

CITY OF FOUNTAINS
HEART OF THE NATION



KANSAS CITY
MISSOURI

QUINTON D. LUCAS
Mayor

EIGHTH AMENDED ORDER 20-01

WHEREAS, On March 12, 2020, a proclamation of a state of emergency was issued to allow the City of Kansas City to take measures to reduce the possibility of exposure to COVID-19 and promote the health and safety of Kansas City residents, along with an accompanying order; and

WHEREAS, COVID-19 spreads between people who are in close contact with one another through respiratory droplets; and

WHEREAS, a gathering of individuals without necessary mitigation for the spread of infection will pose a risk of the spread of infectious disease; and

WHEREAS, the City wishes to employ all means available under the law to protect public life, health, safety and property to limit the development, contraction and spread of COVID-19 creating this emergency; and

WHEREAS, as of March 16, 2020, numerous cases of COVID-19, including a fatality and evidence of community transmission were identified in jurisdictions bordering Kansas City; and

WHEREAS, on March 16, 2020, an amended order was issued by Mayor Quinton Lucas related to COVID-19, modifying event gathering numbers in the City; and on March 21, 2020, an Amended Emergency Proclamation and Second Amended Order 20-01, also known as the Stay-At-Home order; was entered by Mayor Quinton Lucas; and

WHEREAS, on May 27, 2020, the Kansas City Health Department confirmed 1,050 cases of the COVID-19 illness in Kansas City, 105 of which required hospitalization, and 24 deaths, from the COVID-19 illness in Kansas City; and

WHEREAS, on May 28, 2020, Mayor Quinton Lucas issued his Seventh Amended Order 20-01 to supersede all prior orders; and

WHEREAS, the death of George Floyd in Minneapolis, Minnesota on May 25, 2020, as an officer kneeled on him for almost nine minutes during an arrest, caused not only nationwide

protests, but large protests in the City of Kansas City, Missouri, and those protests, by their very nature, involve large gatherings in specific portions of Kansas City, including the Plaza, Westport, Downtown, and Parks, which are contrary to the social distancing limits imposed during the state of emergency in the seventh amended order related to COVID-19 safety; NOW, THEREFORE,

IT IS SO ORDERED:

That in accordance with Section Eight below, the Seventh Amended Order 20-01 dated May 28, 2020, is hereby suspended only for the period of time beginning on 8:00 p.m. on Sunday, May 31, 2020 and ending at 6:00 a.m. on Monday, June 1, 2020, and the following binding terms of Eighth Amended Order 20-01 (the "Order") are enacted in lieu thereof, to read as follows:

Section One: Community Health Guidance

- A. People at high risk of severe illness from COVID-19, as recommended by the Director of Public Health, are urged to stay in their residence or place of rest except as necessary to seek medical care and to obtain provision of essential life items. All individuals should exercise social distancing requirements at all times.
- B. All persons are encouraged to limit exposure, to the extent possible, by maintaining social distancing, as defined infra, and avoiding large groups or other crowd-based activities.
- C. For the purposes of this Order, "Social Distancing Requirements" includes maintaining at least six-foot social distancing from other individuals.

Section Two: Business Operations

- A. A reasonable standard of care is established in Kansas City requiring that businesses shall reasonably accommodate employees with health or safety concerns or with responsibilities to care for minors or other persons to not report to work while this order is in effect, absent undue hardship, if:
 - 1. The employee has an underlying health condition, including but not limited to, Asthma, other respiratory conditions, or AIDS or other illnesses that result in a compromised immune system, putting that person at greater risk of death or serious injury if they contract COVID-19; or
 - 2. The employee is the primary caregiver for a family member who contracted COVID-19 and qualifies for leave under the Family Medical Leave Act; or
 - 3. The employee is employed by a business with fewer than 500 employees, and under the Families First Coronavirus Relief Act (FFCRA) that employee is

eligible for paid leave because the employee must care for a minor child due to the closure or loss of a caregiver resulting from the COVID-19 pandemic.

- B. Business operations may continue in-person or any other operations provided business operators limit the number of occupants allowed to no more than **fifty (50) percent** of building occupancy. The Director of Public Health and other relevant city officials, including but not limited to the Director of Regulated Industries, the Fire Marshal, and/or law enforcement, may close, revoke licensure, or fine any entities or individuals found in violation of occupancy, hygiene, and social distancing requirements of this section. In the interest of public health and to avoid a COVID-19 outbreak in the community, those business operations should consider maintaining a record of occupants who are seated on the premises or in contact with stationary furniture, fixtures, or other equipment at a facility for a period of longer than ten (10) minutes. Salons may, for example, satisfy the registration recommendation by maintaining a roster of reservations or appointments. Any information collected under this subsection by the business operation or the Director of Public Health shall remain confidential as a closed record under the Missouri Sunshine Law and to the extent allowable under law and be utilized only for public health purposes or to address public health concerns.
- C. Business operations generally open to the public and operating in a publicly accessible capacity where social distancing cannot be maintained (for example, salons, restaurants, and taverns) shall maintain six feet of distance between areas of service, such as tables or booths, and mandate all service providers wear masks while providing services. Customers should wear masks to the extent possible. Both the service providers and customers must follow all other guidance mandated by the Director of Public Health while receiving personal services. The Director of Public Health and other relevant city officials, including but not limited to the Director of Regulated Industries, the Fire Marshal, and/or law enforcement, may close, revoke licensure, or fine any entities or individuals found in violation of occupancy, hygiene, and social distancing requirements of this section.
- D. Gatherings, including, but not limited to, religious services, weddings, funerals, lectures, and performances, of **fifty (50) percent** of listed occupancy may continue provided social distancing is maintained. Outside events may continue provided social distancing is maintained. The Director of Public Health and other relevant city officials, including but not limited to the Director of Regulated Industries, the Fire Marshal, and/or law enforcement, may close, revoke licensure, or fine any entities or individuals found in violation of occupancy, hygiene, and social distancing requirements of this section. In the interest of public health and to avoid a COVID-19 outbreak in the community, event organizers should consider maintaining a record of customers who are seated on the premises or in contact with stationary furniture, fixtures, or other equipment at a facility for a period of longer than ten (10) minutes. Attendees are not required, however, to provide their names or contact information at

