be seen in the relatively low percentage of cases in  
51 school-aged children in Springfield Public Schools, which currently imposes a masking  
52 requirement, and in Springfield's churches, which had widely implemented the City's  
53 face covering requirements; and  
54

55 WHEREAS, cases in the community increased in the months prior to October  
56 and in September, the community saw more than 2,600 cases and 40 deaths, both of  
57 which at the time were the highest for any month since the beginning of the COVID-19  
58 pandemic; and  
59

60 WHEREAS, on October 5, 2020, City Council adopted General Ordinance 6619  
61 to continue a strong response to slow the rate of COVID-19 in our community and  
62 protect public health and safety; and  
63

64 WHEREAS, General Ordinance 6619 included a sunset provision and was set to  
65 expire on January 9, 2021; and  
66

67 WHEREAS, as of December 3, 2020, there had been 15,643 cases of COVID-19  
68 and 216 deaths in Greene County, and Greene County's hospital capability score was  
69 5.5 out of 10 and the Public Health Capability Score was 1.0 out of 10, representing our  
70 community's decreasing capability to respond to additional cases; and  
71

72 WHEREAS, while not one public health prevention measure was enough to  
73 improve these capability scores alone, it was imperative the City continued all mitigation  
74 efforts, including masking and occupancy restrictions, so that our community might have  
75 some capacity to continue to respond to the pandemic; and  
76

77 WHEREAS, the increase of COVID-19 cases in Christian County declined in the  
78 28 days following the implementation of masking ordinances by Nixa and Ozark, and it  
79 was critical that Springfield continued to contribute to a regional face covering approach  
80 to help our broader community reduce the spread of COVID-19; and

81  
82 WHEREAS, on December 8, 2020, City Council adopted General Ordinance  
83 6628 to continue a strong response to slow the rate of COVID-19 in our community and  
84 protect public health and safety; and

85  
86 WHEREAS, General Ordinance 6628 included a sunset provision and was set to  
87 expire on April 9, 2021; and

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

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

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

106  
107 WHEREAS, the “Stepping out of the Road to Recovery” memo described the  
108 three key indicators that would drive the Health Department’s recommendations to step-  
109 down the requirements in the masking ordinance; and

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

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

120 Springfield-Greene County Health Department recommended remaining in the red  
121 phase until April 16, 2021, to allow moving closer to the 25 percent vaccination goal,  
122 then progressing to the next phase of the Recovery Plan; and  
123

124 WHEREAS, the CDC revised its guidance on face coverings on April 27, 2021,  
125 allowing for the removal of masks in many outdoor settings for vaccinated individuals;  
126 and  
127

128 WHEREAS, both research and the local experience had found reduced  
129 transmission in outdoor settings, and a recent systematic review of research found that  
130 less than 10 percent of COVID-19 cases were due to outdoor transmission; and  
131

132 WHEREAS, local data suggested that 3.6 percent of COVID-19 cases had  
133 probable outdoor transmission; and  
134

135 WHEREAS, on May 4, 2021, City Council adopted General Ordinance 6652  
136 revising regulations related to the use of Face Coverings outdoors; and  
137

138 WHEREAS, it has been the judgment of City Council that a continued strong  
139 community response could slow the rate of spread of COVID-19 in our community and  
140 would protect public health and safety but that the community could begin to return to  
141 additional activities if certain precautions continued to be taken; and  
142

143 WHEREAS, based upon advice from the Springfield-Greene County Health  
144 Department, although the pandemic is far from over, the COVID-19 mitigation  
145 regulations have served their purpose to prevent an overwhelming of the healthcare  
146 system and to protect the most vulnerable from the virus, and the community is  
147 prepared to move into the next phase of the pandemic, in which core public health  
148 principles will continue to be applied, such as case investigations and increasing  
149 access to vaccinations, to protect the community from COVID-19.  
150

151 NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF  
152 SPRINGFIELD, MISSOURI, as follows, that:  
153

154 NOTE: Added language is underlined, deleted language is ~~stricken~~.  
155

156 Section 1 – The Springfield City Code, Chapter 58, ‘Health and Sanitation,’ is  
157 hereby amended by repealing Article XIII, ‘COVID-19 Pandemic,’ and replacing it with a  
158 new Article XIII, ‘COVID-19 Pandemic,’ which reads as follows:  
159

160 Section 58-1100. – Definitions.  
161

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

165  
166 *Business* means any for-profit company, non-profit organization, benevolent  
167 association, or educational entity, regardless of its legal organization, form, entity, tax-  
168 treatment or structure.

169  
170 *Face Covering* means a device that covers the nose and mouth.

