

QUINTON D. LUCAS  
Mayor

CITY OF FOUNTAINS  
HEART OF THE NATION



KANSAS CITY  
MISSOURI

### ORDER 21-01

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; and

WHEREAS, the current proclamation, the Sixth Amended Proclamation Declaring a State of Emergency, remains in effect until August 31, 2021, running parallel with the state of emergency declared by the Governor of the State of Missouri, and authorizes the Mayor to, among other things, issue orders protecting Kansas Citians from the contraction and spread of COVID-19; and

WHEREAS, COVID-19 spreads between people who are in contact with one another or present in shared spaces and a gathering of individuals without necessary mitigation for the spread of infection will pose a risk of the spread of infectious disease; and

WHEREAS, Missouri is experiencing another wave of new COVID-19 cases, fueled by low rates of full vaccination (under 50%), the spread of new strain of COVID-19 variant (the Delta variant), and hot spots in southwest Missouri and north central Missouri, locations frequented by Kansas Citians; and

WHEREAS, on July 25, 2021, the Kansas City Health Department confirmed 171,327 total cases of COVID-19 in Kansas City metro-wide and 2,378 deaths from COVID-19 in Kansas City metro-wide. In addition, the Centers for Disease Control (CDC) confirmed 194,000,000 total cases and 4,160,000 deaths nation-wide; and

WHEREAS, in late July 2021, approximately 38.9% of all Kansas Citians were fully vaccinated for COVID-19 and 45.5% have had at least one vaccine dose; and

WHEREAS, the number of COVID-19 cases and hospitalizations in Kansas City has increased steadily, the weekly average for new COVID-19 cases is the highest in almost six months, and local hospitals are at or near capacity; and

WHEREAS, on July 27, 2021, the CDC issued new guidance, recommending all vaccinated individuals (in addition to their previous recommendation for 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 masks indoors; and

WHEREAS, the four counties in which Kansas City is located (Cass, Clay, Jackson, and Platte) are currently classified as high transmission areas by the CDC; and

WHEREAS, Regional Health guidance from medical professionals in the Kansas City metropolitan area recommended a return to masks indoors in July 2021 based on the positivity rate for COVID-19 cases in Missouri and the increase in hospitalizations; and

WHEREAS, Kansas City Health Director Rex Archer, in conjunction with Deputy Health Director Frank Thompson, pursuant to RSMo. Section 67.265, prior to the issuance of this Order, submitted a report to City Council outlining and recommending a need for this Order; NOW, THEREFORE,

IT IS SO ORDERED:

The following Order 21-01 (the “Order”) is hereby enacted to read as follows:

Section One: Community Health Guidance

A. All persons are encouraged to limit exposure by obtaining a federally-approved vaccine and properly wearing a face covering or mask when applicable and maintaining social distancing when indoors at a place of public accommodation. The use of face coverings or masks is recommended in indoor private settings and crowded outdoor settings where there is close contact with other people who may not be fully vaccinated.

B. As used herein, the terms below shall have the following meanings:

1. A “face covering or mask” means a uniform piece of cloth, fabric, or other material that securely covers a person’s nose and mouth. It is properly worn when it remains affixed in place without the use of one’s hands.
2. A “place of public accommodation” means any place or business offering or holding out to the general public goods, services, privileges, facilities, advantages or accommodations for the peace, comfort, health, welfare, and safety of the general public. Public accommodation shall not include a private club or a place of public accommodation owned or operated on behalf of a religious corporation, association, or society.
3. “Social distancing” is maintaining at least six-feet of distance from others.

## Section Two: Indoor Places of Public Accommodations

- A. An individual in an indoor place of public accommodation must properly wear a face covering or mask while performing an activity involving close contact or proximity to co-workers or the public where six feet of separation is not feasible. These spaces include, but are not limited to, grocery and retail stores, special events, and public transit, but do not include private dwellings or private transportation vehicles.
- B. Exceptions to the face covering or mask requirement include:
1. Minors below the age of 5; and
  2. Persons who have disabilities where face coverings or masks constitute a substantial impairment to their health and well-being based upon medical, behavioral, or legal direction; and
  3. Persons in a restaurant or tavern actively consuming food or drink; and
  4. Persons obtaining a service involving the nose or face when temporary removal of the face covering or mask is necessary to perform the service; and
  5. Persons who are alone in a separate room or office; and
  6. Any interaction or gathering where parties have knowledge all persons present are fully vaccinated by federally-approved vaccine(s).

Section Three. Violation of any provision of this Order constitutes an imminent threat and immediate menace to public health and shall be considered a violation of Section 50-155 of the City's Code of Ordinances (the "Code"). All remedies prescribed by this Order or otherwise available under applicable law, shall be cumulative, and the use of one or more remedies by the City shall not bar the use of any other remedy to enforce this Order.

Section Four. The Director of Health, the Director of Regulated Industries, the Chief of the Kansas City Police Department, and the Chief of the Kansas City Fire Department, or their designees ("Directors") are, under the Constitution of the United States and Missouri, the Kansas City Charter and this Order, subject to applicable law, authorized to enter all property necessary to enforce laws relating to public health and to provide for the avoidance, suppression or mitigation of disease, and abatement of nuisances and other unhealthy conditions. Upon complaint, or whenever the Directors deem an action carried on or engaged in by any person in the City detrimental to the public health, the Directors shall notify that person to show cause to the City 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 before the time specified therein as provided by law.

Section Five. Violation of any provision of this Order may result in the suspension or revocation of the Certificate of Occupancy and/or any license or permit issued by the City in accordance with Sections 18-23 and 40-28 of the Code.


Section Six. If any provision of this Order or the application thereof to any person, entity, or circumstance is determined to be invalid by a court of competent jurisdiction, such

determination shall not affect or impair the validity of the other provisions of this Order or its application to other persons, entities, and circumstances.

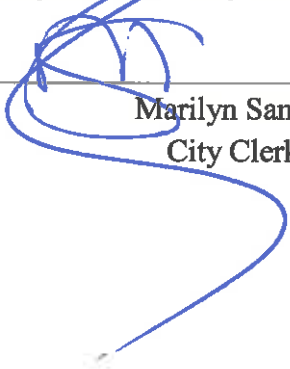
Section Seven. This Order shall take effect at 12:01 a.m. on Monday, August 2, 2021, and shall expire Saturday, August 28, 2021, at 12:01 a.m. unless rescinded, extended, modified or amended pursuant to applicable law.

Authenticated as Adopted

This 30<sup>th</sup> day of July, 2021

  
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Quinton D. Lucas  
Mayor

Filed with me, the City Clerk of the City of Kansas City, Missouri, this 30<sup>th</sup> day of July, 2021, by Mayor Quinton D. Lucas, whose signature I hereby attest.

  
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Marilyn Sanders  
City Clerk