

AN ORDINANCE to require persons to wear facemasks that cover the nostrils and mouth to help restrict the spread of the COVID-19 virus, to establish reasonable exemptions, to set practical enforcement conditions; and containing an emergency clause.

WHEREAS, on March 18, 2020, the Mayor declared a civil emergency because of the threat COVID-19 poses to the public health; and

WHEREAS, the spread of the COVID-19 virus has been accelerating in the City of Joplin and in Jasper and Newton Counties; and

WHEREAS, one key transmission method for the COVID-19 virus is through respiratory droplets that people expel when they breathe, speak, cough, or sneeze. Moreover, people can be infected with the COVID-19 virus and be asymptomatic but still be contagious. People can also be infected and contagious 48 hours before developing symptoms when they are pre-symptomatic. Many people with COVID-19 have mild symptoms and do not recognize they are infected and contagious, and they can unintentionally infect others; and

WHEREAS, numerous epidemiologists have insisted that widespread use of a face mask is necessary to prevent the more rapid spread of the COVID-19 virus, especially when humans gather in groups, and thereby necessary for the safety and health of Joplin citizens, residents, and visitors; and

WHEREAS, the United States Centers for Disease Control 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 the mouth and nose to prevent inadvertently spreading COVID-19; and

WHEREAS, the City of Joplin finds therefore, that wearing a face covering, in combination with physical distancing of at least 6 feet and frequent hand-washing, may reduce the risk of transmitting the COVID-19 virus when in public and engaged in necessary activities by reducing the spread of respiratory droplets. Therefore, this ordinance requires that people wear face coverings in certain public settings as further described below.

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

Section 1. That all persons six (6) years old or older who are present in the City of Joplin 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 is not possible in groups of ten (10) or more persons who are not members of the same family or household. Face covering is defined as a cloth face covering that covers the nose and mouth. It can be a sewn mask secured with ties or straps around the head or behind the ears; multiple layers of fabric tied around the head; made from a variety of materials, such as fleece, cotton, or linen; or factory-made or made from household items.

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

- For those who fall into the Centers for Disease Control and Prevention's guidance for those who should not wear face coverings due to a medical condition, mental health condition, developmental disability, or are otherwise covered under the Americans with Disabilities Act; or
- For children under 6 years old; or
- For people whose religious beliefs prevent them from wearing a face covering; or
- For bar or restaurant patrons while they are dining or consuming drink; or
- For engaging in organized group or team sports, exercise or other physical activities where it is not practicable or feasible to wear a mask or socially distance; or
- In settings where it is not practical or feasible to wear a face covering, including when obtaining or rendering goods or services, such as the receipt of dental services or medical treatments.

Section 3. All public facilities and businesses that are open to the public are required to post a sign at all entrances that masks are required to be worn inside the business. The City of Joplin has hereby determined that local law enforcement and other city officials will act in a support capacity to businesses that need to enforce the use of masks upon their premises.

Section 4. Schools within the City of Joplin shall work with the City 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.

Section 5. That the Joplin City Council has determined that the orders and advisories included in this ordinance are necessary to preserve the peace and order of the City of Joplin, and to protect life and to promote and preserve public safety and welfare, in particular to mitigate the spread of COVID-19 and provide essential protections to Joplin residents, including but not limited to those who are most vulnerable to infection, while still preserving the availability of essential services.

Section 6. Enforcement of this ordinance shall focus first 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 the guidelines prior to issuance of any citation or other enforcement action.

Section 7. The Joplin City Council specifically orders that enforcement of this ordinance shall therefore be administered by first education and an opportunity for compliance, followed by a warning, and a civil citation, only if necessary.

Section 8. Under the Joplin City Council's authority for enforcement of a violation of face

coverings, the City Council specifically orders that a violation of this ordinance under Joplin's City Code, Section 1-5, is punishable by a fine of \$0 to \$150 dollars, at the court's discretion.

Section 9. Businesses have the right to refuse service for failure to comply, if there are no exceptions under this ordinance.

Section 10. This ordinance is effective at 6:00 a.m. on Saturday, July 11, 2020 and shall remain in effect until August 17, 2020 at 11:59 p.m., unless extended or terminated prior to that date by the Mayor or City Council.

Section 11. That the City Council of the City of Joplin, 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 an emergency within the meaning of Section 2.12(1) of the Home Rule Charter of the City of Joplin, Missouri, and, as such, this Ordinance shall become effective immediately upon its 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 the COVID-19 virus, especially when humans gather large public gatherings will facilitate the spread of a communicable disease, COVID-19.

PASSED BY THE COUNCIL OF THE CITY OF JOPLIN, MISSOURI, this _____ day of _____, 2020, by a vote of _____.

Ryan D. Stanley, Mayor

ATTEST:

Barbara J. Gollhofer, City Clerk

APPROVED AS TO FORM:

Peter C. Edwards, City Attorney