171  
172 *Personal care services* include, but are not limited to, barbers, hairdressers,  
173 manicurists, estheticians, piercing technicians, tattoo artists, and massage therapists.

174  
175 *Public Accommodation* means a Business or other facility, both public and private, both  
176 indoors and outdoors, open to and used by the public, including but not limited to retail  
177 stores including groceries, service establishments, schools except schools of higher  
178 education, other educational providers, transportation services and associated waiting  
179 areas, public and private social clubs, and sporting events.

180  
181 Section 58-1101. - Centers for Disease Control (“CDC”) social distancing requirements.

182  
183 All Businesses are recommended to carry out to the greatest degree possible CDC  
184 recommended social distancing and cleaning guidelines in all situations, including, but  
185 not limited to, when customers are standing in line or when individuals, including  
186 employees, are using shared indoor or outdoor spaces.

187  
188 Section 58-1102. - Face coverings in places of Public Accommodation.

189  
190 (a) Except as otherwise provided in this Article, all persons over the age of 11,  
191 including employees or visitors, present in those parts of any Public  
192 Accommodation open to the public must wear a Face Covering subject to the  
193 following exceptions:

194  
195 (1) Children under the age of 3;

196  
197 (2) Children ages 3 to 11 are strongly encouraged, but not required to wear a  
198 Face Covering, while under the direct supervision of an adult;

199  
200 (3) Persons with health conditions that prohibit wearing a Face Covering,  
201 such as persons who have trouble breathing due to an underlying  
202 condition, or who are unconscious, incapacitated, or otherwise unable to  
203 remove a Face Covering without assistance. Persons who are unable to  
204 wear a Face Covering are strongly encouraged to use options such as

- 205 curbside pickup or delivery when available. Nothing in this Article shall  
206 prohibit any Business, as defined in this Article, from requiring Face  
207 Coverings for entry or from providing alternative options for service or  
208 accommodation for individuals without Face Coverings;  
209
- 210 (4) Persons who are hearing impaired, or someone who is communicating  
211 with a person who is hearing impaired, where the ability to see the mouth  
212 is essential for communication;  
213
- 214 (5) Persons who are at a place of Public Accommodation who are consuming  
215 food or drink while maintaining a physical distance from other groups of  
216 patrons of a least six feet, but such persons must wear a Face Covering  
217 while in waiting areas and while walking to and from seating or other parts  
218 of the premises except while outdoors;  
219
- 220 (6) Persons at a swimming pool;  
221
- 222 (7) Persons who are obtaining a service involving the face or nose for which  
223 temporary removal of the Face Covering is necessary to perform the  
224 service;  
225
- 226 (8) Persons playing a sport, exercising or using exercise equipment while  
227 exerting themselves;  
228
- 229 (9) Persons working in settings which might increase the risk of heat-related  
230 illnesses;  
231
- 232 (10) Persons who are outdoors except as otherwise provided in this Article  
233 ~~unless such persons are part of a gathering of more than 500 persons~~  
234 ~~who are within six feet of the same other persons for more than fifteen~~  
235 ~~minutes; and~~  
236
- 237 (11) Speakers and performers while addressing and performing for a group of  
238 persons, provided the speakers and performers can maintain a distance of  
239 at least six feet from any other person; and  
240
- 241 (b) Except as otherwise provided in this Article, all places of Public Accommodation  
242 shall require Face Coverings as described in this Article.  
243

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

- 245 (a) Personal care services.  
246  
247

- 248 (1) All Businesses providing personal care services shall require Face  
249 Coverings as described in Section 58-1102.  
250
- 251 (b) Retail businesses.  
252
- 253 (1) All Businesses engaged in retail sales to the public shall require Face  
254 Coverings as described in Section 58-1102.  
255
- 256 (c) Restaurants.  
257
- 258 (1) Counter seating shall not be allowed.  
259
- 260 (2) Patrons must wear a Face Covering in indoor waiting areas and while  
261 walking to or from indoor seating or throughout the restaurant.  
262
- 263 (3) Staff must wear a Face Covering at all times when they are working in any  
264 space where food or drinks are prepared for sale to others and when they  
265 are serving others.  
266
- 267 (4) All providers of restaurant services to the public shall require Face  
268 Coverings as described in this section and in Section 58-1102.  
269
- 270 (d) Sports spectators.  
271
- 272 (1) Spectators at indoor sporting events and practices must wear a Face  
273 Covering as described in Section 58-1102.  
274
- 275 (2) Umpires, referees, coaches and other team support personnel shall not be  
276 considered a spectator for purposes of this Article, although they are  
277 encouraged to wear a Face Covering at indoor sporting events and  
278 practices.  
279
- 280 (3) All providers of sports activities with spectators shall require Face  
281 Coverings as described in this section and in Section 58-1102.  
282
- 283 (e) Enhanced risk activities.  
284
- 285 (1) An Enhanced Risk Activity is any business or non-business activity that  
286 enhances the risk of the spread of a communicable disease by bringing  
287 groups of people together to share the same space, indoors in close  
288 physical proximity for a period of time. Examples of said activities include  
289 but are not limited to:  
290

