

**Order of the City of Columbia
Director of Public Health and Human Services**

**2019 Novel Coronavirus ("COVID-19")
Notice and Issuance of Rules and Regulations**

Order No. 2020-06

Reopening Plan – Phase 2, Step 2

Facts

1. The United States Center for Disease Control and Prevention has reported that a novel (new) coronavirus that was first detected in China and has now been detected in more than 100 locations internationally, including in the United States.

2. The virus has been named "SARS-CoV-2" and the disease it causes has been named "coronavirus disease 2019" ("COVID-19").

3. COVID-19 is a highly contagious disease that has been spreading rapidly worldwide since approximately December 2019.

4. On March 13, 2020, the President of the United States declared the COVID-19 outbreak a national emergency and the Governor of Missouri declared a state of emergency in Missouri.

5. As of March 15, 2020, SARS-CoV-2 virus has been responsible for nearly 200,000 cases of COVID-19 resulting in over 6,000 deaths worldwide.

6. The United States Centers for Disease Control and Prevention ("CDC") has warned against large gatherings of people:

"Large events and mass gatherings can contribute to the spread of COVID-19 in the United States via travelers who attend these events and introduce the virus to new communities. Examples of large events and mass gatherings include conferences, festivals, parades, concerts, sporting events, weddings, and other types of assemblies."

<https://www.cdc.gov/coronavirus/2019-ncov/community/large-events/mass-gatherings-ready-for-covid-19.html>.

7. In addition, the CDC has urged restriction on the size of any gathering consistent with local conditions.

8. The CDC has raised particular concern about the health and susceptibility of high-risk individuals. <https://www.cdc.gov/coronavirus/2019-ncov/downloads/community-mitigation-strategy.pdf>.

9. COVID-19 has now been detected in the State of Missouri and the City of Columbia, with local conditions expected to include an increase of infections consistent with national trends unless significant containment efforts successfully limit the local spread of the virus.

10. The Health Director, as the Local Health Authority, has issued prior Orders that have resulted in a decline of the number of COVID-19 cases in the City of Columbia. At this time it is appropriate to cautiously continue to reopen the City of Columbia in a manner that will be flexible and responsive to data on the status of COVID-19 cases in the City of Columbia and Boone County.

Legal Basis of Rules and Regulations

11. The Columbia/Boone County Public Health and Human Services (PHHS) Director is the “local health authority” as contemplated in 19 CSR 20-20.010 of the Code of State Regulations.

12. Among other authority that may be available under Missouri and United States law, Sec. 11-98 of the City of Columbia Code of Ordinances (“Code”) states:

Whenever the director shall declare that any malignant, infectious or contagious disease is or may become epidemic in the city, or any part

thereof, he shall immediately, or as soon thereafter as possible, give notice to that effect to the citizens of the city and the country surrounding the same, and shall also give notice of the rules and regulations adopted by him for the enforcement of quarantine within the city or portion thereof. He shall take such steps and adopt such measures as he may deem necessary to prevent the introduction and spreading of such disease, and to this end he shall have power to quarantine the city against persons coming into or leaving the city during the continuation of such epidemic. Whenever he shall deem it necessary, he shall have the power to forbid and prevent the assembling of congregations of persons within the city and to order and enforce the closing of places of business and amusements.

13. Also, pursuant to 19 CSR 20-20.050, the local health authority is empowered to order quarantines, isolations, and closings of schools and places of public and private assembly in order to protect the public health.

14. The terms of this Order shall apply to all areas within the corporate limits of the City of Columbia, except as otherwise provided herein.

NOW, THEREFORE, based on the foregoing facts and the authority that exists under federal, state and local law, I declare that SARS-CoV-2 and COVID-19 are contagious diseases that are or may become epidemic in the City and enact the following regulations for the City of Columbia as the City of Columbia Reopening Plan – Phase 2, Step 2 notice of which is hereby given.

Rules and Regulations

Section 1.01 **Purpose and construction of rules and regulations.** The purpose of the rules and regulations contained herein is to contain the spread of SARS-CoV-2 and COVID-19. The rules and regulations established herein are remedial in nature and should be interpreted consistent with the intended purpose. By enacting this Order it is the express intent to ensure that the community continues to take steps to reopen and recover while still implementing measures

to check the spread of disease and protect High Risk Individuals. This Order supersedes and replaces all prior orders and shall be **effective at 12:00 a.m. on May 26, 2020 and will expire on June 22, 2020 unless extended, rescinded or modified prior to such expiration.**

Section 1.02 **High Risk Individuals.** “High Risk Individual” means a person who is any one of the following: (a) over sixty-five (65) years of age; (b) living in a nursing home or long-term care facility; or (c) has an underlying medical condition identified by the CDC as placing the individual at high risk, including chronic lung disease, moderate to severe asthma, heart disease, immunocompromised condition, severe obesity (body mass index of 40 or higher), diabetes, chronic kidney disease or undergoing dialysis, liver disease.

