AN ORDINANCE OF THE CITY OF KIRKSVILLE, MISSOURI, IN RESPONSE TO THE 2019 NOVEL CORONAVIRUS (COVID-19) PANDEMIC.

WHEREAS, the novel coronavirus disease (COVID-19) is considered an infectious, highly contagious communicable and dangerous disease and 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 declared the outbreak of COVID-19 in the United States constitutes a national emergency and the Governor of the State of Missouri declared a state of emergency within in the State of Missouri; and

WHEREAS, on March 15, 2020, the Centers for Disease Control and Prevention (the “CDC”) in accordance with guidance for large events and mass gatherings, recommends private or public planned or spontaneous gatherings be limited in size to 50 people or less and that events with fewer than 50 people be permitted only if the organizers adhere to guidelines for protecting vulnerable populations, hand hygiene, and social distancing; and

WHEREAS, on March 16, 2020, Presidential Coronavirus Guidelines further recommends to avoid social gatherings in groups of more than 10 people and to avoid eating or drinking at bars, restaurants, and food courts, but are encouraged to use drive-thru, pickup, or delivery options; and

WHEREAS, the CDC guidance dated March 15, 2020 “is not intended to supersede the advice of local public health officials”; and

WHEREAS, on March 21, 2020, Missouri Governor Michael L. Parson directed Missouri Department of Health and Senior Services (DHSS) Director Dr. Randall Williams to order statewide social distancing; and

WHEREAS, the City Council of the City of Kirksville, Missouri has the authority pursuant to the provisions of state law including, but not limited to, RSMo 77.530 to make regulations and pass ordinances for the prevention of the introduction of contagious diseases into the City of Kirksville, Missouri and for the abatement of the same, and may make quarantine laws and enforce the same within five (5) miles of the city; and

WHEREAS, the Health Official of the County of Adair, Missouri has the authority pursuant to 19 CSR 20-20.040(2) (G) “Establish appropriate control measures which may include...the creation and enforcement of adequate orders to prevent the spread of the disease and other measures considered by the department and/or local health authority as appropriate disease control measures based upon the disease...and any other available information related to the...disease or infection: and (E) Establish and maintain quarantine, isolation or other measures as required; and

WHEREAS, to limit the spread of COVID-19, to protect the public health, and to provide essential protections to the citizens of the City of Kirksville, Missouri it is reasonable and necessary to impose limited and temporary restrictions on the use of certain places of public accommodation.

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

A State of Emergency exists in the City of Kirkville, Missouri and the City Council hereby invokes and declares in full force and effect all laws, statutes and regulations of the State of Missouri and the City of Kirkville, Missouri, for the exercise of all necessary emergency authority for the protection of the lives and property of the people of the City of Kirkville, Missouri, and the continuity of local government with minimum of interruption.
The City Council does hereby ORDER and DECLARE the following:

