

Introduced by \_\_\_\_\_

First Reading \_\_\_\_\_

Second Reading \_\_\_\_\_

Ordinance No. \_\_\_\_\_

Council Bill No. B 260-21

**AN ORDINANCE**

establishing the requirement to wear a face mask in certain locations in order to prevent or limit the spread of the COVID-19 disease; authorizing the adoption of further orders for the implementation of the ordinance; declaring an emergency for enactment; and fixing the time when this ordinance shall become effective.

WHEREAS, the novel coronavirus disease (COVID-19) is a highly infectious and dangerous disease that on March 11, 2020 was declared by the World Health Organization to be a pandemic; and

WHEREAS, on March 13, 2020 the President of the United States issued Proclamation 9994 declaring the COVID-19 pandemic to be a national emergency and subsequently, pursuant to Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)), on February 24, 2021 such national emergency was extended beyond its one year anniversary date the President who declared it was necessary to continue the national emergency finding that the COVID-19 pandemic continues to cause significant risk to the public health and safety of the nation; and

WHEREAS, on March 26, 2021 Governor Mike Parson signed Executive Order 21-07 extending the state of emergency related to COVID-19 in Missouri through August 31, 2021; and

WHEREAS, according to the federal Centers for Disease Control (“CDC”), COVID-19 continues to pose a serious risk, especially to individuals who are not fully vaccinated, and certain safety measures remain necessary to protect against COVID-19 cases and deaths; and

WHEREAS, there is evidence of continued community transmission of COVID-19, in particular the rise of Delta variant cases, within the City of Columbia; and

WHEREAS, on August 3, 2021, the Columbia/Boone County Health Department confirmed a five (5) day average of 56.6 cases of COVID-19 in Boone County; and

WHEREAS, as of August 3, 2021, approximately 54% of Boone County residents eligible to be vaccinated were fully vaccinated and during the month of July, Boone County experienced a sustained increase of first-dose vaccinations of Boone County

citizens with the average of 1,368 first dose vaccinations per week in July and an average of 800 first dose vaccinations per week in the month of June; and

WHEREAS, as of August 4, 2021 the number of COVID-19 cases and hospitalizations in Columbia reflect 935 active cases and 22 Boone County citizens hospitalized and local hospitals operating at yellow alert indicating the hospital is operating within standard capacity; however, the hospital may be delaying non-emergency patient transfers from referring hospitals due to capacity and/or staffing concerns or delaying non-urgent procedures and operations to provide additional inpatient capacity; and

WHEREAS, the new case rate in Boone County was 25.1 per 10,000 during the week of July 23-29, 2021; and

WHEREAS, the COVID-19 test positivity rate during the week of July 23-29, 2021 was 38.3%, indicating a high level of community transmission of the virus; and

WHEREAS, on July 27, 2021, the CDC issued new guidance, recommending all vaccinated individuals and all unvaccinated individuals in “substantial” or “high” transmission areas, with either more than 50 cases per 100,000 people in the area over a seven-day period, or with a COVID-19 test positivity rate higher than 5% wear a mask indoors; and

WHEREAS, Boone County is currently classified as a high transmission area by the CDC; and

WHEREAS, due to the continued spread of COVID-19 and its variants, it is necessary for the immediate preservation of public health, safety and welfare of the residents of Columbia to take steps to mitigate the spread of the disease; and

WHEREAS, the key transmission method for the COVID-19 virus is through respiratory droplets that people expel when they breathe, speak, cough, or sneeze; and

WHEREAS, people can be infected with the COVID-19 virus and be asymptomatic or pre-symptomatic but still be contagious to others; and

WHEREAS, numerous epidemiologists have found that widespread use of a face mask is necessary to prevent the more rapid spread of the COVID-19 virus, and thereby necessary for the safety and health of Columbia citizens, residents, and visitors; and

WHEREAS, the United States Centers for Disease Control and Prevention has recommended that members of the public, when they need to interact with others outside the home, and especially in indoor settings should cover the mouth and nose to prevent inadvertently spreading COVID-19; and

WHEREAS, the City Council finds that wearing a face mask is an appropriate and necessary method of reducing the spread of COVID-19 and will be the least restrictive means imposed with the greatest benefit to reduce community spread; and

WHEREAS, the City Council finds it is necessary for the immediate preservation of public health and safety to enact such rules and regulations regarding the use of face masks as an emergency ordinance on the day of introduction so that such rules may go into effect immediately.