- 291 a. Entertainment, movies, concerts and other live performances,  
292 dancing, arcades, gaming, bowling, and billiards and pool;  
293  
294 b. Exhibitions and museums;  
295  
296 c. Fitness classes;  
297  
298 d. Religious services;  
299  
300 e. Conferences, and seminars;  
301  
302 f. Bars, nightclubs, and brewery taprooms;  
303
- (2) Notwithstanding any other provision in this Article, an Enhanced Risk  
304 Activity is subject to the following at any one time at a particular facility if  
305 any persons will remain within six feet of the same other persons for 15  
306 minutes or more:  
307  
308
- a. The maximum number of customers and/or patrons allowed in a  
309 facility shall be limited to 500 or the result of the total square feet  
310 of the facility divided by 30 times 50 percent, or 50 percent of the  
311 total occupancy of fixed seating in a spectator area, whichever is  
312 greater, and  
313  
314
- b. The maximum number of customers allowed in any outdoor space  
315 or area shall be limited to 500 or the result of the total square feet  
316 of the space or area divided by 30 times 50 percent, or 50 percent  
317 of the total occupancy of fixed seating in a spectator area,  
318 whichever is greater.  
319  
320
- c. Social distancing as set out in Section 58-1101 is recommended.  
321  
322
- (3) No counter seating shall be used during any Enhanced Risk Activity.  
323  
324
- (4) All providers of an Enhanced Risk Activity shall require Face Coverings  
325 as set out in Section 58-1102. Staff must wear a Face Covering at all  
326 times when they are working in any space where food or drinks are  
327 prepared for sale to others and when they are serving others.  
328 Notwithstanding any other provision in this Article, participants in a  
329 baptism ceremony shall not be required to wear a Face Covering during  
330 a baptism ceremony or while photographs of the baptism are taken.  
331  
332
- (f) Weddings.  
333

334 (1) All providers of weddings shall require Face Coverings as set out in  
335 Section 58-1102. Notwithstanding any other provision in this Article, the  
336 wedding party shall not be required to wear a Face Covering during a  
337 wedding ceremony or while photographs of the wedding and reception are  
338 taken.

339  
340 (g) Funerals.

341  
342 (1) All providers of funerals, visitations, or wakes shall require Face  
343 Coverings as set out in Section 58-1102.

344  
345 (h) Childcare programs and day camps.

346  
347 (1) All providers of childcare programs and day camps shall require Face  
348 Coverings as set out in Section 58-1102.

349  
350 (i) Special events.

351  
352 (1) A permit for a Special Event required pursuant to City Code Section 2-503  
353 for a Special Event using City-owned property, public right of way, public  
354 streets, public buildings or other city facilities shall not be issued if any  
355 persons will remain within six feet of the same other persons for 15  
356 minutes or more unless:

357  
358 a. The maximum number of participants is limited to 500 or the result  
359 of the total square feet of the space or area in which the Special  
360 Event is held divided by 30 times 50 percent, whichever is greater;  
361 and

362  
363 b. Social distancing as set out in Section 58-1101 is recommended.

364  
365 (2) All providers of a Special Event shall require Face Coverings as set out in  
366 Section 58-1102.

367  
368 Section 58-1104. - Penalties.

369  
370 (a) A person who fails to wear a Face Covering when wearing a Face Covering is  
371 required by the provisions of this Article shall be guilty of a violation of a  
372 municipal ordinance, punishable by a fine not exceeding \$100.00.

373  
374 (b) A person who owns, manages, operates, or otherwise controls a place at which  
375 wearing Face Coverings is required by this Article and who fails to comply or to

376 require compliance with the provisions of this Article shall be guilty of a violation  
377 of a municipal ordinance, punishable by a fine not exceeding \$100.00.

378  
379 No person shall be in violation of this subsection if such person or the place the  
380 person owns, manages, operates or otherwise controls requires compliance with  
381 the provisions of this Article to wear a Face Covering and a patron or customer  
382 refuses to wear a Face Covering.

383  
384 (c) A person who owns, manages, operates, or otherwise controls a place which  
385 violates provisions of this Article aside from Face Covering requirements shall be  
386 guilty of a violation of a municipal ordinance and shall be punished as provided in  
387 Springfield City Code Section 1-7.