1. All individuals currently living within the City of Kirksville are ordered to shelter in place at their place of residence except as allowed in this Ordinance. All persons may leave their homes or place of residence or if visiting the City as a non-resident only for Essential Activities, Essential Governmental Functions, or to operate Essential Businesses and Operations, all as defined in this Ordinance.
   a. To the extent individuals are using shared or outdoor space when outside their residence, they must at all times and as much as reasonably possible adhere to social distancing requirements.
   b. Individuals experiencing homelessness are exempt from this Order but are strongly urged to obtain shelter. Individuals whose residence is unsafe or becomes unsafe, such as victims of domestic violence, are permitted and urged to leave their home and stay at a safe alternative location. For purposes of this Ordinance, homes or residences include hotels and motels.
2. All businesses and operations with the City, except Essential Businesses and Operations are required to cease all activities except Minimum Basic Operations, as defined in this Ordinance. All businesses are allowed to maintain the value of inventory and infrastructure, provide security, process payroll and employee benefits, or facilitate employees working remotely. For clarity, businesses may also continue operations consisting exclusively of employees or contractors performing activities at their own residence (i.e., working from home).
3. All restaurants and retail food establishments that normally prepare food for on-site consumption are prohibited from conducting any dine-in food service; however, such businesses may provide pickup, drive-through, or delivery services so long as such business otherwise complies with this Ordinance.
4. All Essential Businesses and Operations, as defined in this Ordinance, are encouraged to remain open. To the greatest extent feasible, Essential Businesses and Operations shall comply with Social Distancing Requirements.
5. No business or person may operate or engage in a Prohibited Activity.
6. Beginning immediately, social gatherings, whether private or public, planned or spontaneous, be restricted to no more than 10 people. All places of public accommodation shall institute appropriate health and safety protections including social distancing techniques (e.g., requiring people to be at least six (6) feet apart; reducing the number of employees, customers or other people present; reducing face-to-face contact; using phone calls, virtual meetings, and drop-offs/curb-side, pickups rather than in-person contact).
7. The following places of public accommodation are to be closed to entering, exiting, use and occupancy by members of the public as outlined below:
   a. Restaurants, food establishments, food courts, cafes, coffee houses, and other places of public accommodation offering food or beverage for on-premises consumption; and
   b. Bars, taverns brew pubs, breweries, microbreweries, distilleries, wineries, tasting rooms, special licensees, clubs, and other places of public accommodation offering alcoholic beverages for on-premises consumption.
8. Every place of public accommodation described in paragraph 7 is encouraged to offer food and beverage services to the public using delivery service, window service, walk-up service, drive-through service, or so long as every such person involved implements appropriate precautions to decrease the potential transmission of COVID-19, including social distancing techniques.
9. In offering food or beverage service, every place of public accommodation described in paragraph 7 or the subparagraphs, contained therein, may permit up to ten (10) members of the public at one time in the place of public accommodation for the purpose of picking up their food or beverage orders, as long as any member of the public is at least six (6) feet apart from other people while on the premises. City of Kirksville shall not enforce any provision of an ordinance, permit, or other restriction that would as applied to this specific circumstance, prohibit an existing restaurant or bar from providing delivery service, window service, walk-up service, drive-through service, or drive-up service during the state of emergency.
10. All places of public amusement, whether indoors or outdoors, including but not limited to, locations with amusement rides, carnivals, amusement parks, water parks, roller skating rinks, museums, arcades,

Ordinance #_12378_
fairs, children's play centers, playgrounds (including children's play structures in public or private parks), public park amenities (including restrooms, fishing docks, ballfields, batting cages, basketball courts, tennis courts, dog park and park shelters), funplexes, bowling alleys, movie and other theaters, concert and music halls, and country clubs, golf clubs (with the narrow exceptions of playing golf where there is no shared equipment by the participants and driving ranges where Social Distancing Requirements are strictly followed and enforced), social clubs and athletic clubs shall be closed to the public. An exception shall exist for outdoor parks and trails where no shared equipment is utilized by the patrons.

11. Due to the risk of community spread at such events, Essential Activities do not include weddings, funerals, wakes, memorial services or similar gatherings. All such events or gatherings shall be limited, shall not exceed ten persons (including any clergy or other persons present participating in the ceremony), and shall comply with Social Distancing Requirements. All public parks and open outdoor recreation areas are encouraged to remain open.

Leaving the home for Essential Activities is permitted. For purposes of this Order, individuals may leave their residence for Essential Travel only to perform Essential Activities, as defined below, which are specifically related to health and safety, the procurement of necessary supplies and services, for outdoor activity, for certain types of work and to care for others. When engaging in any outdoor activity, individuals must comply with Social Distancing Requirements. Public transit shall be used only for purposes of performing Essential Activities or to travel to and from work to operate Essential Businesses, Healthcare Operations, or to maintain Essential Governmental Functions or Minimum Basic Operations. People riding on public transit must comply with Social Distancing Requirements. This Order allows travel into or out of the County to perform Essential Activities, operate Essential Businesses, or maintain Essential Governmental Functions or Minimum Basic Operations.

