

Bill No. _____

Ordinance No. _____

BOARD OF ALDERMEN CITY OF FORSYTH, MISSOURI

FACE COVERING ORDINANCE DUE TO COVID-19 (CORONAVIRUS) OUTBREAK

EXECUTIVE SUMMARY:

- This ordinance is designed to follow the recommendations of the CDC, Cox Health and our Taney County Health Department by mandating face coverings and signage requirements for businesses operating within the city limits and land owned and managed by the city.
- Phase II of the Taney County Roadmap to Recovery: **“Triggers to Consider Tightening Restrictions”**: Escalation of cases of COVID-19 and ILI as evidenced by 10% or more of tests resulting positive over the previous seven days in Taney County or Taney County Footprint.
 1. Taney County has seen a 846% increase from thirteen (13) positive COVID-19 cases on June 6th to one-hundred and twenty-three (123) positive COVID-19 cases as of 2pm on Sunday, July 12, 2020.
 2. COVID-19 has spread rapidly amongst the population of Missouri with twenty-seven thousand four hundred and forty-three (27,443) reported cases and one thousand sixty-nine (1,069) deaths as of 2pm on Sunday, July 12, 2020.
 3. Daily testing is averaging between 13-18% positive cases of those being tested in Taney County.
- The authority for this ordinance is laid out in Section 79.380, RSMO which permits the Board of Aldermen to make regulations and pass ordinances for the prevention of the introduction of contagious diseases in the city, and for the abatement of the same, and may make quarantine laws.

WHEREAS, In December 2019, a new coronavirus known as SARS-CoV-2 was first detected in Wuhan, Hubei Province, People's Republic of China, causing outbreaks of the coronavirus disease (COVID-19) that has now spread globally and into the United States; and

WHEREAS, COVID-19 is spread between people who are in close contact with one another (within about 6 feet) or through respiratory droplets produced when an infected person coughs or sneezes and as such presents an imminent threat of widespread illness and even death in some cases; and

WHEREAS, on March 11, 2020, the World Health Organization characterized COVID-19 as a pandemic; and

WHEREAS, on March 13, 2020, President Donald Trump, under the Constitution and the laws of the United States of America, including sections 201 and 301 of the National Emergencies Act (50 U.S.C. 1601 et seq.) and consistent with section 1135 of the Social Security Act (SSA), as amended (42 U.S.C. 1320b-5), found and proclaimed that that the COVID-19 outbreak in the United States constitutes a national emergency; and

WHEREAS, on March 13, 2020, Governor Michael Parson, signed Executive Order 20-02 declaring a state of emergency in the State of Missouri in response to COVID-19 and that state of emergency has been extended under Executive Order 20-12 to December 31, 2020; and

WHEREAS, on March 27, 2020, a joint resolution and proclamation of emergency was issued by the Taney County Commission pursuant to §49.650 RSMo. in response to life health and safety risk to the citizens of Taney County as a result of the COVID-19 pandemic; and

WHEREAS, Governor Michael Parson announced through a press release on June 11, 2020 that the State of Missouri would “fully reopen” and “there will be no statewide health order” in place; and

WHEREAS, COVID-19 has spread rapidly amongst the population of Missouri with twenty-seven thousand four hundred and forty-three (27,443) reported cases and one thousand sixty-nine (1,069) deaths as of 2pm on Sunday, July 12, 2020; and

WHEREAS, Taney County has seen a 846% increase from thirteen (13) positive COVID-19 cases on June 6th to one-hundred and twenty-three (123) positive COVID-19 cases as of 2pm on Sunday, July 12, 2020; and

WHEREAS, health professionals and experts including members of the Centers for Disease Control (CDC), Cox Health and our local Health Department have consistently maintained that face coverings and social distancing are critical components to slowing the spread of COVID-19; and

WHEREAS, the CDC recommends the use of face coverings based on the role respiratory droplets play in the spread of the virus that causes COVID-19, paired with emerging evidence from clinical and laboratory studies that shows cloth face coverings reduce the spray of droplets when worn over the nose and mouth; and

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF FORSYTH, MISSOURI AS FOLLOWS:

I. Section One: Definitions

- Public Spaces - means an indoor or outdoor area to which the public is invited or in which the public is permitted, including but not limited to banks, convention facilities, common areas, shopping centers, laundromats, reception areas, restaurants, retail establishments, retail stores, schools, spas, sports arenas, theaters, waiting rooms, amusement parks, attractions, and any other place where food is prepared or stored.
- Face Covering - means a particulate mask or face covering of the nose and mouth secured to the face with ties, loops or elastic that is covering the nose and mouth.

