

CITY OF FOUNTAINS
HEART OF THE NATION



KANSAS CITY
MISSOURI

QUINTON D. LUCAS
Mayor

SIXTH 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, the COVID-19 virus 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 illness, 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 the COVID-19 illness, 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 7, 2020, the Kansas City Health Department confirmed 715 cases of the COVID-19 illness in Kansas City, Missouri, and 9,341 cases in the state of Missouri; and

WHEREAS, on May 11, 2020, Mayor Quinton Lucas has issued this Sixth Amended Order 20-01 to supersede all prior orders; NOW, THEREFORE,

IT IS SO ORDERED:

That in accordance with Section Eight below, the Fifth Amended Order 20-01 dated May 3, 2020, is hereby repealed and the following Sixth Amended Order 20-01 (the "Order") is enacted in lieu thereof, to read as follows:

Section One:

- 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 stay home when possible and limit exposure, to the extent possible, to maintain social distancing, as defined infra, and to avoid groups or other crowd-based activities, with limited exceptions.**

Section Two: Non-Essential Business and Other Non-Essential Operations

- A. Essential Business Operations may continue as under the previous emergency order.**
- B. Non-essential businesses that generally are not open to the public can resume in-person and delivery operations, provided they operate in accordance with guidance provided by the Director of Public Health and provided those businesses allow workers to maintain social distancing where possible.**
- C. Non-essential businesses that generally are open to the public, but are conducting operations while closed to the public, can resume in-person and delivery operations, provided they operate in accordance with guidance provided by the Director of Public Health and provided those businesses allow workers to maintain social distancing where possible.**
- D. Non-essential businesses shall allow 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.**
- E. Non-essential business operations that generally are open to the public and are operating in a publicly accessible capacity, including but not limited to non-essential retail stores, restaurants, gyms and personal care services, may resume in-person operations provided business operators follow the "10/10/10 rule." The 10/10/10 rule specifies that non-essential businesses open to the public must limit the number of customers allowed to no more than ten (10) percent of building occupancy (whichever number is greater) or ten (10) persons, counted excluding employees. 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 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. 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.

F. Non-essential business operations generally open to the public and operating in a publicly accessible capacity where social distancing cannot be maintained (for example, salons and restaurants) shall 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.

G. Gatherings, including, but not limited to, religious services, weddings, funerals, lectures, and performances, of ten (10) percent of building occupancy or ten (10) persons inside (whichever number is greater), counted excluding employees, and fifty (50) people outside, counted excluding employees, may resume provided social distancing is maintained. 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.

H. Businesses may refuse service to customers without masks.

Section Three: Definitions and Exemptions

A. Definitions. For purposes of this section, the following terms will have the meaning ascribed to them:

1. **“Essential Businesses” include, but are not limited to, for-profit, non-profit, and educational entities, regardless of corporate or entity structure, which provide services in the following areas:**
 - i. **Healthcare Operations and Essential Infrastructure;**
 - ii. **Grocery stores, farmers’ markets, farm and produce stands, markets, food banks, convenience stores, and other establishments engaged in the retail sale of canned food, dry goods, fresh fruits and vegetables, pet supply, fresh meats, fish, and poultry, and any other household consumer products (such as cleaning and personal care products). This includes stores that sell groceries and also sell other non-grocery products, and products necessary to maintaining the safety, sanitation, and essential operation and survival of residences and persons;**
 - iii. **Food cultivation, including farming, livestock, and fishing;**
 - iv. **Human and animal food processing facility workers;**
 - v. **Businesses that provide food, shelter, and social services, and other necessities of life for economically disadvantaged or otherwise needy individuals;**
 - vi. **Newspapers, television, radio, and other media services;**
 - vii. **Gas stations and auto-supply, auto-repair, and related facilities;**
 - viii. **Banks and related financial institutions;**
 - ix. **Hardware stores;**
 - x. **Plumbers, electricians, exterminators, and other service providers who provide services that are necessary to maintaining the safety, sanitation, and essential operation of residences, Essential Activities, and Essential Businesses;**
 - xi. **Businesses providing mailing and shipping services, including post office boxes;**
 - xii. **Educational institutions—including public and private K-12 schools, colleges, and universities—provided that social distancing of six-feet per person is maintained to the greatest extent possible;**

