FIFTH AMENDED ORDER
Arising from the Spread of COVID-19 and
Requiring Use of Face Coverings under Certain Circumstances

WHEREAS, a state of emergency and catastrophic health emergency was proclaimed on March 18, 2020, to allow the City of North Kansas City (the “City”) to take measures to reduce the possibility of exposure to COVID-19 and promote the health and safety of North Kansas City residents, along with an accompanying order, and the state of emergency and catastrophic health emergency still exists; and

WHEREAS, the COVID-19 virus spreads between people who are in close contact with one another through respiratory droplets; and

WHEREAS, a gathering of individuals without necessary mitigation for the spread of infection will 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 creating this emergency; and

WHEREAS, the City has been advised that as of June 25, 2020, the Kansas City Health Department confirmed 1,887 cases of the COVID-19 illness in Kansas City, 133 of which required hospitalization, and 32 deaths, from the COVID-19 illness in Kansas City; and

WHEREAS, numerous cases of the COVID-19 illness has been reported in Clay County, a number of which have required hospitalization and there have also been deaths attributable to the COVID-19 virus in Clay County; and

WHEREAS, the Centers for Disease Control (the “CDC”) continues to study the spread and effects of COVID-19 across the United States and has determined that a significant portion of individuals with coronavirus lack symptoms and that even those who eventually develop symptoms can transmit the virus to others before showing symptoms which means that the virus can spread between people interacting in close proximity (for example, speaking, coughing, or sneezing) even if those people are not exhibiting symptoms; and

WHEREAS, the CDC recommends wearing cloth face coverings in public settings where other social distancing measures are difficult to maintain including but not limited to, grocery stores and pharmacies and other areas of significant community-based transmission; and

WHEREAS, the CDC is advising the use of simple cloth face coverings to slow the spread of the virus and help people who may have the virus and do not know it from transmitting it to others.
WHEREAS, by authority granted to the Mayor in Ordinance No. 9315, on June 30, 2020, Mayor Don Stielow has issued this Fifth Amended Order;

NOW, THEREFORE, IT IS HEREBY ORDERED:

That in accordance with Section Five below, the following Fifth Amended Order (the “Order”) is enacted to read as follows:

Section One: Community Health Guidance.

A. People at high risk of severe illness from COVID-19, based upon sound medical findings and recommendations, are urged to stay in their residence or place of rest except as necessary to seek medical care and to obtain provision of essential life items. All individuals should exercise social distancing requirements at all times, including wearing face coverings or masks when others may be present closer than six feet away.

B. All persons are encouraged to limit exposure, to the extent possible, by wearing masks, maintaining social distancing, as defined infra, and avoiding large groups or other crowd-based activities.

C. For the purposes of this Order: “Social Distancing Requirements” includes maintaining at least a six-foot social distancing from other individuals and wearing a Face Covering that covers the nose and mouth in any indoor public accommodation.

Section Two: Business Operations.

A. A reasonable standard of care is established in North Kansas City requiring that businesses shall reasonably accommodate employees with health or safety concerns or with responsibilities to care for minors or other persons to not report to work while this Order is in effect, absent undue hardship, if:

1. The employee has an underlying health condition, including but not limited to, Asthma, other respiratory conditions, or AIDS or other illnesses that result in a compromised immune system, putting that person at greater risk of death or serious injury if they contract COVID-19; or

2. The employee is the primary caregiver for a family member who contracted COVID-19 and qualifies for leave under the Family Medical Leave Act; or

3. The employee is employed by a business with fewer than 500 employees, and under the Families First Coronavirus Relief Act (FFCRA) that employee is eligible
for paid leave because the employee must care for a minor child due to the closure or loss of a caregiver resulting from the COVID-19 pandemic.

B. All previous limits on business operations and gatherings under previous COVID-19 orders are rescinded, with the following exceptions:

1. All employees or visitors to any indoor public accommodation must wear face coverings. These spaces include, but are not limited to, grocery and other retail stores, special events, and public transit. Exceptions:

   i. Minors, though the CDC guidance strongly recommends that children over age ten wear face coverings.

   ii. Persons who have disabilities that:

       a. Prevent them from comfortably wearing or taking off a Face Covering.

       b. Prevent them from communicating while wearing a Face Covering.

   iii. Persons who have a respiratory condition that is exacerbated by the wearing of a Face Covering.

   iv. Persons who have been told by a medical, legal, or behavioral health professional not to wear a Face Covering.

   v. Persons who are in a restaurant or tavern and are actively engaged in consuming food or drink while adequately distanced from other patrons.

   vi. Persons who are hearing impaired, or communicating with a person who is hearing impaired, where the ability to see the mouth is essential for communication.

   vii. Persons who are obtaining a service involving the nose or face for which temporary removal of the Face Covering is necessary to perform the Service.

C. Exemptions. All first responders, emergency management personnel, emergency dispatchers, law enforcement personnel, and any individuals performing essential government functions are categorically exempt from this Order. Further, nothing in this Order shall prohibit any individual from performing or accessing “Essential Governmental Functions.” Essential Government Functions means all services needed to ensure the continuing operation of any
government agencies, including schools, and provide for the health, safety and welfare of the public. All Essential Governmental Functions should be performed in compliance with Social Distancing Requirements as defined this Section, to the extent possible.

Section Three. Violation and Remedies.

Violation of any provision of this Order constitutes an imminent threat, creates an immediate menace to public health, and shall be considered a violation of Ordinance No. 9315. All remedies prescribed by the provisions of this Order shall be cumulative, and the use of one or more remedies by the City shall not bar the use of any other remedy for the purpose of enforcing the provisions of this Order.

Section Four. Penalty.

Violation of any provision of this Order may result (1) in the suspension or revocation of the Certificate of Occupancy and/or Business License for the offending business or concern in accordance with the Code of the City of North Kansas City, Missouri; and/or (2) in a fine as provided for in Ordinance No. 9315.

Section Five. Effective Date.

This Fifth Amended Order herein shall take effect at 12:01 a.m. on Thursday, July 2, 2020 and shall expire at 11:59 p.m. on Sunday, July 12, 2020 unless and until it is extended, rescinded, superseded, or amended in writing prior thereto.

Authenticated as Adopted

This 1\textsuperscript{st} day of July, 2020.

[Signature]

Don Stielow
Mayor

Filed with me, the City Clerk of the City of North Kansas City, Missouri, this 1\textsuperscript{st} day of July, 2020, by Mayor Don Stielow, whose signature I hereby attest.

[Signature]

Kim Nakahodo, Deputy City Clerk