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBIA, MISSOURI, AS FOLLOWS:

**SECTION 1. Incorporation of findings.** The City Council makes and reaffirms the findings set forth above and incorporates the same by reference as if fully set forth herein.

**SECTION 2. Emergency clause, effective date and duration.** Due to the community spread of the COVID-19 pandemic within the City of Columbia and for the immediate preservation of public health, safety and welfare, this ordinance is enacted as an emergency ordinance on the same day as introduction of the bill as set forth in Article II, Section 15 of the Home Rule Charter of the City. This ordinance shall go into effect immediately after its passage by six-sevenths (6/7) of the members of the City Council and shall remain in effect for thirty (30) days after the effective date or until it is extended, rescinded, superseded or amended in writing by later adopted ordinances.

**SECTION 3. Definition.** As used in this ordinance, a “Face Mask” means a covering made of cloth, fabric, or other soft or permeable material, without holes, that covers only the nose and mouth and surrounding areas of the lower face. A covering that hides or obscures the wearer’s eyes or forehead is not a Face Mask. A Face Mask may be factory-made, or may be handmade and improvised from ordinary household materials. Any mask that incorporates a one-way valve designed to allow air to escape from behind the mask does not comply with Face Mask requirements.

**SECTION 4. Wearing of Face Masks Required.** Except as otherwise provided in this ordinance, all persons age five (5) years old and above who are present within the jurisdiction of the City of Columbia in an indoor or outdoor public space are required to wear a clean Face Mask any time they are, or will be, within six (6) feet of another person who is not a member of such individual’s household. Children between the ages of two (2) to five (5) are strongly encouraged, but not required, to wear face coverings.

**SECTION 5. Exempted Activities.** A person may remove their Face Mask where otherwise required under the following circumstances:

1. When participating in an indoor or outdoor sporting activity;
2. While in a private residence or a personal vehicle; provided however, the wearing of a Face Mask shall be required in all common areas of any multifamily structure;
3. While eating or drinking while seated at a table in a restaurant or bar, provided that there is a distance of at least six (6) feet from persons seated at other tables;

4. When an individual has a medical condition, mental health condition, disability, or a condition which impairs hearing that prevents wearing a Face Mask and is essential to communication; provided however, such individual must maintain a distance of at least six (6) feet from other persons who are not a member of such individual's household when a Face Mask is not being worn;
5. Temporary removal is authorized for individuals receiving a personal or medical service, at the request of law enforcement, or when otherwise required to confirm the individual's identity.

**SECTION 6. Exempted Entities.** The provisions of this ordinance shall not apply to any property located within the city limits under the jurisdiction and control of one or more of the following entities:

1. The County of Boone;
2. The State of Missouri, including but not limited to the University of Missouri; and
3. The United States of America, including but not limited to the Harry S. Truman Memorial Veterans' Hospital.

Nothing contained herein shall prohibit an exempted entity or private party from enacting a Face Mask requirement for premises under the control of the exempted entity or private party that meet or exceed the requirements of this ordinance.

**SECTION 7. Adoption of Orders.** This ordinance is in addition to and supplements any orders which may be issued by the City Director of Health and Human Services ("Director"). The City Manager and Director are hereby expressly authorized to make such additional orders as are necessary and reasonable for the effective implementation of this ordinance, including such exceptions as are not detrimental to the public health. Nothing in this ordinance shall limit on the authority of the City Manager or the Director to issue orders under existing authority, including orders extending the requirement to wear masks as needed for the protection of human health.

**SECTION 8. Enforcement.** A person who has been convicted of a violation of this ordinance or an order implementing this ordinance may be sentenced to pay a fine which does not exceed fifteen dollars (\$15.00) for an individual and one hundred dollars (\$100.00) for a business, government or non-profit entity of any kind. For a business, government or non-profit entity, each violation of the requirements of this ordinance by an individual within or working for the entity shall be a separate violation. By way of example, where two people who are not members of the same household are in a business vehicle and are not wearing masks, each individual is subject to a fine of \$15.00 and the business is subject to two fines of \$100.00 each for a total of \$200.00.

**SECTION 9. Severability clause.** If any provisions, sections or portion of this ordinance is found or determined by a court for any reason to be invalid or

unenforceable, those provisions shall be severed from the remaining portions of this ordinance, which shall remain effective in the absence of any invalid or unenforceable provisions.

PASSED this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

ATTEST:

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
Mayor and Presiding Officer

APPROVED AS TO FORM:

\_\_\_\_\_  
City Counselor