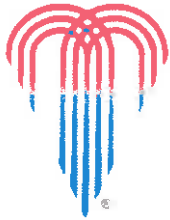


CITY OF FOUNTAINS
HEART OF THE NATION



KANSAS CITY
MISSOURI

QUINTON D. LUCAS
Mayor

TWELFTH 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 contact with one another or present in shared spaces; 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, the Centers for Disease Control and Prevention (“CDC”) continues to study the spread and effects of COVID-19 across the United States and has determined that a significant portion of individuals with coronavirus lack symptoms and that even those who eventually develop symptoms can transmit the virus to others before showing symptoms which means that the virus can spread between people interacting closely even if those people are not exhibiting symptoms; and

WHEREAS, the CDC has directed the use of masks or face coverings to slow the spread of the virus and help people who may have the virus and do not know it from transmitting it to others; and

WHEREAS, on November 16, 2020, Mayor Quinton Lucas issued the Eleventh Amended Order 20-01 superseding all prior orders and requiring, in part, the use of masks or face coverings shielding the nose and mouth at all indoor places of public accommodation until the expiration of the Mayor’s Emergency Proclamation or subsequent order directs otherwise; and

WHEREAS, recognizing the uncontrolled spread of COVID-19 in their region, our peer communities have issued orders to limit the spread of COVID-19, including reduction in indoor dining and drinking for a temporary period, earlier closure of restaurants and taverns, and limits to the total size of social gatherings; and

WHEREAS, on November 13, 2020, the health directors of Kansas City, Jackson County, Platte County, Clay County, the Unified Government of Wyandotte County and Kansas City, Kansas, and Johnson County, Kansas (the “Regional Health Directors”) issued an advisory stating that the uncontrolled spread of COVID-19 in the metropolitan area and in rural areas of Missouri and Kansas significantly strained healthcare resources in the region for both COVID-19 and non-COVID-19 patients; and

WHEREAS, the Regional Health Directors advised the uncontrolled rise in COVID-19 infections created a dangerously low number of available physical acute care beds in local hospital facilities and significant staffing shortages for health personnel; and

WHEREAS, the Regional Health Directors advised the uncontrolled spread of COVID-19 in the metropolitan area and in adjacent rural areas of Missouri and Kansas poses a serious threat to our businesses and local economy, creates a risk for our children’s education and well-being, and forces hospitals to ration care; and

WHEREAS, the White House Coronavirus Task Force reports for Missouri and Kansas have advised counties in the metropolitan area and in adjacent rural areas of Missouri and Kansas adopt practices including, but not limited to, limiting indoor dining and drinking at restaurants and taverns to reduced capacities and restricting hours until cases and test positivity decrease is effective at decreasing infections; communicating to the public they should not gather with anyone who does not live with them; and that members of the public should always wear masks in public spaces; and

WHEREAS, the Regional Health Directors recommended a series of temporary measures to limit the spread of COVID-19 in our region; including, but not limited to, limiting indoor dining and drinking in spaces outside the home; reducing the number of persons with whom individuals interact in person each day; and reiterating the importance of infectious disease control, including the wearing of masks in all public spaces; and

WHEREAS, COVID-19 vaccine distribution began in Kansas City in late December 2020 for front-line health care workers and vaccinations started in early January 2021 for first responders, veterans and residents of long term care facilities; however, the majority of Kansas City residents have not been vaccinated; and

WHEREAS, on January 11, 2021 the Kansas City Health Department confirmed 32,584 total cases of COVID-19 illness in Kansas City and 369 deaths from the COVID-19 illness in Kansas City. Moreover, 1481 deaths occurred when considering the entire Kansas City metropolitan area. In addition, the CDC confirmed 22,322,956 total cases and 373,167 deaths nationwide; and

WHEREAS, on January 13, 2021, Mayor Quinton Lucas has issued this Twelfth Amended Order 20-01; NOW, THEREFORE,

IT IS SO ORDERED:

That in accordance with Section Six below, the Eleventh Amended Order 20-01 dated November 16, 2020, is hereby repealed and the following Twelfth Amended Order 20-01 (the "Order") is 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 comply with Social Distancing Requirements at all times, including wearing face coverings or masks when others may be present closer than six feet away.
- B. All persons are encouraged to limit exposure, to the extent possible, by properly wearing face coverings or masks, maintaining Social Distancing Requirements, 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 and wearing a face covering or mask that is affixed in place without the use of one's hands and that securely covers the nose and mouth.

Section Two: Business Operations and Gatherings

- 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, pregnancy, 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. Business operations may continue as under the previous emergency order with the following modifications:

1. Restaurants, taverns, and all other venues, including public and private or membership-only event spaces, serving food and drink indoors shall limit the number of occupants to no more than 50 percent of building occupancy, and shall close at midnight (12:00 a.m.) Patrons in both indoor and outdoor spaces where food and/or drink are served must be seated and may only remove their face covering or mask in the actual act of eating and drinking. A face covering or mask is required at all other times while seated, including when staff are present. Indoor and outdoor parties are limited to ten (10) or fewer persons and parties shall be spaced with no less than six feet of distance between themselves and individuals from any other parties.

i. The midnight (12:00 a.m.) curfew referenced in Section Two B.1 will be reviewed no later than February 13, 2021 to determine if the midnight (12:00 a.m.) closure time should remain the same or be changed.

ii. The aforementioned review will consider “then” current COVID-19 cases, hospitalizations and deaths.

