

CITY OF FOUNTAINS  
HEART OF THE NATION



KANSAS CITY  
MISSOURI

QUINTON D. LUCAS  
Mayor

### NINTH 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 June 25, 2020, the Kansas City Health Department confirmed 1,887 cases of the COVID-19 illness in Kansas City, 133 of which required hospitalization, and 32 deaths, from the COVID-19 illness in Kansas City; and

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

WHEREAS, on May 31, 2020, Mayor Quinton Lucas issued the Eighth Amended Order 20-01, which was in effect for approximately one day; thereafter, the Seventh Amended Order 20-01 went back into effect; and

WHEREAS, the Centers for Disease Control (“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 in close proximity (for example, speaking, coughing, or sneezing) even if those people are not exhibiting symptoms; and

WHEREAS, the CDC recommends wearing cloth face coverings in public settings where other social distancing measures are difficult to maintain including but not limited to, grocery stores and pharmacies and other areas of significant community-based transmission; and

WHEREAS, the CDC is advising the use of simple cloth 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.

WHEREAS, on June 26, 2020, Mayor Quinton Lucas has issued this Ninth Amended Order 20-01; NOW, THEREFORE,

IT IS SO ORDERED:

That in accordance with Section Six below, the Seventh Amended Order 20-01 dated May 28, 2020, is hereby repealed and the following Ninth 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 exercise social distancing requirements at all times, including wearing face coverings or masks when others may be present closer than 6 feet away.
- B. All persons are encouraged to limit exposure, to the extent possible, by wearing masks, 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 and wearing a Face Covering that cover the nose and mouth in any indoor public accommodation.

## 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. All previous limits on business operations and gatherings under previous COVID-19 orders are rescinded, with the following exceptions:
1. Taverns shall limit the number of occupants to no more than 50% of building occupancy.
  2. All employees or visitors to any indoor public accommodation must wear face coverings in an area or while performing an activity which will necessarily involve close contact or proximity to co-workers or the public where six feet of separation is not feasible. These spaces include, but are not limited to, grocery and other retail stores, special events, and public transit. Exceptions:
    - i. Minors, though CDC guidance strongly recommends that children over age ten wear face coverings.
    - ii. Persons who have disabilities that:
      - a. Prevent them from comfortably wearing or taking off a Face Covering.
      - b. Prevent them from communicating while wearing a Face Covering.
    - iii. Persons who have a respiratory condition that is exacerbated by the wearing of a Face Covering.
    - iv. Persons who have been told by a medical, legal, or behavioral health professional not to wear a Face Covering.

- v. Persons who are in a restaurant or tavern and are engaged in consuming food or drink while adequately distanced from other patrons.
  - vi. Persons who are hearing impaired, or communicating with a person who is hearing impaired, where the ability to see the mouth is essential for communication.
  - vii. Persons who are obtaining a service involving the nose or face for which temporary removal of the Face Covering is necessary to perform the service.
3. In the interest of public health and to avoid a 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.
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 (for example, salons, restaurants, gyms, and taverns) shall maintain six feet of distance between areas of service, such as tables, booths, or stations in addition to the wearing a Face Covering.
- C. 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. Exemptions. All first responders, emergency management personnel, emergency dispatchers, law enforcement personnel, and any individuals performing essential government functions 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 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 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 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. The Ninth Amended Order herein shall take effect at 12:01 a.m. on Monday, June 29th, 2020 and shall expire at 12:01 a.m. on Sunday, July 12, 2020 unless and until it is extended, rescinded, superseded, or amended in writing prior thereto.

Authenticated as Adopted

This 26th day of June, 2020

  
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Quinton D. Lucas  
Mayor

Filed with me, the City Clerk of the City of Kansas City, Missouri, this 26<sup>th</sup> day of June, 2020, by Mayor Quinton D. Lucas, whose signature I hereby attest.

  
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Marilyn Sanders  
City Clerk

