

ORDINANCE NO. 4595

AN ORDINANCE AMENDING ORDINANCE NO. 4591 IN THE CITY OF ROLLA, MISSOURI, ALLOWING ALL BUSINESSES TO REMAIN OPEN WITHIN THE CITY OF ROLLA WITH PROPER SAFEGUARDS INCLUDING FACE COVERINGS, OCCUPANCY LIMITS, GATHERING SIZE, AND PHYSICAL DISTANCING TO RESPOND TO 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 19, 2020 the Phelps County Commission declared a state of emergency, finding that proactive and extraordinary measures are necessary to prevent community spread of COVID-19; and

WHEREAS: On March 30, 2020 the City Council enacted Ordinance No. 4546 which declared a state of emergency in the City of Rolla through June 30, 2020; and

WHEREAS: On March 30, 2020 the City Council also enacted Ordinance No. 4547 which issued a Stay at Home Order in the City of Rolla through May 11, 2020 with the exception of “essential activities” and “essential businesses”; and

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

WHEREAS: On Monday, April 28, 2020 Missouri Governor Parsons 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;

WHEREAS: On Monday, May 4, 2020 the Rolla City Council unanimously approved Ordinance No. 4554 to encourage the safe re-opening of all businesses in Rolla, Missouri with limited restrictions;

WHEREAS: On Monday, June 1, 2020 the Rolla City Council approved Ordinance No. 4565 to continue to encourage the safe re-opening of all businesses in Rolla, Missouri with limited restrictions;

WHEREAS: On Monday, June 15, 2020 the Rolla City Council approved Ordinance No. 4566 to extend the safe re-opening of all businesses through July 21, 2020;

WHEREAS: On Monday, July 20, 2020 the Rolla City Council approved Ordinance No. 4567 to extend the safe re-opening of all businesses through September 9, 2020;

WHEREAS: On Tuesday, September 8, 2020 the Rolla City Council approved Ordinance No. 4574 to extend the safe re-opening of all businesses through December 22, 2020;

WHEREAS: As of November 20, 2020 the Phelps County Health Department reported successive days of active positive cases in excess of 500 , 40 cumulative deaths, and a positivity rate in excess of 16%. In addition inpatient bed capacity in central Missouri was at 29%. Lastly Rolla Public Schools reported 43 active cases of students and faculty with S&T reporting 61 active cases;

WHEREAS: On November 23, 2020, following a public hearing, City Council enacted Ordinance No. 4591 to impose facial coverings with targeted occupancy limitations on certain activities;

WHEREAS: As of December 29, 2020 the Phelps County Health Department is reporting successive days of active positive cases of ____, __ cumulative deaths, and a positivity rate in excess of __%. In addition inpatient bed capacity in central Missouri is __%; and

WHEREAS: pursuant to RSMo 77.530 the Rolla City Council in cooperation with the Phelps County Health Department has the authority to issue reasonable quarantine orders and restrictions for the prevention and abatement of contagious diseases, including the authority to require the wearing of facial coverings and to limit the assembling of persons within the city and the closing of businesses and amusements, and conversely the orderly re-opening of such gatherings and businesses with reasonable pandemic-mitigation strategies.

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

SECTION 1. Effective date and applicability.

The Rules and Regulations contained in this order shall be **effective 6:00 a.m. on Tuesday, January 5, 2021** and will continue **through Tuesday, February 2, 2021** unless amended by action of the Rolla City Council. By enactment hereof the City Council is hereby repealing Ordinance No. 4591 and also extending the declared state of emergency through March 31, 2021 unless amended by action of the Rolla City Council.

SECTION 2. Intent.

By enacting this Order it is the express intent to encourage all citizens to maintain minimum 6' social spacing in all activities outside of the home to slow the spread of COVID-19 within the City of Rolla while enabling businesses and services to operate safely.

The plan to keep open the economy in the City of Rolla is to encourage businesses to operate while supporting a healthy community by:

- Flattening the curve and ensuring healthcare capacity;
- Protecting healthcare workers, first responders, and other direct care workers;
- Protecting our most vulnerable and at-risk populations
- Partnering with community leaders including Phelps Health, Phelps County Health Department, Rolla Public Schools, Missouri S&T and the Rolla Area Chamber of Commerce;
- Implementing a measured approach to mitigate the risk of a resurgence particularly with respect to public, private and civic gatherings (outside of residential gatherings), holiday celebrations, and community events
- All provisions of this Order shall be interpreted to effectuate this intent.
- Wearing of clean and proper fitting protective masks are required in public places.

SECTION 3. Definitions.

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

Business means any for-profit company, non-profit organization, or benevolent association regardless of its legal organization, form, entity, tax-treatment or structure, but does not include any educational institution or public governmental body subject to CDC, MO DESE or MO DHSS guidelines

Face Covering means a devise that covers the nose and mouth.

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

Public Accommodation means a Business or other facility, both public and private, both indoors and outdoors, open to and used by the public, including but not limited to retail stores including groceries, service establishments, transportation services and associated waiting areas, public and private social clubs, and sporting events, but does not include any educational institution or public governmental body following CDC, MO DESE or MO DHSS guidelines.