Schools and Social Services Providing Food. Schools and other entities that ordinarily provide food services to students or members of the public may continue to do so under this Order provided that the food is provided to students or members of the public on a delivery or pick-up and take-away basis only. Schools and other entities, other than childcare facilities, that provide food services under this paragraph shall not permit the food to be eaten onsite.

Exemptions. All 911 call center employees, fire personnel, corrections personnel, healthcare employees, hazardous material responders from government or the private sector, workers maintaining digital systems infrastructure supporting law enforcement and emergency service operations, first responders, emergency management personnel, emergency dispatchers, court personnel, law enforcement personnel; and people designated by the applicable governing authority are necessary in the performance of Essential Government Functions are exempt from this Order to the extent such people are performing these functions.

Access to Essential Governmental Functions. Nothing in this Order shall prohibit any individual from performing or accessing Essential Governmental Functions.

Definitions For purposes of this order, these terms, regardless of whether capitalized, are defined as follows:

1. "Business" or "businesses" means any for-profit companies, non-profit organizations, benevolent associations, limited liability companies, or partnerships, regardless of legal organization, form, entity, tax-treatment, or structure;

2. "CDC" means the Centers for Disease Control and Prevention of the United States 4 Department of Health and Human Services;

3. "City" means all areas of the City of Kirksville, Missouri.

4. "Director" means the Director of Health and Senior Services for the State of Missouri, or other state or federal authority having jurisdiction.

5. "Disqualified Businesses" means any Essential Business that is disqualified from being an Essential Business, by Court order of the Director, or by judicial decree or court order;

Ordinance #12318
6. "Employee" means someone employed by another usually for wages or salary including executive level.
7. "Essential Activities" means activities that are necessary for a person to:
   a. act or perform tasks essential to any person's health and safety, or to the health and safety of their family, household members, or pets, including but not limited to obtaining medical supplies or medication, visiting a health care professional, obtaining supplies needed to work from home, or laundering clothing;
   b. obtain Necessary Services or Supplies for themselves and their family, household members, or pets, or to deliver Necessary Services or Supplies to others;
   c. engage in Essential Travel;
   d. shop for grocery products, food, beverages, or other household and consumer products (for example, cleaning or personal care products including but not limited to products necessary to maintain the safety, sanitation, communication, and the essential operation of Residences);
   e. engage in services or perform work necessary to operate or maintain Essential Critical Infrastructure;
   f. engage in outdoor activity (including walking, hiking, running, or biking) to the extent reasonably consistent with Social Distancing Requirements (including, for example, walking outdoors six feet away from another person);
   g. participate in religious services and other spiritual practices but only to the extent consistent with reasonable compliance with Social Distancing Requirements and gathering size limitations;
   h. acts consisting of providing Essential Products and Services to a Residence, an Essential Business, or to a business in order for that business to maintain Minimum Basic Operations;
   i. activities at open construction sites, irrespective of types of structures, subject to applicable OSHA and other safety guidelines, and related architectural, design, and land surveying activities, so long as the people involved reasonably comply with Social Distancing Requirements to the extent consistent with applicable safety guidelines;
   j. necessary care for a dependent in the person's legal custody, including acts essential for a parent with legal custody to transfer the physical custody of a child;
   k. care for a family member in another household;
   l. engage in Essential Government Functions;
   m. engage in Healthcare Operations;
   n. engage in Essential Businesses;
   o. exercise constitutional rights to the extent that by so acting the person does not endanger the public health and safety or the health and safety of any person;
   p. acts consisting of providing Essential Products and Services to the federal government, the state government, or other political subdivision of the state of Missouri;
   q. act or perform tasks approved pursuant to an order of the Director.
8. "Essential Businesses" means, with the exception of Disqualified Businesses, the following:
   a. Healthcare Operations;
   b. Essential Critical Infrastructure;
   c. Essential Government Functions;
   d. grocery stores, farmers' markets, farm stands, produce stands, supermarkets, food banks, food pantries, convenience stores, or other establishments engaged in the retail sale of or providing canned food, dry goods, fruits, vegetables, pet supply, meats, fish, and poultry, or any household consumer products (e.g., cleaning or personal care products), including but not limited to stores that sell groceries and also sell other non-grocery products, and products necessary to maintaining the safety, sanitation, and essential operation of Residences; however, no dine in service is permitted;
   e. businesses that engage in food cultivation, including farming, livestock, and fishing;
   f. businesses that engage in food and lumber production, manufacturing, processing, packaging, wholesaling, storage, warehousing, or distribution;
g. businesses that provide food, shelter, social services, or other necessities of life for economically disadvantaged or people otherwise in need of social services (including but not limited to individuals with physical, intellectual, or developmental disabilities);