388  
389 (d) In addition to the fines established by this section, violation of this Article by a  
390 person who owns, manages, operates, or otherwise controls a place at which  
391 wearing Face Coverings is required by this Article may result in the suspension  
392 or revocation of any permit or license issued to the person for the premises on  
393 which the violation occurred.

394  
395 (e) Violation of this Article is hereby declared to be a public nuisance, which may be  
396 abated by the city manager by restraining order, preliminary and permanent  
397 injunction, or other means provided for by law, and the city may take action to  
398 recover the costs of the nuisance abatement.

399  
400 (f) Each day on which a violation of this Article occurs shall be considered a  
401 separate and distinct violation.

402  
403 Section 2 – Effective 11:59 p.m. on May 27, 2021, City Council hereby amends  
404 the Springfield City Code, Chapter 58, ‘Health and Sanitation,’ by repealing in its  
405 entirety Article XIII, ‘COVID-19 Pandemic,’ which added regulations related to Face  
406 Coverings, occupancy limits, and physical distancing to respond to the COVID-19  
407 pandemic.

408  
409 Section 3 – Savings Clause. Nothing in this Ordinance shall be construed to  
410 affect any suit or proceeding now pending in any court or any rights acquired or liability  
411 incurred nor any cause or causes of action occurred or existing, under any act or  
412 ordinance repealed hereby. Nor shall any right or remedy of any character be lost,  
413 impaired, or affected by this Ordinance.

414  
415 Section 4 – Severability Clause. If any section, subsection, sentence, clause, or  
416 phrase of this Ordinance is for any reason held to be invalid, such decision shall not  
417 affect the validity of the remaining portions of this Ordinance. City Council hereby  
418 declares that it would have adopted the Ordinance and each section, subsection,

419 sentence, clause, or phrase thereof, irrespective of the fact that any one or more  
420 sections, subsections, sentences, clauses, or phrases be declared invalid.

421  
422 Section 5 – City Council hereby finds and declares that an emergency exists in  
423 that this adoption of this Ordinance is required to fight against the COVID-19 pandemic,  
424 and therefore this Ordinance relates to the preservation of public health and safety  
425 pursuant to section 2.12 of the City Charter and may be passed in one reading. This  
426 Ordinance shall be in full force and effect immediately upon adoption.

427  
428 Passed at meeting: \_\_\_\_\_

429  
430  
431 \_\_\_\_\_  
432 Mayor

433  
434 Attest: \_\_\_\_\_, City Clerk

435  
436 Filed as Ordinance: \_\_\_\_\_

437  
438  
439 Approved as to form: Rhonda Lewsader, City Attorney

440  
441  
442 Approved for Council action: Jason A. Hays, City Manager

**EXPLANATION TO COUNCIL BILL 2021- 127**

FILED: 05-13-21

ORIGINATING DEPARTMENT: Health Department

PURPOSE: Amending the Springfield City Code, Chapter 58, 'Health and Sanitation,' Article XIII, 'COVID-19 Pandemic,' to revise regulations related to the use of Face Coverings outdoors; and repealing Article XIII, 'COVID-19 Pandemic,' effective May 27, 2021.

REMARKS: The Springfield-Greene County Health Department supports the repeal on May 27, 2021, of Springfield City Code, Chapter 58, Article XIII, 'COVID-19 Pandemic,' which requires the use of masking and other mitigation strategies to slow the spread of COVID-19. In addition, the Health Department is supportive of removing all outdoor masking requirements immediately.

This support is based on data and experience with the virus. Cases and hospitalizations continue to remain stable and significantly lower than at the height of the pandemic. Recent increases in cases and hospitalizations have been both moderate and short-lived. The most recent instance increased the 7-day rolling average of cases by 11 and returned to normal levels within 9 days. These experiences provide increased confidence in ability to respond to future cases due to COVID-19.

The vaccination continues to rise, but at a slowed rate. By the end of May, all eligible individuals will have had at least seven weeks to be vaccinated and vaccine supply has been adequate to meet the demand. Currently, 67 percent of people 65 and older are fully vaccinated, providing protection against the most vulnerable to the virus. Thirty-five percent of all eligible individuals in Greene County are fully vaccinated.

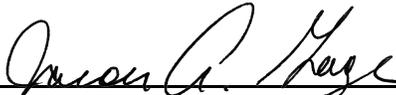
Although the pandemic is far from over, the regulations have served their purpose to prevent an overwhelming of the healthcare system and to protect the most vulnerable from the virus. The Health Department and community are prepared to move into the next phase of the pandemic, in which core public health principles will continue to be applied, such as case investigations and increasing access to vaccinations, to protect the community from COVID-19.

Submitted by:



Katie Towns  
Acting Director of Health

Approved by:



Jason Gage  
City Manager