

AN ORDINANCE TO REQUIRE WEARING FACE COVERINGS OR MASKS IN PUBLIC IN THE CITY OF MARYVILLE DURING THE COVID-19 PUBLIC HEALTH EMERGENCY AND RECOVERY

WHEREAS, on January 30, 2020, the World Health Organization (WHO) Director General declared the outbreak of COVID-19, also known as the coronavirus, as a Public Health Emergency of International Concern, advising countries to prepare for the containment, detection, isolation and case management, contact training, and prevention of onward spread of disease; and,

WHEREAS, on March 11, 2020, the World Health Organization (WHO) declared COVID-19 a global pandemic; and,

WHEREAS, the Centers for Disease Control and Prevention (CDC) is closely monitoring the growing number of COVID-19 cases that have spread into the United States and have issued guidance with extraordinary policies and procedures to protect public health and welfare; and,

WHEREAS, on March 13, 2020, the President of the United States issued a Proclamation declaring a national emergency concerning the novel coronavirus disease (COVID-19) outbreak; and,

WHEREAS, also on March 13, 2020, Missouri Governor Michael L. Parson signed Executive Order 20-02 declaring a state of emergency in Missouri in response to the novel coronavirus (COVID-19); and,

WHEREAS, on March 19, 2020, the City Council approved Resolution No. 694 declaring that a public health emergency exists in the City of Maryville, and authorized the Mayor to enact procedures and take certain actions outlined in Section 100.180. Civil Emergency – Powers of the Mayor to Issue Proclamation of Emergency; and,

WHEREAS, the Centers for Disease Control and Prevention (CDC) has recommended that members of the public, when they need to interact with others outside the home, and especially in settings where many people are present, should cover their mouth and nose to prevent inadvertently spreading COVID-19; and,

WHEREAS, Ordinance No. 8288 was approved on July 22, 2020, requiring the use of face coverings or masks in public in the City of Maryville during the COVID-19 public health emergency and recovery; and,

WHEREAS, the face covering requirement outlined in Ordinance No. 8288 was subsequently extended by the City Council through 11:59 p.m., January 31, 2021; and,

WHEREAS, the City Council continues to find that it is in the best interest of the public peace, health, welfare and safety, and to preserve the lives of citizens of the City of Maryville, to require that masks, consisting of at least simple cloth face coverings, be worn by persons when interacting in certain public settings as further described below.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MARYVILLE, MISSOURI, as follows:

SECTION 1. All persons five (5) years old or older who are present in the City of Maryville shall wear a face covering when inside public facilities or businesses that are open to the public, public transportation vehicles, and outside when social distancing of at least six (6) feet cannot be maintained.

SECTION 2. Exceptions for face coverings will be made under the following circumstances:

- 1) Minors under the age of five (5) years old; and,
- 2) Persons who fall into the Centers for Disease Control and Prevention's guidance for those who should not wear face covering due to a medical condition, mental health condition, development disability, or are otherwise covered under the Americans with Disabilities Act.
- 3) Persons who have trouble breathing, or are unconscious, incapacitated, or otherwise unable to remove the face covering without assistance; and,
- 4) Persons who are at a place of public accommodation who are consuming food or drink, while adequately distanced from other patrons, however such persons must wear a face covering while in waiting areas and while walking to and from seating or other parts of the premises; and,
- 5) Persons engaging in organized group or team sports, exercise or other physical activities where it is not practical or feasible to wear a mask or socially distance.
- 6) Persons who are obtaining dental care, medical treatment, or other service involving the face or nose for which temporary removal of the face covering is necessary to perform the service; and,
- 7) Persons working in settings which might increase the risk of heat-related illnesses; and,
- 8) Persons who are outdoors while maintaining physical distancing of at least six (6) feet, and persons who are outdoors who are closer than six (6) feet to solely members of their own household.

SECTION 3. A face covering or mask is defined as a device to cover the nostrils and mouth of a person to impede the spread of saliva or other fluids during speaking, coughing, sneezing, or other intentional or involuntary action. Medical grade masks are not required; coverings may be fashioned from scarves, bandanas or other suitable fabrics. The mask must cover the mouth and nose of the wearer.

SECTION 4. All public facilities and businesses that are open to the public are required to post a sign at all entrances that face coverings or masks are required to be worn inside the facility or business.

SECTION 5. Schools within the City of Maryville shall work with the City and Nodaway County Health Department to implement safety protocols, including the use of face coverings, that can be implemented in a safe and feasible manner at each grade level to mitigate the spread of COVID-19. Face coverings should be worn by all students at the kindergarten level and beyond unless exempted by Section 2.

SECTION 6. Enforcement of this ordinance shall focus on educating and working to promote the mitigation of the spread of COVID-19. A person or business shall be notified of the provisions of this ordinance and will be provided an opportunity to explain an exception or follow guidelines prior to issuance of any citation or other enforcement action.

SECTION 7. That the City of Maryville specifically orders that enforcement shall therefore be administered by first education and an opportunity for compliance, followed by a warning, and a civil citation, if necessary.

SECTION 8. A person who fails to wear a face covering when wearing a face covering is required by the provisions of this ordinance shall be guilty of a violation of a municipal order, punishable by a fine not exceeding \$100.00.

SECTION 9. A person who owns, manages, operates, or otherwise controls a place at which face coverings are required by this ordinance and who fails to comply or to require compliance with the provisions of this ordinance shall be guilty of a violation of a municipal ordinance, punishable by a fine not exceeding \$250.00. No person shall be in violation of this section if such 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 a patron or customer refuses to wear a face covering. Each day on which a violation of this section occurs shall be considered a separate and distinct violation. In addition to fines established by this section, violation of this ordinance by a person who owns, manages, operates, or otherwise controls a place at which face coverings are required by this ordinance may result in a suspension or revocation of any permit or license issued to the person for the premises on which the violation occurred. Any suspension and revocation of liquor licenses will follow procedures outlined in Section 600.250. Suspension and Revocation of Licenses of the Municipal Code of Maryville.

SECTION 10. If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. City Council hereby declares that it would have adopted the ordinance and each section, subsection, sentence, clause, or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

SECTION 11. That this ordinance shall remain in effect until 11:59 p.m., April 30, 2021, unless extended or terminated prior to that date by the City Council.

SECTION 12. That the City Council of the City of Maryville, Missouri, hereby declares that this ordinance, being an ordinance relating to the immediate preservation of the public peace, property, health, safety or morals, is considered a civil emergency within the meaning of Section 100.180. Civil Emergency – Powers of the Mayor to Issue Proclamation of Emergency, and, as such, this ordinance shall become effective immediately upon passage. Specifically, that this ordinance should become effective without delay because widespread use of a face mask is necessary to prevent the more rapid spread of a communicable disease, COVID-19.

PASSED AND APPROVED as an emergency ordinance on the 25th day of January, 2021.

Benjamin Lipiec, Mayor

Attest:

Stacy Wood, City Clerk