SECTION 4. Centers for Disease Control (“CDC”) social distancing requirements.

All Businesses shall carry out to the greatest degree possible CDC recommended social distancing and cleaning guidelines in all situations, including, but not limited to when customers are standing in line or when individuals, including employees, are using shared indoor or outdoor spaces, except as otherwise provide in this Ordinance.

SECTION 5. Face coverings in places of Public Accommodation.

- a) Except as otherwise provided in this Ordinance, all persons over the age of 11, including employees, customers, patrons, or visitors, present in those parts of any Public Accommodation open to the public must wear a Face Covering, including

while standing in a line to enter the place of Public Accommodation, subject to the following exceptions:

- a. Children under the age of 3;
 - b. Children ages 3 to 11 are strongly encouraged, but not required to wear a Face Covering, while under the direct supervision of an adult;
 - c. Persons with health conditions that prohibit wearing a Face Covering. Nothing in this Ordinance shall require the use of a Face Covering by any person for whom doing so would be contrary to their health or safety because of a medical condition;
 - d. Persons who are hearing impaired or someone who is communicating with a person who is hearing impaired where the ability to see the mouth is essential for communication;
 - e. Persons who are at a place of Public Accommodation who are consuming food or drink while maintaining a physical distance from other groups of patrons of at least six feet, but such persons must wear a Face Covering while in waiting areas and while walking to and from seating or other parts of the premises;
 - f. Persons in a swimming pool;
 - g. Persons who are obtaining a service involving the face or nose for which temporary removal of the Face Covering is necessary to perform the service;
 - h. Persons playing a sport, exercising or using exercise equipment while exerting themselves;
 - i. Persons working in settings which might increase the risk of heat-related illnesses;
 - j. Persons who are outdoors while maintaining physical distancing of at least six feet, except as otherwise provided in this Ordinance, and persons who are outdoors who are closer than six feet to solely members of their own household; and
- b) Except as otherwise provided in this Ordinance, all places of Public Accommodation shall require Face Coverings as described in this Article.

Section 6. Additional Rules for certain services, businesses and activities.

- a) Personal Care Services
 - i. Businesses providing personal care services shall limit the number of all persons, including but not limited to employees, vendors, and customers, in any particular Business location to maintain six foot spacing at all times except when such personal care services are being provided.
 - ii. In addition to the social distancing requirements set out in Section 4, all Businesses providing personal care services shall require Face Coverings as described in Section 5.
- b) Retail businesses.
 - i. Any Business engaged in retail sales to the public shall limit the number of customers in any particular Business or retail location at any one time to maintain six foot spacing at all times...

- ii. All businesses engaged in retail sales to the public shall require Face Coverings as described in Section 5.

c) Restaurants.

- a. Indoor dine-in services may be provided only with physical distancing of at least six feet between groups of patrons dining together. Groups of patrons shall be limited to 8 persons at any one seating arrangement. Patrons must wear a Face Covering in waiting areas and while walking to or from seating or throughout the restaurant.
- b. Patio seating may be provided and if physical distancing of at least six feet between groups of patrons dining together cannot be maintained, patrons must wear a Face Covering while seated except when drinking or eating. Groups of patrons shall be limited to 10 persons at any one seating arrangement. Patrons must wear a Face Covering in waiting areas and while walking to or from seating or throughout the restaurant.
- c. 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.
- d. All providers of restaurant services to the public shall require Face Coverings as described in this section and in Section 5.

d) Sports Spectators.

- a. Spectators at outdoor sporting events and practices must wear a Face Covering if they cannot maintain a physical distance of at least six feet.
- b. Spectators at indoor sporting events and practices must wear a Face Covering as described in Section 5.
- c. Umpires, referees, coaches and other team support personnel shall not be considered a spectator for purposes of this Ordinance, although they are encouraged to wear a Face Covering.
- d. The maximum number of customers and/or patrons allowed in a facility shall be limited to 35 or the result of the total square feet of the facility divided by 30 times 25 percent, or 25 percent of the total occupancy of fixed seating in a spectator area, whichever is greater.
- e. The maximum number of customers and/or patrons allowed in any outdoor space or area shall be limited to 35 or the result of the total square feet of the space or area divided by 30 times 50 percent, whichever is greater.
- f. All providers of sports activities with spectators shall require Face Coverings as described in this section and in Section 5.

e) Religious services, wedding ceremonies and funeral services

- i. Religious services shall maintain physical distancing of at least six feet between individual households and/or family units.
- ii. All religious services shall require Face Coverings as set out in Section 5.
- iii. Live music and choral assemblies shall wear Face Coverings unless twelve foot separation is maintained at all times between the nearest church participant and each other.

