

**SECOND AMENDED
DECLARATION AND ORDER**

ISSUED MARCH 22, 2020

A SECOND AMENDED DECLARATION OF A LOCAL STATE OF EMERGENCY AND ORDER TO EMPLOY MEASURES TO PROTECT PUBLIC LIFE, HEALTH, SAFETY, AND PROPERTY TO LIMIT THE DEVELOPMENT, CONTRACTION, AND SPREAD OF COVID-19, THE DISEASE CREATING THE EMERGENCY.

WHEREAS, in December 2019, a novel coronavirus, now designated COVID-19, was detected in Wuhan, China; and

WHEREAS, symptoms of COVID-19 include fever, cough, and shortness of breath, and can range from mild to severe illness; and

WHEREAS, on January 30, 2020, the World Health Organization (WHO) Director General declared the outbreak of COVID-19 as a Public Health Emergency of International Concern, advising countries to prepare for the containment, detection, isolation and case management, contact tracing, and prevention of onward spread of the disease; and

WHEREAS, on March 5, 2020, the WHO Director General urged aggressive preparedness and activation of emergency plans to aggressively change the trajectory of this epidemic; and

WHEREAS, on March 11, 2020, the WHO declared COVID-19 a global pandemic; and

WHEREAS, the Center for Disease Control (CDC) is closely monitoring the growing number of COVID-19 cases that have spread into the United States; and

WHEREAS, as of March 21, 2020, it is reported there have been 24,786 cases of COVID-19 in the United States, including 290 deaths; and

WHEREAS, the continued spread of COVID-19 constitutes a natural calamity and presents an imminent threat of widespread illness, which requires emergency action; and

WHEREAS, the COVID-19 virus spreads between people who are in close contact with one another through respiratory droplets produced when an infected person coughs or sneezes; and

WHEREAS, a gathering of unidentifiable individuals without necessary mitigation for the spread of infection may pose a risk of the spread of infectious disease; and

WHEREAS, the City wishes to employ all means available under the law to protect public life, health, safety, and property to limit the development, contraction, and spread of COVID-19, which is creating this emergency; and

WHEREAS, the declaration of a local state of emergency provides the City the ability to take measures to reduce the possibility of exposure to disease, control the risk, and promote the health and safety of St. Joseph residents; and

WHEREAS, pursuant to Section 2-1454 of the Code of Ordinances of the City of St. Joseph, Missouri, the Mayor has authority to declare the existence of a local state of emergency upon the request of the City Manager, Emergency Manager, Fire Chief, or Police Chief; and

WHEREAS, at the request of the City Manager, and on the advice of the Health Director, on March 16, 2020, a Declaration and Order to take actions necessary to prevent the possibility of exposure to COVID-19 and protect the health and safety of St. Joseph residents was issued; and

WHEREAS, at the request of the City Manager, and on the advice of the Health Director, on March 18, 2020, an Amended Declaration and Order to take other actions necessary to prevent the possibility of exposure to COVID-19 and protect the health and safety of St. Joseph residents was issued; and

WHEREAS, on the advice of the City's Director of Health, the City Manager has requested that the Mayor issue a Second Amended Declaration and Order and take additional actions necessary to prevent the possibility of exposure to COVID-19 and protect the health and safety of St. Joseph residents; and

WHEREAS, such declaration and actions are based in significant part upon recommendations issued by the CDC and the Governor of the State of Missouri, guidelines issued by the President of the United States, and actions being implemented by municipalities and states across the United States.

NOW, THEREFORE, PURSUANT TO AUTHORITY GRANTED BY SECTION 2-1454 OF THE CODE OF ORDINANCES OF THE CITY OF ST. JOSEPH, MISSOURI, I, MAYOR BILL MCMURRAY, AMEND MY DECLARATION OF A LOCAL STATE OF EMERGENCY AND ORDER THE FOLLOWING:

SECTION 1. That the actions ordered in the Amended Declaration and Order dated March 18, 2020, and the Declaration and Order dated March 16, 2020, regarding the likely spread of COVID-19 be, and hereby are, repealed, effective at 12:01 a.m. on Tuesday, March 24, 2020.

