

BILL NO. _____

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING THE MAYOR AND HEALTH DIRECTOR TO ISSUE A PUBLIC HEALTH ORDER FOR A PERIOD OF 30 DAYS.

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 35,952,606 cases of the illness and more than 617,437 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, 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 and helps keep our businesses open and our economy running; and,

WHEREAS, the number of positive cases and positive test results have increased over the past weeks within Independence, Missouri; and,

WHEREAS, hospitalizations in the region have seen an increase in the past few weeks; 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 large public gatherings, 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 RESOLVED BY THE COUNCIL OF THE CITY OF INDEPENDENCE, MISSOURI, AS FOLLOWS:

SECTION 1: That the Mayor and the Health Director shall issue a public health order for a period of 30 days that requires masks indoors and outdoors at large community events, which is attached hereto and incorporated by reference, is hereby adopted.

PASSED THIS ____ DAY OF _____, 2021, BY THE CITY COUNCIL OF THE CITY OF INDEPENDENCE, MISSOURI.

Presiding Officer of the City Council
of the City of Independence, Missouri

ATTEST:

City Clerk

APPROVED AS TO FORM AND LEGALITY

City Counselor

REVIEWED BY:

City Manager

Health Order Exhibit

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 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 35,952,606 cases of the illness and more than 617,437 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, 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 and helps keep our businesses open and our economy running; and,

WHEREAS, the number of positive cases and positive test results have increased over the past weeks within Independence, Missouri; and,

WHEREAS, hospitalizations in the region have seen an increase in the past few weeks; 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 large public gatherings, 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 Health Director Christina Heinen:

Section One: Community Health Guidance

- A. All persons, regardless of vaccination status, are encouraged to limit exposure, to the extent possible, by properly wearing face coverings or masks while indoors and avoiding large groups or other crowd-based activities.

- B. All businesses should encourage vaccination among their staff.

Section Two: Masks for Indoor and Outdoor Business Operations

- A. Masks must be worn in all indoor spaces when persons from separate households are in the room, except where further exceptions, if any, are approved by the Health Director. Masks must be worn outdoors during events where more than 100 people are gathered.

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 actively engaged in consuming food or drink while remaining seated.
 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 and student athletes actively engaged in high-intensity, organized game play. Masks are required at all other times in gyms and fitness facilities without further exception.
- B. Exemptions: 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 this order to the extent possible.
- C. Violations: Businesses are responsible for the monitoring and compliance of this order. Businesses found to be in violation of this order may 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.
- D. 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 12:01 A.M., August 18, 2021 and continues until amended or repealed with a review every 30 days. It is so ordered this 17th day of August 2021.

MAYOR

ACTING HEALTH DIRECTOR

Attest:

CITY CLERK