h. newspapers, television stations, radio stations, and other media services, whether private or public;

i. gas stations, auto-supply, auto-repair, and related facilities;

j. banks, financial institutions, broker-dealers, asset managers, businesses that process payroll for any other business, and businesses that process financial transactions and services;

k. trash collection and disposal;

l. hardware stores;

m. inns, hotels, motels, and bed and breakfast establishments; however, dine-in service at on-site restaurants and bars is not permitted;

n. plumbers, electricians, exterminators, and other service providers who provide services that are necessary to maintaining the safety, sanitation, communication, and essential operations of Residences, Healthcare Operations, Essential Critical Infrastructure, Essential Government Services, Essential Activities, or other Essential Businesses;

o. businesses that perform construction services;

p. businesses providing mailing and shipping services, including post office boxes;

q. educational institutions, including public and private K-12 schools, colleges, and universities for purposes of facilitating distance learning, provided that Social Distancing Requirements are maintained to the greatest extent possible;

r. businesses providing private security services in accordance with applicable laws;

s. laundromats, dry cleaners, and laundry service providers;

t. funeral homes, crematoriums, cremation, burial, mortuary services, and cemeteries;

u. churches, religious services, and other spiritual practices but only to the extent consistent with reasonable compliance with Social Distancing Requirements;

v. storage for Essential Businesses;

w. restaurants and other facilities that prepare or serve food; however, only carry out, pick-up or delivery service of such food is permitted and Social Distancing Requirements must be met (i.e. no dine-in service is allowed). Self-service food or self-service condiments are expressly prohibited in any restaurant or facility that prepares or serves food with the sole exception of self-serve fountain drinks served in a new unused disposable cup;

x. businesses that provide emergency repair and safety services for Essential Critical Infrastructure;

y. businesses that supply products needed for people to work from home;

z. businesses that supply Essential Businesses with the support or supplies necessary to operate, including but not limited to maintenance, security, janitorial, and other similar services;

aa. businesses that ship or deliver groceries, food, beverages, goods, or services to Residences or other Essential Businesses;

bb. non-profit organizations to the extent that the organizations are providing financial or social support for people and businesses that are impacted by COVID-19;

cc. businesses that manufacture or supply products necessary to meet the Social Distancing Requirements, including but not limited to manufacturers of hand sanitizers and other hygiene, health, and cleaning products, and the businesses whose products and services are necessary to the ongoing operation of the businesses whose products are necessary to meet the Social Distancing Requirements;

dd. businesses that provide personal and transportation services including airlines, taxis, transportation network providers, livery services, vehicle rental services, and other private transportation providers providing transportation services necessary for Essential Activities and other purposes expressly authorized in this Order;

ee. businesses or agencies providing public transportation or paratransit;
ff. businesses that provide home-based care for the health of seniors, adults, or children;

gg. residential facilities and shelters for seniors, adults, or children, including but not limited to those
for survivors of family violence, domestic violence, intimate partner violence, child abuse, or child
neglect;

hh. defense and national security-related operations supporting the federal government or a contractor
to the federal government;

ii. professional services, such as legal services, accounting services, insurance services, real estate
services (including appraisal, mortgage and title services) or financial services, when necessary
to assist in compliance with legally mandated activities or to assist a person in the exercise of
constitutional rights, including but not limited to services required by a court order, a court rule, a
fiduciary duty, a duty to the person's client, or an ethical obligation;