- iv. Preachers and ministers leading a religious service shall wear a mask during services except during active speaking while maintaining a minimum of 12' distance from the nearest participant.
 - v. The wedding party shall not be required to wear a Face Covering during the wedding ceremony.
- f) **Enhanced risk activities.**
 - a. An Enhanced Risk Activity is any business or non-business activity that enhances the risk of the spread of a communicable disease by bringing groups of people together to share the same space, indoors or outdoors, in close physical proximity for a period of time. Examples of said activities include but are not limited to:
 - i. Entertainment, movies, concerts and other live performances, dancing, arcades, gaming, bowling, and billiards and pool;
 - ii. Exhibitions
 - iii. Fitness classes
 - iv. Conferences and seminars
 - v. Bars and bar areas within restaurants
 - b. Notwithstanding any other provision in this Ordinance, an Enhanced Risk Activity is subject to the following at any one time at a particular facility:
 - i. The maximum number of customers and/or patrons allowed in a facility shall be limited to 25 or the result of the total square feet of the facility divided by 30 times 25 percent, or 25 percent of the total occupancy of fixed seating in a spectator area, whichever is greater, and
 - ii. The maximum number of customers allowed in any outdoor space or area shall be limited to 25 or the result of the total square feet of the space or area divided by 30 times 25 percent, or 25 percent of the total occupancy of fixed seating in a spectator area, whichever is greater.
 - c. Counter seating may be allowed provided there is maintained six foot spacing between parties of no more than two individuals.
 - d. All providers of an Enhanced Risk Activity shall require Face Coverings as set out in Section 5. 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.
 - e. Swimming pools.
 - i. The maximum number of customers and/or patrons allowed at any one time at a particular swimming pool shall be limited to the bather load of the pool times 25 percent.
 - f. Wedding receptions and funeral gatherings.
 - i. The maximum number of persons allowed in a wedding reception or funeral visitation or wake at any one time shall be limited to 25 or the result of the total square feet of the facility divided by 30 times 25 percent, whichever is greater.
 - ii. All providers and participants of wedding receptions or funeral visitations or wakes shall require Face Coverings as set out in Section 5.

- iii. Notwithstanding any other provision in this Ordinance, the wedding party shall not be required to wear a Face Covering during the photographing of the wedding party and reception.
- g. Childcare programs and day camps.
 - i. Childcare programs must follow the social distancing provisions set out in Section 4.
 - ii. Day camps must be carried out in stable groups, preferably with 15 or fewer (“stable” means the same 15 or fewer children are in the same group each day); children must not change from one group to another; and if more than one group of children is cared for at one facility, each group must be in a separate room. Groups must not mix with each other; and childcare providers must remain solely with one group of children.
 - iii. All providers of childcare programs and day camps shall require Face Coverings as set out in Section 5.
- h. Special events.
 - i. A permit for a Special Event required using City-owned property, public right of way, public streets, public buildings or other city facilities shall not be issued unless the maximum number of participants is not greater than the result of the total square feet of the space or area in which the Special Event is held divided by 30 times 25 percent.
 - ii. All providers of a Special Event shall require Face Coverings as set out in Section 5.

Section 7. Penalties.

- a) The City of Rolla specifically orders that enforcement shall therefore be administered by first education and an opportunity for compliance, followed by a warning, and a civil citation, if necessary.
- b) A person who repeatedly fails to wear a Face Covering when wearing a Face Covering is required by this Ordinance shall be guilty of a violation of a municipal ordinance, punishable by a fine not exceeding \$50.00.
- c) A person who owns, manages, operates, or otherwise controls a place at which wearing Face Coverings is required by this Ordinance and who fails to comply or to require compliance with the provisions of this Ordinance shall be guilty of a violation of a municipal ordinance, punishable by a fine not exceeding \$100.00. No person shall be in violation of this subsection if such person or the place the person owns, manages, operates or otherwise controls requires compliance with the provisions of this Ordinance to wear a Face Covering and a patron or customer refuses to wear a Face Covering.
- d) A person who owns, manages, operates, or otherwise controls a place at which wearing Face Coverings is required by this Ordinance will not be held responsible for actions of its patrons or customers provided reasonable efforts are made to educate and inform. Examples of such efforts include posting of face covering signage, sanitizing stations and/or masks, distance marking on floors and waiting areas, employee compliance, etc.

- e) In addition to the fines established by this section, violation of this Ordinance by a person who owns, manages, operates, or otherwise controls a place at which wearing Face Coverings is required by this Ordinance may result in the suspension or revocation of any permit or license issued to the person for the premises on which the violation occurred for blatant and intentional violations.
- f) Each day on which a violation of this Ordinance occurs shall be considered a separate and distinct violation.

Section 8. Severability Clause.

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

Section 9. Emergency declaration.

City Council hereby finds and declares that an emergency exists in that this adoption of this Ordinance is required to fight against the COVID-19 pandemic, and therefore this Ordinance relates to the preservation of public health and safety and may be passed in one meeting.

PASSED BY THE CITY COUNCIL OF THE CITY OF ROLLA, MISSOURI AND APPROVED BY THE MAYOR THIS 4th DAY OF JANUARY, 2021.

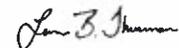
APPROVED:


MAYOR

ATTEST:


City Clerk

APPROVED AS TO FORM:


City Counselor

Digitally signed by Lance B Thurman
Date: 2021.01.05 14:44:56 -06'00'