

QUINTON D. LUCAS
Mayor



THIRTEENTH 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 January 13, 2021, Mayor Quinton Lucas issued the Twelfth 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 caused significant loss of jobs and tenant evictions in Kansas City, particularly in Black and brown communities where evictions are filed at disproportionate rates due to decades of racial inequities and evictions have been shown in studies to be a danger to public health; and

WHEREAS, on February 17, 2021 the Kansas City Health Department confirmed 36,707 total cases of COVID-19 illness in Kansas City and 475 deaths from the COVID-19 illness in Kansas City. Moreover, 2,048 deaths occurred when considering the entire Kansas City metropolitan area. In addition, the CDC confirmed 27,600,391 total cases and 486,466 deaths nationwide; and

WHEREAS, in late December 2020, COVID-19 vaccine distribution began in Kansas City and surrounding areas and as of February 14, 2021, close to 11 percent of the state population has been vaccinated; and

WHEREAS, the number of COVID cases and hospitalizations in Kansas City has dropped steadily and the weekly average for new COVID-19 cases is the lowest it has been in almost four months; and

WHEREAS, the Mayor's Twelfth Amended Order signed January 13, 2021, included the following provision regarding future review of the order:

- 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.

WHEREAS, on February 19, 2021, Mayor Quinton Lucas has issued this Thirteenth Amended Order 20-01; NOW, THEREFORE,

IT IS SO ORDERED:

That in accordance with Section Six below, the Twelfth Amended Order 20-01 dated January 13, 2021, is hereby repealed and the following Thirteenth 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 wearing a face covering or mask that is affixed in place without the use of one's hands and covers the nose and mouth and maintaining at least six foot social distancing from other individuals.

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

Businesses with fewer than 500 employees and which are eligible to obtain reimbursement for providing such leave pursuant to federal law are encouraged to provide paid leave for any employee that provides 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 follow Social Distancing Requirements between separate parties, in accordance with Section One (1) of this Order. 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 while eating and drinking.
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.
 - v. Contact Tracing: 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.
- 3. Gyms, fitness, and recreational centers, including City, school, and other publicly-owned and managed facilities, shall follow Social Distancing Requirements between separate parties, in accordance with Section One (1) of this Order, including any and all mask requirements and to maintain social distancing of not less than six feet.
 - 4. 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.
 - 5. All businesses are encouraged to allow their employees to work remotely to the fullest extent possible.
- C. 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.

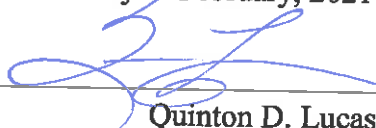
Section Five. Violation of any provision of this Order may result in the suspension or revocation of the Certificate of Occupancy and/or Business License for the offending business or concern in accordance with the Sections 18-23 and 40-28 of City Code of Ordinances.

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 Thirteenth Amended Order herein shall take effect at 10:00 p.m. on February 19, 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

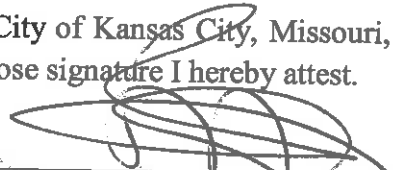
This 19th day of February, 2021



Quinton D. Lucas

Mayor

Filed with me, the City Clerk of the City of Kansas City, Missouri, this 19th day of February, 2021, by Mayor Quinton D. Lucas, whose signature I hereby attest.



Marilyn Sanders

City Clerk