jj. businesses and agencies that provide and help to determine eligibility for basic needs including
food, cash assistance, medical coverage, childcare, vocational services, or rehabilitation services;

kk. adoption agencies;

ll. Labor union essential activities, including the administration of health and welfare funds and
personnel checking on the well-being and safety of members providing services in Essential
Businesses provided that these checks should be done by telephone or remotely where possible;

mm. professional services, such as legal or accounting services, when related to the necessary
activities of Essential Businesses;

nn. operations identified by the area colleges and Universities of Missouri together with such
individuals who have been authorized by these colleges and Universities to work on-site at
premises for operational continuity including any travel authorized by the colleges and Universities
for such individuals;

oo. adult detention facilities and juvenile justice facilities or similar operations; and

pp. businesses or independent providers that provide childcare or other dependent services but only
to the extent that they comply with Missouri Department of Health and Senior Services regulations,
and take reasonable actions to comply with Social Distancing Requirements.

qq. any other businesses or services not listed herein that have been deemed as essential by the
Federal Government of the United States of America.

It shall be the responsibility of the Essential Business to prepare for and provide to those employees expected
to report to work, documentation on official company letterhead stating the name of the employee and the
Essential Business category authorizing the employee's travel to and from work.

9. "Essential Government Functions" means all services needed to ensure the continuing operation of
federal, state, or local government departments, offices, agencies, officials, political subdivisions, entities
created by intergovernmental agreement, essential court functions as determined by the Presiding Judge
or the Presiding Judge's designee, and any other government functions necessary to provide for the
health, safety, and welfare of the public;

10. "Essential Critical Infrastructure" means operation and maintenance of essential critical infrastructure
sectors whose assets, systems, and networks, whether physical or virtual, are considered so vital that
their incapacitation or destruction would have a debilitating effect on security, economic security, public
health or safety, or any combination thereof and more fully identified by the US Department of Homeland

11. "Essential Products and Services" means products and services that are necessary for Essential
Activities, Essential Government Functions, Essential Critical Infrastructure, Essential Travel, Essential
Businesses, Minimum Basic Operations, or Healthcare Operations (including ancillary operations,
maintenance, and support activities that are necessary to deliver the Essential Products and Services);