any gathering. In the event of a COVID-19 outbreak connected to a gathering, a gathering may contact those potentially exposed and, subject to confidentiality, provide the names and other relevant information voluntarily provided at the gathering to the Department of Public Health. Any information collected under this subsection by the gathering or the Department of Public Health shall remain confidential to the extent allowed by law and be utilized only for public health purposes or to address public health concerns. Organizers and customers must follow all guidance mandated by the Director of Public Health.

E. Businesses may refuse service to customers without masks.

Section Three: Miscellaneous Provisions and Exemptions

A. Education, youth activities, and childcare facilities.

1. Education, youth activities, and childcare facilities may resume. To the extent possible, childcare facilities and youth activities should operate under the following conditions:

1. Childcare facilities should be carried out in stable groups, preferably with ten (10) or fewer children (“stable” means that the same ten (10) or fewer children are in the same group each day);
2. Youth activities should endeavor to maintain social distancing.

B. Exemptions. All first responders, emergency management personnel, emergency dispatchers, court personnel, law enforcement personnel, and school personnel operating at the direction of administrator designation, and businesses previously classified as essential during the current state of emergency, including health and child care facilities, are categorically exempt from this Order. Further, nothing in this Order shall prohibit any individual from performing or accessing “Essential Governmental Functions.” Essential Government Functions means all services needed to ensure the continuing operation of any government agencies, including schools, and to provide for the health, safety and welfare of the public. All Essential Governmental Functions should be performed in compliance with social distancing requirements, to the extent possible.

Section Four. Violation of any provision of this Order constitutes an imminent threat, creates an immediate menace to public health, and shall be considered a violation of Section 50-155 of the City’s Code of Ordinances. All remedies prescribed by the provisions of this Order shall be cumulative, and the use of one or more remedies by the City shall not bar the use of any other remedy for the purpose of enforcing the provisions of this Order.

Section Five. The Director of Public Health or his designee is authorized by the City's Charter to enter all property necessary to enforce all laws relating to public health and for purposes of providing for the avoidance, suppression or mitigation of disease, and abatement of nuisances and other unhealthy conditions. Upon complaint, or whenever the Director deems a business, trade or profession carried on or engaged in by any person in the City detrimental to the public health, the Director shall notify that person to show cause to the director at a time and place to be specified in the notice, why the trade or profession should not be discontinued or removed. The notice shall be served by a police officer or other person before the time specified therein as provided by law.

Section Six. That violation of any provision of this Order may result in the suspension or revocation of the Certificate of Occupancy and/or Business License for the offending business or concern in accordance with the Sections 18-23 and 40-28 of City Code of Ordinances.

Section Seven. That a curfew is ordered and, thus, it shall be unlawful for it is unlawful within any Entertainment District for any person to loiter, wander, stroll or play in or upon the public streets, highways, roads, sidewalks, alleys, parks, playgrounds or other public grounds, public places, public buildings, places of amusement, eating places, vacant lots or any place unsupervised by an adult having the lawful authority to be at such places in the following areas in City of Kansas City, Missouri from 8:00 pm on Sunday, May 31, 2020 until 6:00 am on Monday, June 1, 2020:

- a. Central Business District, as defined in Section 10-212(d)(2) in the Code of Municipal Ordinances, generally described as the area between the Missouri River on the north, Broadway on the west, Holmes on the east and Pershing Road on the south;
- b. Country Club Plaza Area, as defined in Section 10-212(d)(2) in the Code of Municipal Ordinances, generally described as the area between 46th Terrace on the north, Main Street on the east, Ward Parkway on the south and Belleview Avenue on the west;
- c. The Westport Shopping District Area, as defined in Section 10-212(d)(2) in the Code of Municipal Ordinances, generally described as the area between 39th Street on the north, Main Street on the east, 43rd Street on the South and Southwest Trafficway on the west.
- d. All Parks in the City of Kansas City, Missouri.

Section Eight. The Eighth Amended Order herein shall take effect at 8:00 p.m. on Sunday, May 31, 2020 and shall expire at 6:00 a.m. on Monday, June 1, 2020 unless and until it is extended, whereupon the Seventh Amended Order shall then remain in effect and active until termination of the Seventh Amended Order in the manner prescribed therein.

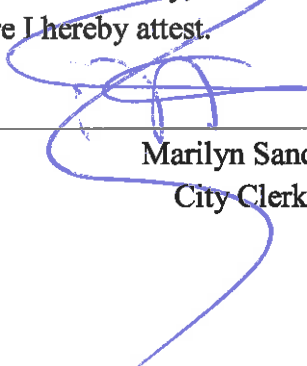
Authenticated as Adopted

This 31st day of May, 2020



Quinton D. Lucas
Mayor

Filed with me, the City Clerk of the City of Kansas City, Missouri, this 31st day of May, 2020, by Mayor Quinton D. Lucas, whose signature I hereby attest.



Marilyn Sanders
City Clerk