SECTION 2. That, to the maximum extent possible, citizens of the City of St. Joseph, Missouri, are strongly encouraged to shelter in place, by remaining in their respective residences, avoiding contact with people with whom they do not reside, and avoiding public places except when necessary to obtain food, supplies, and medical treatment.

SECTION 3. That, for purposes of this Declaration and Order, the term “Group Event” means any gathering of 10 or more people at any professional, social, cultural, religious, athletic, entertainment, or other special event facility where people are not separated by physical space of at least six feet.

SECTION 4. That, for the purposes of this Second Amended Declaration and Order, the term “Essential Businesses” shall mean businesses or organizations which are providing any of the following as a substantial element of their daily operations:

- (1) Healthcare and public health services and supply distribution (for human or animal care);
- (2) Law enforcement, public safety, first responder, emergency dispatch, and security;
- (3) Agriculture and food creation, transportation, distribution, and retail sales (for human or animal consumption);
- (4) Restaurant and prepared food distribution (for allowed distribution methods);
- (5) Energy, electricity, petroleum, natural gas and propane acquisition, extractions, production, generation, processing, storage, distribution, and retail distribution;
- (6) Water and wastewater processing, treatment, conveyance, and distribution;
- (7) Logistics and transportation of goods and people, repair of transportation systems and infrastructure, transportation dispatch, packaging material manufacturing, shipping, air and rail transportation, and support services;
- (8) Public infrastructure support and maintenance;
- (9) Communications infrastructure support and maintenance;
- (10) Information technology development, management, support, and security;
- (11) Education (including childcare) and governmental operations;
- (12) Critical community assistance and preparedness services;
- (13) Manufacturing of necessary consumables and their components;
- (14) Chemical and hazardous materials handling and cleanup;
- (15) Critical financial services;
- (16) Military operations;
- (17) Home repair of critical utilities and facilities;
- (18) Support for the foregoing services; and
- (19) Functions that the Director of Health deems, in writing, to be essential services.

Notwithstanding the aforementioned designated services, the list of Essential Businesses may be modified by a subsequent declaration and order.

SECTION 5. That due to unique characteristics and risks associated with transmission dynamics, the likely spread of COVID-19 based on factors of social distancing, the clinical severity of COVID-19, the lack of a vaccine or antivirals as treatment options, crowd density, the inability to ensure social distancing and to prevent close contact among members of the public, the following shall apply inside the City of St. Joseph, Missouri, effective at 12:01 a.m. on Tuesday, March 24, 2020, and continuing until 11:59 p.m. on Thursday, April 2, 2020, unless this Declaration and Order is otherwise amended, withdrawn, or terminated by the City Council:

- (1) **Non-essential businesses**. Businesses which are not Essential Businesses, as defined herein, shall be prohibited from operating; businesses which are Essential Business shall make reasonable efforts to require people to remain separated by physical space of at least six feet.
- (2) **Individual travel**. Travel may occur only for the purposes of attending work at an essential business, obtaining necessary food (including food from restaurants), medicine, supplies, or pet supplies. Travel in the course of participating in outdoor recreational activities may also occur.
- (3) **Group events**. Group Events, as defined herein, shall be prohibited from taking place.
- (4) **Social distancing**. When in public, or when participating in outdoor recreational activities, people shall make reasonable efforts to be separated by physical space of at least six feet.
- (5) **Prepared food providers**. Restaurants and prepared food providers, taverns, convenience stores, and retail stores shall not serve customers food or drinks for on-site consumption; shall only serve customers via drive-through, pickup, or delivery; shall not accept face-to-face orders for prepared food; shall require six feet distance between people picking up prepared foods inside the establishment; and require people to wait outside the establishment during the preparation of prepared food orders. Childcare facilities and cafeterias that serve only employees of the facility in which the cafeteria is located shall not be deemed restaurants or prepared food providers and shall not be subject to this regulation.
- (6) **Gas stations and convenience stores**. No more than ten people, including employees, vendors, and customers may be on the retail sales floor, or any unwallled area connected to the retail sales floor, of a gas station or convenience store at any one time.
- (7) **Entertainment and recreational facilities**. Facilities operated for entertainment and recreational purposes shall not allow the general public or members of the facilities to enter the facilities. Facilities that shall not allow such entry, include, but are not limited to, theaters, private clubs, fitness centers, and bowling alleys.
- (8) **Salons, tattoo parlors, and close-contact services**. No business or person shall provide services that require contact between a person providing the service and the customer unless the service is for necessary medical treatment that has been ordered by a physician. Such services that shall not be provided include, but are not limited to, hair salon services, nail salon services, tattooing, and massage services.

