

CITY OF FOUNTAINS
HEART OF THE NATION



KANSAS CITY
MISSOURI

QUINTON D. LUCAS
Mayor

FIFTH 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

WHEREAS, 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 April 16, 2020, Mayor Quinton Lucas issued a Second Amended Proclamation and a Third Amended Order 20-01 to extend the period of the state of emergency to May 15, 2020, 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; and

WHEREAS, on April 29, 2020, the Kansas City Health Department confirmed 520 cases of the COVID-19 illness in Kansas City, Missouri, and 7,425 cases in the state of Missouri; and

WHEREAS, on April 30, 2020, Mayor Quinton Lucas signed a Third Amended Proclamation to extend the period of the state of emergency to August 15, 2020, 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;

WHEREAS, on April 30, 2020, Mayor Quinton Lucas signed a Fourth Amended Order 20-01 related the COVID-19; and

WHEREAS, on May 4, 2020, Mayor Quinton Lucas has issued this Fifth Amended Order 20-01 to supersede all prior orders; NOW, THEREFORE,

IT IS SO ORDERED:

That in accordance with Section Eight below, the Fourth Amended Order 20-01 dated April 30, 2020, is hereby repealed and the following Fifth Amended Order 20-01 (the "Order") is enacted in lieu thereof, to read as follows:

Section One: Stay At Home

- 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 shall 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 Soft Opening

- 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 Department 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 Department of

Public Health and provided those businesses allow workers to maintain social distancing where possible.

- D. Non-essential businesses shall allow employees who have been able to work from home during the emergency proclamations to continue to do so while this order is in effect.
- E. Non-essential businesses shall allow employees with health or safety concerns or with responsibilities to care for children or other persons to not report to work while this order is in effect.
- F. Non-essential business operations that generally are open to the public and are operating in a publicly accessible capacity, such as non-essential retail stores 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) persons or ten (10) percent of building occupancy (whichever number is greater). 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 on the premises. 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 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.
- G. 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 or barber shops) shall mandate all service providers wear masks and gloves while providing services. Customers should wear masks to the extent possible. Both the service providers and customers must follow any and all other guidance mandated by the Director of Public Health to the fullest extent practicable while receiving personal services.
- H. Religious gatherings, including, but not limited to, weddings, funerals, memorial services, and wakes, of ten (10) persons inside or ten (10) percent of building occupancy (whichever number is greater) and fifty (50) people outside 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 attendees where appropriate. Attendees are not required, however, to provide their names or contact information at any religious gathering. In the event of a Covid-19 outbreak connected to a religious gathering, a religious 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 religious 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.

- I. Restaurants and bars, except for carry out and pick up orders, public access to government buildings, gyms, the Kansas City Zoo, museums, and city-maintained playground equipment shall remain closed.
- J. Businesses may refuse service to customers without masks.
- K. Social events are permitted with ten (10) or fewer persons gathered in one place inside or fifty (50) persons outside, subject to social distancing requirements.
- L. K-12 Schools remain closed for in-person activity.

Section Three: Definitions and Exemptions

- A. Definitions. For purposes of this section, the following terms will have the meaning ascribed to them:
 - 1. "Essential Activities," shall mean:
 - i. To engage in activities or perform tasks essential to their health and safety, or to the health and safety of their family or household members (including, but not limited to, pets), or close personal acquaintances, such as, by way of example only and without limitation, obtaining medical supplies or medication, visiting a health care professional, or obtaining supplies they need to work from home;
 - ii. To obtain necessary services or supplies for themselves and their family or household members, or close personal acquaintances, or to deliver those services or supplies to others, such as, by way of example only and without limitation, canned food, dry goods, fresh fruits and vegetables, pet supply, fresh meats, fish, and poultry, and any other household consumer products, and products necessary to maintain the safety, sanitation, and essential operation of residences;
 - iii. To engage in outdoor activity, provided the individuals comply with Social Distancing Requirements as defined in this Section, such as, by way of example and without limitation, biking, walking, hiking, or running;

- iv. To perform work providing essential products and services at an Essential Business or to otherwise carry out activities specifically permitted in this Order, including Minimum Basic Operations, as defined infra, at Non-Essential Businesses; and
 - v. To care for a family member, close personal acquaintance, or pet in another household.
 - vi. Essential Activities do not include weddings, funerals, wakes, memorial services, or similar gatherings.
2. "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—for purposes of facilitating distance learning or performing essential functions related to distance learning and provision of other services related student welfare, including but not limited to food provision and delivery, 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. Childcare facilities. To the extent possible, childcare facilities should operate under the following conditions:
 - 1. Childcare should be carried out in stable groups, preferably with ten (10) or fewer (“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; and
 - 4. Childcare providers should remain solely with one group of children.
- 3. “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.
- 4. “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.
- 5. “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.
 - 6. “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. School Operations.

- A. For purposes of this section, “School Operations” means any institution of elementary or secondary education, including but not limited to public, chartered, private, or parochial institutions. School Operations does not include a requirement that school buildings be closed if needed to house individuals, distribute food or clothing, provide medical care or any other services deemed necessary to protect the life and property of Kansas Citizens and other critical resources.
- B. That due to unique characteristics and risks associated with transmission dynamics, the likely spread of the disease based on factors of social distancing, the clinical severity of COVID-19, the lack of vaccine or antivirals as treatment options, the crowd density, the inability to ensure social distancing and to prevent close contact among groups, in-person classroom-based School Operations are prohibited from taking place in the City of Kansas City, Missouri, during the duration of any proclaimed state of emergency and this Order, unless School Operations leadership can demonstrate to the satisfaction of the Director of Health that sufficient mitigation plans for infectious diseases are in place.
- C. That the City Manager is directed, in concert with or acting through the Director of Health, to immediately make and adopt rules and regulations for the evaluation of and approval of sufficient mitigation plans for this infectious disease.

Section Five. 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 Six. 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 at least five days before the time specified therein.

Section Seven. 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 Eight. This Order shall take effect at 12:01 a.m. on Wednesday, May 6, 2020 and shall expire at 12:01 a.m. on Friday, May 15, 2020 unless and until it is extended, rescinded, superseded, or amended in writing prior thereto.

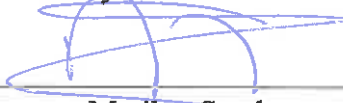
Authenticated as Adopted

This 4th day of May, 2020



Quinton D. Lucas
Mayor

Filed with me, the City Clerk of the City of Kansas City, Missouri, this 4 day of May, 2020, by Mayor Quinton D. Lucas, whose signature I hereby attest.



Marilyn Sanders
City Clerk