Section 1.03 **Social Distancing Requirements.** “Social Distancing Requirements” means the social distancing recommendations of the CDC which include maintaining at least six-foot (6 ft). 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 of the Director. In addition, individuals should avoid shared items whenever possible and if items must be shared it should be disinfected between uses. Customer-employee contact shall be limited to one employee per customer or group of customers to the greatest extent possible. Wearing cloth face coverings is

recommended in public settings where other social distancing measures are difficult to maintain.

Section 1.04 Businesses and Other Institutions Open to the Public. All

businesses and institutions not otherwise addressed in this Order may operate provided they maintain Social Distancing Requirements, disinfect common areas regularly, and comply with the following standards based on the facility's applicable fire code occupancy: all facilities must maintain 50% (fifty percent) or less of the authorized occupancy. For purposes of occupancy calculation, the occupancy capacity of each room where any assembly takes place shall be calculated separately and the gathering must meet the occupancy limits for the individual room and not the facility as a whole. A business or institution shall be deemed "open to the public" if it is a private club or organization that provides or sells memberships to the general public for use by its members (ex. – country clubs, fraternal organizations, social clubs, gyms, fitness centers, swim clubs, etc.). Any large group gathering at a business or institution open to the public is limited to fifty percent (50%) of the authorized occupancy or a maximum of fifty (50) people, whichever is less. An exception or waiver to the occupancy limitation for large group gatherings may be sought pursuant to Section 1.17.

Section 1.05 Businesses and Other Institutions Not Open to the Public. All

businesses and institutions that are not open to the general public and are not otherwise addressed in this Order may operate provided they maintain Social Distancing Requirements to the greatest extent possible and maintain a

disinfection plan for all common use areas. This section applies to any privately owned business not otherwise addressed in this Order where visitor access to the business is restricted or by appointment only (ex. – manufacturing, professional offices, insurance office, etc.).

Section 1.06 **Restaurants and bars.** Restaurants and bars are permitted to be open subject to an occupancy limitation of fifty percent (50%) of seating capacity, not including employees. With the exception of carry-out services, there shall be no standing bar, counter or buffet service and Social Distancing Requirements between groups of patrons shall be observed.

Section 1.07 **Entertainment venues.** Entertainment venues shall include nightclubs, movie theaters, bowling alleys, dance halls, child entertainment facilities and similar businesses. A nightclub shall be defined as an entertainment venue or bar that usually operates late into the night and is generally distinguished from regular bars, pubs or taverns due to having limited tables or no tables, limited or no food service, or by the inclusion of a stage, one or more dance floor areas and/or a DJ booth or other sound system where music or other types of entertainment are utilized for the entertainment of patrons. Entertainment venues are permitted to be open subject to an occupancy limitation of fifty percent (50%) of the authorized occupancy or a maximum of fifty (50) people, whichever is less. In addition, all entertainment venues shall have an Operational Plan approved by the Director, or designee, which shall meet the minimum requirements set forth in Section 1.17.

Section 1.08 Childcare services and day camps. Childcare, day camps, and other dependent services can provide childcare for working families provided they limit the number of participants in any single group to a maximum of twenty-five (25) children, comply with the Missouri Department of Health and Senior Services regulations (including but not limited to the maximum number of students permitted in any classroom), take reasonable actions to comply with Social Distancing Requirements, and provided further that:

- (a) Childcare and day camps must be carried out in stable groups (“Stable” means the same group of children are, to the greatest extent possible, in the same group each day);
- (b) Children shall not change from one group to the other on the same day;
- (c) If more than one group of children is cared for at one facility, each group shall be in a separate room and groups shall not mix with each other; and
- (d) Childcare and day camp providers shall remain solely with one group of children in the same day, and providers shall remain separated at all times (no breaks or off time together).

Section 1.09 Businesses providing personal care services. All businesses providing personal care services shall maintain Social Distancing Requirements to the extent possible. Personal care services shall include hair salons, nail salons, massage businesses, estheticians, and similar businesses. All such businesses shall require employees to wear a mask or cloth face covering while providing services for which physical distancing is not possible. All such

businesses shall also require customers, to the extent possible while receiving the service, to wear a mask or cloth face covering. These services may only be performed with twenty-five (25) or fewer people in a single location or a maximum of fifty percent (50%) occupancy for the location, whichever is less, including both employees and customers in the calculation.