Except as allowed under Section 6 of this Amended Declaration and Order, in no event shall grocery stores, pharmacies, or other retailers providing household goods as a substantial portion of their business be required to close or limit occupancy or operation, provided the business's facilities accommodate separation of occupants by at least six feet.

SECTION 6. That, until this Declaration and Order is otherwise amended, withdrawn, or terminated by the City Council, or the Order imposed by this Section is terminated by the City Manager or the Director of Health, public access to City Hall and other City facilities shall be restricted, such facilities shall be secured against public entry, and such facilities shall be accessible to City employees, elected City officials, and those granted access by either.

SECTION 7. That, effective at 12:01 a.m. on Tuesday, March 24, 2020, and continuing for eight weeks thereafter, unless this Declaration and Order is otherwise withdrawn or terminated by the City Council, the City Manager or the Director of Health for the City of St. Joseph, Missouri, shall have the authority to, upon further written notification to the Office of the Mayor of the City of St. Joseph:

- (1) Prohibit all, or limited types of, in-person gatherings of people within the City of St. Joseph, Missouri.
- (2) Temporarily waive routine administrative and budgetary requirements that may impede the effective delivery of essential public services.
- (3) Order the evacuation of areas where there is a threat to public health and safety, and to designate any public place, public street, thoroughfare, boulevard, or parking area, and any other place, closed to motor vehicles, persons, and pedestrian traffic.
- (4) Impose a curfew upon all or any portion of the city during such hours of the day or night as necessary in the interest of the public safety and welfare, and during which all persons shall remove themselves to their places of residence and remain off and away from the public streets, sidewalks, parkways, parks, and all other public or open places, and no persons shall assemble, gather, loiter, or otherwise congregate in any manner in groups, assemblies, or meetings in any place for any purpose whatsoever; provided, however, that persons performing medical services, essential public utility services, public officials, police officers, firefighters, and all other persons explicitly exempted from curfew.
- (5) Order the closing of any and all business establishments throughout the city or any portion thereof during the period for which the local state of emergency exists or during the curfew hours.

(6) Issue orders deemed necessary to protect life and property and to preserve critical resources within the purposes of this Amended Declaration and Order.

All of which, if imposed by the City Manager or the Director of Health, shall have the full effect as if ordered by the Mayor.

SECTION 8. That the City Manager or the Director of Health shall review the need for continuing the declaration made herein at least every fourteen days until the local state of emergency is terminated by the City Council.

SECTION 9. That this declaration and the orders stated herein shall be in full force and effect from and after at 12:01 a.m. on Tuesday, March 24, 2020.

SECTION 10. That this declaration and the orders stated herein may be amended at any time based upon the continuing development and spread of COVID-19.

Authenticated as Declared and Ordered




Bill McMurray, Mayor

Filed with me, the City Clerk of the City of St. Joseph, Missouri, on this 26th day of March 2020, by Mayor Bill McMurray, whose signature I hereby attest.



Paula Heyde, City Clerk

The forgoing has been submitted by me, J. Bruce Woody, City Manager of the City of St. Joseph, Missouri, on this 21st day of March, 2020, as a written record of a request and supporting reasons for the declaration of a local state of emergency in accordance with Section 2-1454 of the Code of Ordinances of the City of St. Joseph, Missouri.



J. Bruce Woody, City Manager