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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.

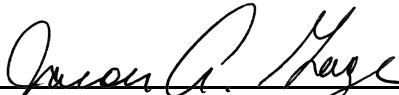
Although the pandemic is far from over, the regulations have served their purpose to prevent an overwhelming of the healthcare system and to protect the most vulnerable from the virus. The Health Department and community are prepared to move into the next phase of the pandemic, in which core public health 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