

ORDINANCE NO. 4565

**AN ORDINANCE AMENDING ORDINANCE NO. 4554 IN THE CITY OF ROLLA, MISSOURI, ALLOWING ALL BUSINESSES TO OPERATE WITHIN THE CITY OF ROLLA WITH PROPER SAFEGUARDS.**

**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; 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 prevent 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.

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**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, June 2, 2020** and will continue **through Tuesday, July 7, 2020** unless amended by action of the Rolla City Council. By enactment hereof the City Council is also extending the declared state of emergency that currently runs through June 30, 2020 until July 7, 2020 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 re-open the economy in the City of Rolla is to encourage businesses to operate while maintaining a healthy workforce by:

- Flattening the curve and ensuring healthcare capacity;
- Protecting healthcare workers, first responders, and other direct care workers;
- Looking after 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 the following significant events: summer travelers and visitors, large-scale community events, the resumption of school activities, and the relocation of thousands of university students from across the Country.
- All provisions of this Order shall be interpreted to effectuate this intent.
- Wearing of clean and proper fitting protective masks are encouraged in public places, particularly for those with a compromised immunity system or vulnerable populations to reduce the transmission of COVID-19.

**SECTION 3. Safe Operation of Businesses and Services.**

**Section 3.01.** All individuals living in the City of Rolla are encouraged to limit unnecessary travel both within Phelps County and beyond.

To the extent individuals are using shared or outdoor spaces when outside their residence, they should as much as reasonably possible adhere to "Social Distancing Requirements".

The following guidelines should be considered for all residents:

- Citizens who feel sick should stay home.

- Citizens should continue to practice good hygiene, including: washing hands with soap and water or using hand sanitizer, especially after touching frequently used items or surfaces; avoid touching your face; sneezing or coughing into a tissue or the inside of your elbow; and disinfecting frequently used items and surfaces.
- Citizens should avoid socializing in groups that do not readily allow for appropriate physical distancing. When in public citizens should maximize physical distance from others.
- Minimize travel to the extent possible.
- Citizens are encouraged to wear proper fitting protective masks when visiting businesses or places of assembly.

**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 and safe spacing between tables subject to the following:
  - a. Such businesses are encouraged to provide pickup, drive-through, or delivery services.
  - b. All employees who take food or drink orders or serve prepared foods to customers are required to wear a proper fitting protective mask.
  - c. Seating should be limited to no more than 10 individuals at one table or collection of tables.
  - d. Tables must be arranged to maintain a minimum spacing of 6' from any other table if no physical barrier exists. A qualifying physical barrier must extend above the head of adjoining tables or booths.
  - e. Bars and restaurants with bar facilities shall remove bar stools to prevent patrons from gathering and congregating at the bar for the health of servers and bartenders.
  - f. Self-serve dining, such as food bars, smorgasbords, buffets or salad bars and including self-service items (non-packaged) in gas stations, convenience stores and the like, shall not be allowed. Such food bars are allowable if the food is distributed from a dedicated server.
- b) Personal service businesses (not limited to: tattoo parlors, message therapy, barbershops, hairdressers, nail salons) may continue business subject to the following limitations:
  - a. Employees are required to wear a proper fitting protective mask when interacting with any customer.
  - b. Businesses shall operate with scheduled appointments primarily.
  - c. Lobbies or waiting rooms shall be limited to no more than 3 persons.
  - d. Businesses should encourage patrons to wear a proper fitting protective mask per CDC guidelines
  - e. Facilities, seating, therapeutic chairs or beds, and other shared equipment shall be thoroughly sanitized between patrons
- c) Retail, commercial and manufacturing businesses must ensure 6' social distancing for all employees and customers. If 6' social distancing is not reasonably maintained at

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all times employees shall either wear a proper fitting protective mask or be shielded by an installed barrier. In addition to 6' social distancing any retail establishment shall limit the number of individuals to the greater of:

- a. Twenty-five (25) or 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 more than ten thousand square feet.
- c. For a business with a retail location less than 10,000 SF:
  - i. Building Square Feet divided by 30 = Quotient
  - ii. Quotient x .25 = Occupancy Limit
- d. For a business with the retail location of 10,000 SF or more:
  - i. Building Square Feet divided by 30 = Quotient
  - ii. Quotient x .10 = Occupancy Limit
- 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.
  - 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. Run daily temperature checks and/or perform a daily COVID-19 questionnaire on all employees to help identify health conditions on all employees.
  - f. Encourage telework opportunities whenever possible.
  - g. Modify workspace and employment benefits to provide enhanced flexibility and safety
  - h. Develop an infectious disease preparedness and response plan, including procedures for workforce contact tracing if an employee tests positive for COVID-19.

**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.

All places of amusement, whether indoors or outdoors, including but not limited to, locations with amusement rides, carnivals, water parks, roller skating rinks, museums, arcades, fairs, children's play centers, private playground (including children's play structures), funplexes,

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bowling alleys, movie and other theaters, concert and music halls, and golf clubs, social clubs and athletic clubs may operate provided 6' social distancing is maintained at all times and sanitizing of equipment frequently (at least every three hours). Special events that take place on City property or on public right-of-way or special events that require the utilization or support of emergency services including public works, police, fire or EMS, shall provide a written health and safety plan. Said written health and safety plan must be approved by City and the Phelps County Health Department no less than fourteen (14) days prior to the event.

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

All public parks, public restrooms and outdoor recreation areas may open. Park and recreational facilities and amenities including sports leagues, playgrounds, pavilions, The Centre and other group activities, and other City properties and services, may be opened upon order by the Mayor of the City of Rolla in keeping with CDC guidelines and proper industry practices.

#### **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 Rolla, 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.

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**Section 5.02. Inspection by City.** The City shall designate Inspectors charged with regular, daily monitoring of businesses and organizations for compliance with this order.

**Section 5.03. Enforcement.** Violation of a repeated failure to comply with this Order is a misdemeanor crime punishable by fine, imprisonment, 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 Mayor, shall be considered an emergency proceeding that is necessary to protect the public health and safety.

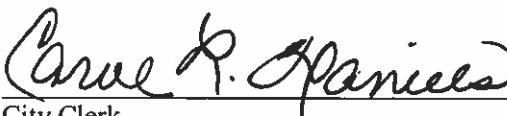
**Section 5.04. Savings clause.** If any provision of this Order or its application to any person or circumstance is held to be invalid, then the remainder of the Order, including the application of such part or provision to other persons or circumstances, shall not be affected and shall continue in full force and effect. To this end, the provisions of the Order are severable.

**PASSED BY THE CITY COUNCIL OF THE CITY OF ROLLA, MISSOURI AND APPROVED BY THE MAYOR THIS 1<sup>st</sup> DAY OF JUNE 2020.**

APPROVED:

  
MAYOR

ATTEST:

  
City Clerk

APPROVED AS TO FORM:

  
Digitally signed by Lance B Thurman  
Date: 2020.06.02 11:08:37 -05'00'  
City Counselor