

**AN ORDINANCE OF THE CITY OF MARSHFIELD, MISSOURI,
ESTABLISHING A REQUIREMENT FOR THE USE OF FACE COVERINGS TO
PREVENT OR LIMIT THE SPREAD OF COVID-19.**

WHEREAS, pursuant to Section 79.380 RSMo, the Board of Aldermen is authorized to make regulations and pass ordinances for the prevention of the introduction of contagious diseases, such as COVID-19, in the city, and for the abatement of the same, and may make quarantine laws and enforce the same within five (5) miles of the City, including, among other things, a declaration that a state of emergency exists in Marshfield, Missouri, and the exercise of all emergency powers not otherwise in conflict with any rules or regulations delegated to cities of the fourth class by the laws of the State of Missouri; and

WHEREAS, pursuant to Section 79.110 RSMo, the Mayor and Board of Aldermen shall have the power to enact and ordain any and all ordinances not repugnant to the constitution and laws of this state, and such as they shall deem expedient for the good government of the City, the preservation of peace and good order, the benefit of trade and commerce and the health of the inhabitants thereof, and such other ordinances, rules and regulations as may be deemed necessary to carry such powers into effect, and to alter, modify, or repeal the same; and

WHEREAS, as of August 27, 2020 there are a reported 79,574 cases of COVID-19 in Missouri. Of those reported cases, Webster county has 204 cases representing .003 percent of the total with 1 death and 0 patients currently hospitalized; and

WHEREAS, it is believed that the spread of COVID-19 can be reduced when face coverings are used in conjunction with other preventative measures including but not limited to social distancing, frequent handwashing, and cleaning and disinfecting frequently touched surfaces; and

WHEREAS, the United States Centers for Disease Control and Prevention has recommended that members of the public, when they interact with others outside of the home, and especially in settings where many people are present, should cover their mouth and nose to prevent inadvertently spreading COVID-19; and

WHEREAS, it is this Board's judgment that there continues to reasonably appear to exist a state of civil emergency which requires response by the City to protect public health, welfare, and safety, including the protection of human life through required use of face coverings as contained herein.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF MARSHFIELD, MISSOURI, as follows, that:

SECTION 1 –The following provisions related to the use of Face Coverings to prevent or limit the spread of COVID-19 are hereby adopted:

- (a) Definitions: The following words, terms, and phrases, when used in this Order, shall have the meanings ascribed to them in this Section:
1. *Business* means any for-profit company, non-profit organization, benevolent association, or educational entity, regardless of its legal organization, form, entity, tax treatment or structure.
 2. *Face Covering* means a device that covers the nose and mouth. Face Covering includes, but is not limited to: a sewn mask secured with ties or straps around the head or behind the ears; multiple layers of fabric tied around the head; is made from a variety of materials, such as fleece, cotton, or linen; or factory-made or made from household items.
 3. *Public Accommodation* means any Business or other facility, both public and private, both indoor and outdoor, open to and used by the public, including but not limited to:

retail stores including groceries, service establishments, schools, other educational providers, transportation services and associated waiting areas, public and private social clubs, and sporting events.

(b) Face coverings required in places of Public Accommodation.

1. Except as otherwise provided in this Ordinance, all persons, including employees or visitors, over the age of ten (10) shall wear a Face Covering when present at a place of Public Accommodation.
2. A person may remove their Face Covering where otherwise required under the following circumstances:
 - a. While outdoors when able to maintain a distance of at least six (6) feet from others except those who are members of their own household may be closer than six (6) feet;
 - b. When engaged in an exercise activity outdoors or indoors and while able to maintain a distance of at least six (6) feet except those who are members of their own household may be closer than six (6) feet;
 - c. While eating or drinking only when inside or in the outside dining area of a restaurant or other establishment that offers food or beverage service, provided that person is able to maintain a distance of at least six (6) feet from persons seated at other tables;
 - d. When an individual has a medical condition, mental health condition or disability that prevents wearing a Face Covering;
 - e. When any party to a communication is deaf or hard of hearing and not wearing a Face Covering is essential to communication;
 - f. While obtaining a service that requires temporary removal of the Face Covering, such as dental examinations;
 - g. When necessary to confirm the individual's identity;
 - h. When federal or state law prohibits wearing a Face Covering or requires the removal of a Face Covering;
 - i. When requested by a law enforcement officer;
 - j. When requested by a medical provider, including emergency response personnel;
 - k. Under such other circumstances identified in any subsequent order issued by the Mayor.
3. Persons qualifying for an exception established in Section 1 (b)(2) shall take other reasonable actions to protect against or mitigate the potential for spread of COVID-19 while not wearing a Face Covering, such as maintaining at least six (6) feet of distance between themselves and others or conducting activities outdoors.
4. Except as otherwise provided in this Ordinance, all places of Public Accommodation shall require Face Coverings as described in this Ordinance.
5. All places of Public Accommodation that are open to the public shall post a sign at all public entrances that the use of Face Coverings is required by those seeking to enter the place of Public Accommodation.

SECTION 2 – Severability Clause. If any section, subsection sentence, clause, or phrase of this Ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Ordinance. The Board of Aldermen hereby declares that it would have adopted the Ordinance and each section, subsection, sentence, clause, or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

SECTION 3 – This Ordinance shall be in full force and effect from and after its passage effective September 15, 2020 and approval and shall continue for sixty days (until November 14, 2020) unless amended, renewed, or withdrawn.

Read twice by title after proper posting in accordance with the provisions of Section 79.130 RSMo. 1988 and _____ by the Board of Aldermen of the City of Marshfield, Missouri, this 10th day of September, 2020.

Natalie B. McNish, Mayor

ATTEST:

Karen Rost, City Clerk

APPROVED by the Mayor of the City of Marshfield, Missouri, this 10th day of September, 2020.

Natalie B. McNish, Mayor

ATTEST:

Karen Rost, City Clerk