Section 1.10 Pools. Pools must provide a plan for disinfection and monitoring to the Columbia/Boone County Department of Public Health & Human Services prior to reopening. Once that plan is approved, the following restrictions shall apply:

- (a) Pools monitored with an attendant may be open and all present must maintain Social Distancing Requirements. It is the attendant's responsibility to ensure that Social Distancing Requirements are maintained.
- (b) Pools not monitored by an attendant cannot have more than twenty-five (25) people at the pool at any one time.

Section 1.11 **Sports and Sporting Events.** Non-contact sports and activities are permitted. Non-contact practices of contact sports are permitted with limitations of stable groups of twenty-five (25) people. The spectator area for any sport is limited to fifty percent (50%) of the occupancy based on the applicable fire code or fifty (50) people maximum, whichever is less. Social Distancing Requirements must be met for all spectators. Such provisions shall not apply to any facilities owned or operated by the University of Missouri, which is an instrumentality of the state and governed by a Board of Curators appointed by the Governor with the advice and consent of the Missouri Senate.

Section 1.12 **Playgrounds, Parks, Trails, and spraygrounds.** These facilities are permitted to be open without any limitations other than those provided by other applicable laws, rules, and regulations. Patrons shall maintain Social Distancing Requirements and shall be cognizant of the need to wash hands before and after use.

Section 1.13 **Limitation on other public gatherings.**

- (a) All other intentional gatherings or gathering places not specifically referenced in this Order are limited to fifty (50) people, including both public and private gatherings.
- (b) Social Distancing Requirements must be observed at all other intentional gatherings.

Section 1.14 **Limitation for High-Risk Individuals.** High Risk Individuals are

encouraged to continue to stay at home and not interact with others except for vital activities and should continue to engage in physical distancing to the greatest extent possible. High Risk Individuals who are able to work from home are encouraged to continue to work from home to the greatest extent possible.

Section 1.15 **Limitation for Long-Term Care Facilities.** Long-term care facilities must maintain high levels of infection prevention and control effectors and should, at a minimum, follow the guidance and the recommendations of the Centers for Medicare and Medicaid Services related to reopening of facilities. See <https://www.cms.gov/medicareprovider-enrollment-and-certificationsurvey/certificationgeninfs-states-and-regopolicy-and/nursing-home-reopening-recommendations-state-and-local->.

Section 1.16 **Work from Home Encouraged.** All employees who are able to work from home should continue to work from home to the greatest extent possible.

Section 1.17 **Businesses, Entities, Large Venues or Public Gatherings with Unique Circumstances may seek Waiver or Approval for Specific Plans.** Any business, entity, large venue or public gathering facing unique circumstances not specifically addressed in this Order or seeking to accommodate in excess of fifty (50) persons at a gathering may submit a proposed Operational Plan for review and conditional approval by the Health Director, or authorized designee. Operational Plans should describe the nature of the activity conducted on the premises and emphasize how the business or entity

will meet social distancing requirements, disinfect common touch spots, identify patrons for contact tracing in the event of an outbreak, and/or otherwise take steps to reduce the spread of COVID-19 while carrying out the described activities on the premises.

Section 1.18 Exemptions. The following are exempt from the restriction in this Order:


- (a) Cafeterias, commissaries, and restaurants located within hospitals, nursing homes, or similar facilities.
- (b) Adult detention facilities and juvenile justice facilities, or similar facilities.
- (c) Food banks.
- (d) Crisis shelters or similar institutions.
- (e) Facilities owned or operated by the University of Missouri.

Section 1.19 Enforcement. Violation of or failure to comply with this Order is a crime punishable by fine, imprisonment, or both. In addition to the criminal enforcement authority of the Prosecuting Attorney, the City Counselor is delegated the authority to take appropriate actions with respect to any person or business that has failed to comply or attempted to fail to comply with this Order, as the City Counselor may deem appropriate to ensure compliance with this Order, to address non-compliance, or to deter non-compliance by others. The City Counselor may also seek emergency injunctive or other civil relief as the City Counselor deems appropriate. Any action by the City Counselor, if taken after consulting the Director, shall be considered an emergency proceeding that is

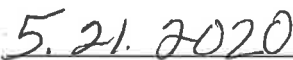
necessary to protect the public health and safety.

Section 1.20 **Savings clause.** If any provision of this Order or its application to any person or circumstance is held to be invalid, then 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.

So Ordered.



Stephanie Browning
Director, Columbia/Boone County
Department of Public Health and Human
Services



Date