2. Masks must be worn at all indoor spaces with more than one person per room or barrier-divided space and outdoor spaces where social distancing of at least six feet cannot be maintained, except where further exceptions, if any, are approved by the Director of Public Health. Exceptions to the mask requirement pursuant to this Order include only:

i. Minors below the age of 5; and

ii. Persons who have disabilities for which masks constitute a substantial impairment to their health and well-being based upon medical, behavioral, or legal direction; and

iii. Persons who are in a restaurant or tavern and are engaged in consuming food or drink while adequately distanced from other patrons; and

iv. Persons who are obtaining a service involving the nose or face for which temporary removal of the face covering or mask is necessary to perform the service.

3. Hygiene Protocols. Business operations shall:

i. Ensure access to handwashing facilities on site, including soap and running water, and allow sufficient break time for employees to wash

- hands frequently; where impracticable, alcohol-based hand sanitizers with at least 60% alcohol may be used as an alternative; and
- ii. Provide regular sanitation of high touch areas, such as workstations, equipment, screens, doorknobs, and restrooms throughout work site; and
 - iii. Supply employees at the workplace location with adequate cleaning products (e.g., sanitizer, disinfecting wipes); and
 - iv. Post visible signage throughout the worksite to remind employees and customers of hygiene and safety protocols; and
 - v. To the extent practicable, avoid sharing equipment and supplies between employees and disinfect shared equipment before use by another employee.

4. Contact Tracing.

- i. In the interest of public health and to avoid the worsening of the COVID-19 outbreak in the community, business operations should maintain 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, to the extent allowed by law, remain confidential and be utilized only for public health purposes or to address public health concerns.
 - ii. If a business operation is notified that a patron, occupant, or employee has tested positive for COVID-19, the business operation must immediately notify the Director of Public Health.
5. Gyms, fitness, and recreational centers, including City, school, and other publicly-owned and managed facilities, shall be limited to no more than 50 percent capacity and be subject to all indoor and outdoor rules within this Order, including any and all mask requirements and to maintain social distancing of not less than six feet.
6. Business operations generally open to the public and operating in a publicly accessible capacity where six feet of social distancing cannot be maintained during the provision of service and not described elsewhere in this Order shall maintain six feet of distance between areas of service, such as tables, booths, or stations in addition to the wearing a face covering or mask.

7. All businesses are encouraged to allow their employees to work remotely to the fullest extent possible.

C. Gatherings.

1. Unless otherwise provided by this Order, all indoor gatherings are limited to a maximum of ten (10) people. Gatherings are groups of individuals, who are not members of the same household, congregated together for a common or coordinated social, community, or leisure purpose. This prohibition includes planned and spontaneous gatherings as well as public and private, including membership-required, gatherings. Gatherings are permitted with ten (10) or fewer persons in one place, subject to Social Distancing Requirements. Prohibited gatherings do not include non-event-based regular commercial, non-profit, or educational activity by workers, students, or customers of businesses.
2. Gatherings of more than ten (10) persons may take place only with the approval of the Director of Public Health after submission, review, and approval of a plan to mitigate the potential spread of infectious disease. The infectious disease pre-approval requirement covers all gatherings of more than 10 persons, including, but not limited to, celebrations, concerts, sporting events with spectators, receptions, private parties, lectures, or life milestone events. Venues may submit a plan for pre-approval of all gatherings if plans will be applied consistently despite a change in individual patrons present.

D. The Director of Public Health and other relevant city officials, including but not limited to the Director of Regulated Industries, the Fire Chief, and 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.

E. Exemptions. 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 provide for the health, safety and welfare of the public. All Essential Governmental Functions shall be performed in compliance with mask and Social Distancing Requirements as defined this Order, to the extent possible.

Section Three. 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 Four. The Director of Public Health, the Director of Regulated Industries, the Chief of the Kansas City Police Department, and the Chief of the Kansas City Fire Department, or

their designees (the "Directors") are, under the Constitution of the United States, the Constitution of Missouri, the Charter of the City of Kansas City, and this Order, subject to applicable law, authorized 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 Directors deem a business, trade or profession carried on or engaged in by any person in the City detrimental to the public health, the Directors shall notify that person to show cause to the City 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 before the time specified therein as provided by law.

Section Five. 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 Six. If any provision of this Order or the application thereof to any person, entity, or circumstance is determined to be invalid by a court of competent jurisdiction, such determination shall not affect or impair the validity of the other provisions of this Order or its application to other persons, entities, and circumstances.

Section Seven. The Twelfth Amended Order herein shall take effect at 10:00 p.m. on January 13, 2021 and shall expire contemporaneously with the expiration of the Fifth Amended Emergency Proclamation unless and until it is extended, rescinded, superseded, or amended in writing prior thereto.

Authenticated as Adopted

This 13th day of January, 2021



Quinton D. Lucas
Mayor

Filed with me, the City Clerk of the City of Kansas City, Missouri, this 13 day of January, 2021, by Mayor Quinton D. Lucas, whose signature I hereby attest.



Marilyn Sanders
City Clerk