

UNDER THE AUTHORITY GRANTED INDIVIDUALLY AND COLLECTIVELY BY THE RELEVANT PROVISIONS OF THE MISSOURI STATE CONSTITUTION, STATUTES, REGULATIONS, AS WELL AS BY RELEVANT PROVISIONS OF THE CHARTER OF THE CITY OF INDEPENDENCE AND CITY CODE PROVISIONS, INCLUDING, BUT NOT LIMITED TO THE MISSOURI CODE OF STATE REGULATIONS, RULES OF DEPARTMENT OF HEALTH AND SENIOR SERVICES AND INDEPENDENCE CITY CODE CHAPTER 11, THE MAYOR OF INDEPENDENCE AND ACTING HEALTH DIRECTOR DO HEREBY ORDER:

WHEREAS, the United States Department of Health and Human Services declared a public health emergency for COVID-19 beginning January 27, 2020, with now more than 27,898,118 cases of the illness and more than 493,176 deaths as a result of the illness across the United States; and

WHEREAS, COVID-19 is a respiratory disease that spreads easily from person to person and may result in serious illness or death; and

WHEREAS, COVID-19 has resulted in 29,438 reported positive cases of COVID-19 in Eastern Jackson County, Missouri, and the deaths of 409 Eastern Jackson County residents; and

WHEREAS, the spread of COVID-19 endangers the health, safety, and welfare of persons and property within Independence, Missouri; and

WHEREAS, to reduce the spread of COVID-19, measures that are recommended and considered effective by the Centers for Disease Control and Prevention ("CDC") include, among other measures, avoiding close contact with other people and covering one's mouth and nose with a cloth face cover when in public settings; and

WHEREAS, the increased spread of COVID-19 also presents a serious threat to the continued effective operation of the local economy within Independence, Missouri; and

WHEREAS, wearing a mask or other whole face covering in public venues reduces transmission of the virus, helps keep our businesses open and our economy running, and keeps children in school; and

WHEREAS, in general, large public gatherings lead to heightened risks of large-scale COVID-19 person-to-person transmission; and

WHEREAS, the number of positive cases have decreased over the past weeks but the percentage of individuals tested with positive test results within Eastern Jackson County have remained high; and

WHEREAS, hospitalizations in the region have seen a continued decline in the past few weeks but remain relatively high; and

WHEREAS, for the aforementioned and other reasons, and in recognition and furtherance of the City's responsibility to provide for and ensure the health, safety, security, and welfare of the people of Independence, Missouri, requiring that masks or other face coverings be worn in public, limiting the size of public gatherings, ensuring physical distancing, and placing certain other limitations on activities are all measures that can be taken to slow and reduce the spread of COVID-19 ; and

WHEREAS, the City's State of Emergency was enacted on March 13th, 2020;

NOW, THEREFORE, BE IT ORDERED by Mayor Eileen Weir and Acting Health Director Christina Heinen:

Section One: Community Health Guidance

- A. People at high risk of severe illness from COVID-19, as recommended by the Health Director, 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 comply with Physical Distancing Requirements at all times, including wearing face coverings or masks when others may be present closer than six feet away.
- B. All persons are encouraged to limit exposure, to the extent possible, by properly wearing face coverings or masks, maintaining Social Distancing Requirements, and avoiding large groups or other crowd-based activities.
- C. For the purposes of this Order: "Physical Distancing Requirements" includes maintaining at least six-foot social distancing from other individuals and wearing a face covering or mask that is affixed in place without the use of one's hands and that securely covers the nose and mouth.

Section Two. Business Operations and Gatherings.

- A. Restaurants, taverns, and all other venues, including public and private or membership-only event spaces, serving food and drink indoors shall limit the number of occupants to no more than 50 percent of building occupancy. Indoor and outdoor patrons must be seated at all times while actively eating or drinking and masked at all times except when actively eating or drinking. Parties shall be spaced with no less than six feet of distance between themselves and individuals from any other parties.
- B. Entertainment and recreational venues shall limit the number of individuals (staff and customers) in the facility, building or room to 50 percent of the lowest occupancy load on the certificate of occupancy of the facility, building, or room (whichever is lower) in which the gathering is occurring.
 - 1. This shall apply to all entertainment venues, recreational facilities, places of amusement, lectures, meetings, fairs, sporting events, and performances, including but not limited to: auditoriums, arenas, banquet halls, cinemas, conference centers, concert halls, performance venues, sporting venues, stadiums, theaters, gyms, fitness, recreational centers, amusement parks, arcades, bingo halls, bowling alleys, casinos, night clubs, skating rinks, adult entertainment clubs, water parks, and trampoline parks.
 - 2. Adequate social distancing of six feet or more must be maintained. If such social distancing cannot be maintained due to facility layout, the occupancy limit should be further reduced to allow for proper distancing.
 - 3. Masks or face coverings must be worn at all times as outlined in this order.
 - 4. Proper Personal Protective Equipment (such as masks and hand sanitizer) must be utilized.
 - 5. Any gathering that wishes to exceed 50% of occupancy must submit a gathering protocol at least 7 days in advance of the event that demonstrates how social distancing, mask wearing, and other protective measures will be ensured.

- C. Masks must be worn in all indoor spaces with more than one person per room and outdoor spaces where social distancing of at least six feet cannot be maintained, except where further exceptions, if any, are approved by the Health Director.

Exceptions to the mask requirement pursuant to this Order include only:

1. Minors below the age of 5; and
 2. Persons who have disabilities for which masks constitute a substantial impairment to their health and well-being based upon medical, behavioral, or legal direction; and
 3. Persons who are in a restaurant or tavern and are actively engaged in consuming food or drink while adequately distanced from other patrons.
 4. Persons who are obtaining a service involving the nose or face for which temporary removal of the face covering or mask is necessary to perform the service.
 5. Professional athletes and recreational athletes actively engaged in high-intensity, organized game play. Masks are required at all other times in gyms and fitness facilities without further exception.
- D. Business operations generally open to the public and operating in a publicly accessible capacity and not described elsewhere in this order shall maintain six feet of distance between areas of service, such as tables, booths, or stations in addition to the wearing of a face covering or mask for all staff and customers.
- E. All businesses are encouraged to allow their employees to work remotely to the fullest extent possible.
- F. 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 and provide for the health, safety, and welfare of the public. All Essential Governmental Functions should be performed in compliance with Physical Distancing Requirements as defined in this order to the extent possible.
- G. Violations: Businesses are responsible for the monitoring and compliance of Physical Distancing Requirements as defined in this order. Businesses found to be in violation of this order may be placed under a curfew restriction of 9 pm, have their business license and any permits suspended or revoked, have charges filed against them, and/or have utilities terminated. The Health Director retains the right to respond to all complaints of non-compliance in any venue in order to provide education on the purpose, function, and importance of the Order.
- H. This Order supersedes any other Local Health Order to the contrary. If any provision of this Order to its application to any person or circumstance is held to be invalid, the remainder of the Order, including the application of such part or provision to other persons or circumstances,

shall not be affected and shall continue in full force and effect. To this end, the provisions of this Order are severable.

This order is set to begin 12:00 A.M., February 20, 2021 and continues until amended or repealed with a review every 30 days. It is so ordered this 19th, day of February 2021.