- xiii. Laundromats, dry cleaners, and laundry service providers;
- xiv. Railroads and rail systems;
- xv. Restaurants and other facilities that prepare and serve food and drink, but only for delivery or carry out. Schools and other entities that typically provide free food services to students or members of the public may continue to do so under this Order on the condition that the food is provided to students or members of the public on a pick-up and takeaway basis only. Schools and other entities that provide food services under this exemption shall not permit the food or drink to be consumed at the site where it is provided, or at any other gathering site;
- xvi. Businesses that supply products needed for people to work from home;
- xvii. Businesses that supply other essential businesses with the support or supplies necessary to operate;
- xviii. Businesses that ship or deliver groceries, food, goods or services directly to residences;
- xix. Airlines, taxis, and other private transportation providers providing transportation services necessary for Essential Activities and other purposes expressly authorized in this Order, as well as transportation maintenance services such as mechanics necessary to keep transportation services operational;
- xx. Home-based care for seniors, adults, or children;
- xxi. Residential facilities and shelters for seniors, adults, and children;
- xxii. Professional services, such as legal or accounting services, when necessary to assist in compliance with legally mandated activities;
- xxiii. Education, youth activities, and childcare facilities. To the extent possible, those facilities should operate under the following conditions:
 - 1. Education, youth activities, and 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. Children should not change from one group to another;

3. If more than one group of children is cared for at one facility, each group should be in a separate room. Groups should not mix with each other to the extent possible;
 4. Schools, Childcare and Day Camp teachers and leaders should endeavor to maintain social distancing in all interactions; and
 5. Youth activities shall be subject to “10/10/10” guidelines, counted excluding employees, and the gathering rules in Section 2 (G). Youth activities may be subject to any further rules issued by the Director of Public Health.
2. “Essential Infrastructure,” shall mean to include, but not be limited to, construction, airport operations, water, sewer, gas, electrical, oil refining, railroad and rail systems, roads and highways, public transportation, solid waste collection and removal, internet, and telecommunications systems (including the provision of essential infrastructure for computing services, business infrastructure, communications, and web-based services), provided that they carry out those services or that work in compliance with Social Distancing Requirements as defined this Section, to the extent possible.
 3. “Healthcare Operations” shall include hospitals, clinics, dentists, pharmacies, pharmaceutical and biotechnology companies, other healthcare facilities, healthcare suppliers, home healthcare services providers, mental health providers, or any related and/or ancillary healthcare services. “Healthcare Operations” also includes veterinary care and all healthcare services provided to animals. This exemption shall be construed broadly to avoid any impacts to the delivery of healthcare, broadly defined. “Healthcare Operations” does not include fitness and exercise gyms and similar facilities.
 4. “Minimum Basic Operations” includes the following, provided that employees comply with Social Distancing Requirements as defined in this Section, to the extent possible, while carrying out such operations:
 - i. The minimum necessary activities to maintain the value of the business’s inventory and facilities, ensure security, process payroll and employee benefits, or for related functions; and
 - ii. The minimum necessary activities to facilitate employees of the business being able to continue to work remotely from their residences, place of rest, or elsewhere.

5. "Social Distancing Requirements" includes maintaining at least six-foot social distancing from other individuals.

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 others working for or to support Essential Businesses are categorically exempt from this Order. Further, nothing in this Order shall prohibit any individual from performing or accessing "Essential Governmental Functions." Essential Governmental Functions means all services needed to ensure the continuing operation of any government agencies, including schools, and provide for the health, safety and welfare of the public. All Essential Governmental Functions should be performed in compliance with Social Distancing Requirements as defined this Section, 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. The Sixth Amended Order herein shall take effect at 12:01 a.m. on Friday, May 15, 2020 and shall expire at 11:59 p.m. on Sunday, May 31, 2020 unless and until it is extended, rescinded, superseded, or amended in writing prior thereto.

Authenticated as Adopted

This ___ day of _____, 2020.

Quinton D. Lucas

Mayor

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

**Marilyn Sanders
City Clerk**