12. "Essential Travel" means travel that is necessary to serve any of the following purposes:
a. Travel related to Essential Activities, Essential Government Functions, Essential Critical Infrastructure, Essential Travel, Essential Businesses, Minimum Basic Operations, or Healthcare Operations;
b. Travel to care for elderly, minors, dependents, persons with disabilities, or other vulnerable or High Risk people;
c. Travel to an Essential Business to purchase goods or services from the Essential Business;
d. Travel to or from educational institutions for purposes of receiving materials for distance learning, for receiving meals, and any other related services;
e. Travel to return to a place of Residence from outside the jurisdiction;
f. Travel required by court order;
g. Travel required by directions from law enforcement personnel with authority; and
h. Travel required for non-residents to return to their place of Residence outside the City.
13. "Gathering" means an occasion when people come together as a group, whether formal or informal and whether public or private;
14. "Health" means the physical, mental, psychological, or psychiatric health of any person;
15. "Healthcare Operations" means hospitals, clinics, dentists, doctors, physicians, nurses, medical assistants, social workers, speech pathologists, diagnostic and therapeutic technicians and technologists, respiratory therapists, occupational and physical therapists, public health and community health workers, blood donation related organizations, organizations collecting blood, organizations collecting plasma, organizations collecting platelets, reproductive health care providers, eye care centers (including those that sell glasses and contact lenses), substance abuse counselors, pharmacies, pharmaceutical and biotechnology companies, doctor offices, dentist offices, healthcare facilities, healthcare suppliers, home healthcare services providers, mental health providers, any ancillary healthcare services, research and laboratory services, hospital and laboratory personnel, walk-in health facilities, elder care, medical wholesale and distribution, veterinary care, veterinarians, animal health services, workers providing COVID-19 testing, workers that perform critical clinical research needed for the COVID-19 response, facilities licensed pursuant to state constitutional amendment, the design and construction of healthcare and research related facilities including businesses that support the function and care for healthcare entities, and manufacturers and distributors of personal protective equipment, durable medical equipment, or other equipment used in the provision of healthcare. This definition shall be construed broadly to avoid any impacts to the delivery of healthcare, broadly defined, however "Healthcare Operations" does not include fitness and exercise gyms, esthetician services, tattoo parlors, tanning facilities, spas, massage facilities, or similar facilities;
16. "High Risk" means a person who is any one of the following: (a) over sixty years of age; (b) has a chronic health condition such as heart disease, lung disease, or diabetes; (c) is immune-compromised; or (d) is pregnant;
17. "Intentional" means an act done with a purpose or with deliberation;
18. "Minimum Basic Operations" means the minimum necessary activities to maintain the value of a business's inventory, provide security, process payroll or employee benefits, or to facilitate employees of the business being able to continue to work remotely from their Residences.
19. "Necessary Services or Supplies" means services, supplies, or funds needed to engage in Essential Activities and support Essential Critical Infrastructure;
20. "Organizes" means intentionally coordinate, to make arrangements for, or to make preparations for an event or an activity;
21. "Prohibited Activities" means any of the following:
   a. Any gathering of ten or more people in a single space or room, unless otherwise specifically permitted by this Order; or
   b. Activities regarding places of public amusement, whether indoors or outdoors, including but not limited to locations with amusement rides, carnivals, amusement parks, water parks, museums, arcades, fairs, children's play centers, playgrounds (including children's play structures in public or
private parks), funplexes, bowling alleys, movie and other theatres, concert and music halls, country clubs, golf clubs (with the narrow exceptions of playing golf where there is no shared equipment by the participants and driving ranges where Social Distancing Requirements are strictly followed and enforced), social clubs, and athletic clubs. An exception shall exist for outdoor parks and trails where no shared equipment is utilized by the patrons.

22. "Residences" means a house, a condominium unit, an apartment unit, a dwelling, a hotel room, a motel room, a shared rental unit, shelters, or similar facilities but extends only within the bounds of the person's ownership, the person's leasehold interest, or the space occupied in a hotel, motel or shared rental unit and does not include common areas;

23. "Social Distancing Requirements" means the social distancing recommendations of the CDC which include maintaining at least six-foot social distancing from other individuals, washing hands with soap and water for at least twenty seconds as frequently as possible or using hand sanitizer with more than sixty percent alcohol, covering coughs or sneezes with something other than hands, regularly cleaning high-touch surfaces, and not shaking hands, or as otherwise defined by order; and

24. "Travel" means moving from place to place.

Application with other laws. Unless otherwise specifically provided or suspended in this Order, any order of the Director, or any Executive Order, this Order shall not supplant, supersede, replace, rescind, amend, or modify any other law, ordinance, rule, regulation, or permit condition or requirement, including but not limited to those that may apply to Essential Business or Essential Activities.

Enforcement. Failure to comply with this Ordinance is an Ordinance Violation, and the person, upon conviction, shall be fined not less than fifty dollar ($50.00), and no more than five hundred dollars ($500.00) for each violation, or confined for a period of not more than ninety (90) days, or punished by both such fine and imprisonment. Any business found to be in violation shall be subject to prosecution for each day as a separate offense and the business shall additionally be subject to a revocation of its business license and a disconnection of utility service.

In addition the City may enforce this Ordinance civilly through injunctive relief.

This Ordinance shall be in full force and in effect beginning 12:01 am Monday, April 6, 2020 exception Section 6 which is effective immediately. This Ordinance shall remain in effect until 11:59 pm, Friday, April 24, 2020.

THIS ORDINANCE WAS PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF KIRKSVILLE ON THIS 3rd DAY OF April, 2020.

Zac Burden, Mayor

ATTEST:

Lindsay Leckbee, City Clerk