

AN ORDINANCE requiring persons to wear a face covering that covers the nostrils and mouth to help restrict the spread of the COVID-19 virus; creating exemptions; establishing enforcement; and containing an emergency clause.

WHEREAS, the spread of the COVID-19 virus has been accelerating in the City of Neosho and in Newton County; and

WHEREAS, as of December 6, 2020, the Newton County Health Department confirmed 3,344 total cases, 464 active cases, 25 hospitalizations, and 52 deaths, including community spread, of the COVID-19 virus in Newton County, Missouri, with the majority of cases being located within Neosho, Missouri; 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 Neosho 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, on November 16, 2020, the health care community in Southwest Missouri, including Mercy Hospital Joplin, Mercy Clinic Joplin, Freeman Health System, Kansas City University, Community Clinic, Access Family Care, and Jasper County Health Department, issued a letter urging all elected government and municipal officials in Joplin, Webb City, Carl Junction, Carthage, Neosho, and the County Commissions of Newton and Jasper Counties to enact a mask mandate for the explicit purpose of reducing the spread of COVID-19; and

WHEREAS, the City of Neosho finds 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 NEOSHO, MISSOURI, as follows:

Section 1. That all persons who are present in the City of Neosho shall wear a face covering when inside public facilities or businesses that are open to the public in areas of the business that are open to the public or where the public is present; inside public transportation vehicles; and outside when social distancing is not possible between people 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 surgical mask or cloth 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. It cannot be a face shield or mask with exhalation valves or vents.

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

- a. 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
- b. For children under 6 years old; or
- c. For people whose religious beliefs prevent them from wearing a face covering; or
- d. For bar or restaurant patrons while they are dining or consuming drink; or
- e. 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
- f. 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 Neosho 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 Neosho shall work with the Newton County 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 Neosho 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 Neosho, 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 Neosho 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 Neosho 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 Neosho City Council's authority for enforcement of a violation of face coverings, the City Council specifically orders that a violation of this ordinance under Neosho's City Code, Section 100.130, is punishable by a fine of \$0 to \$50 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 immediately and shall remain in effect until Friday February 12, 2021 at 11:59 p.m., unless extended or terminated prior to that date by the City Council.

Section 11. That the City Council of the City of Neosho, 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 2.18(1) of the Home Rule Charter of the City of Neosho, 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.

PASSED BY THE COUNCIL OF THE CITY OF NEOSHO, MISSOURI, this 10<sup>th</sup> day of December, 2020, by a vote of \_\_\_\_\_.

\_\_\_\_\_  
Carmin Allen, Mayor

ATTEST:

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Cheyenne Wright, City Clerk

APPROVED AS TO FORM:

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Jordan L. Paul, City Attorney