II. Section Two: Face Covering Requirement: It is unlawful for anyone to be in a public space without wearing a face covering subject to the following exceptions:

A. Children under the age of 13;

B. Any person with a health condition documented by a medical professional that prohibits wearing a face covering;

- C. Any person who is hearing impaired or someone who is communicating with a person that is hearing impaired, where the ability to see the mouth is essential for communication;
- D. Any person who is in a public place consuming food, drink or smoking while seated and maintaining a physical distance of at least six feet from other persons who are not family members or reside together, but such persons must wear a face covering while in waiting areas and while walking to and from seating or other parts of the premises;
- E. Any person in the water at a swimming pool or lake;
- F. Any person who is obtaining a service involving the face or nose for which temporary removal of the face covering is necessary to perform the service;
- G. Any person playing a sport, exercising, including walking, running or using exercise equipment;
- H. Any person who is outdoors who is closer than six feet to family members or people they reside with;
- I. Any person who is outdoors while maintaining physical distancing of at least six feet, except as otherwise provided in this ordinance;
- J. Any person performing on a fixed stage;
- K. Any person engaged in public speaking who maintains a minimum physical distance of six feet from others who are not family members or who reside together and;
- L. Any public safety officer engaged in an emergency situation.

III. Section Three: Operation of Public Spaces

- A. It is unlawful for any person operating a public space to allow any person in the public space who is not wearing a face covering unless that person in the public space is exempt from wearing a face covering as provided in this ordinance.

IV. Section Four: Signage Required for Business Operations

- A. It shall be unlawful for any business open to the public unless at the points of entry or exit to the premises there is prominently displayed a sign no smaller than 8.5 inches tall by 11 inches wide which shall contain the following lettering at least one-half inch high on white background.
 - a. **IT IS A VIOLATION OF LAW TO ENTER THE PREMISES WITHOUT A FACE COVERING.**
 - b. **PLEASE MAINTAIN AT LEAST SIX FEET (6') OF DISTANCE BETWEEN INDIVIDUALS THAT ARE NOT FAMILY MEMBERS OR DO NOT RESIDE TOGETHER.**
- B. A business shall be in compliance with this Section if they display signage that has been provided to the business by the City of Forsyth.

V. Section Five: Penalties

- A. A person who fails to wear a face covering when wearing a face covering is required by the provisions of this Ordinance upon conviction by a fine of up to \$100.00 and court costs.

- B. A person who owns, manages, operates, or otherwise controls a public place at which wearing a face covering is required by this Ordinance and who fails to comply or to require compliance with the provisions of this Ordinance upon conviction shall be punishable by a fine of up to \$100.00 and court costs.
- C. In addition to the fines established by this section, violation of this Ordinance by a person who owns manages, operates, or otherwise controls a public place at which face coverings are required by this Ordinance may result in the suspension or revocation of any permit or license issued to the person for the premises on which the violation occurred.

No person shall be in violation of this subsection if the person or the place the person owns, manages, operates, or otherwise controls requires compliance with the provisions of this Ordinance to wear a face covering and the person that is allowed in the public space refuses to wear a face covering.

VI. Section Six:

- A. This ordinance shall be in force and effect at 12:01 am on July 22, 2020 after it's passage and the Board of Aldermen and approval by the Mayor and remain in effect until modified or rescinded.
- B. The City Clerk shall make this Ordinance available to the public.

Read, this first time on this _____ day of _____ 2020.

Read, this second time, passed and truly agreed to by the Board of Aldermen of the City of Forsyth, Missouri on this _____ day of _____ 2020.

CITY OF FORSYTH, MISSOURI

BY _____

**KELLY DOUGHERTY
MAYOR**

Attest:

**CHEYENNE BEASLEY
CITY CLERK**