

FACE COVERING ORDER

PHELPS COUNTY

ORDER NO. 2020-11-24 (1)

1.0 Background

Phelps County has been closely monitoring the global pandemic caused by a viral respiratory illness called COVID-19.

WHEREAS: the novel coronavirus disease (COVID-19) is considered an infectious, highly contagious communicable and dangerous disease and on March 11, 2020 was declared by the World Health Organization to be a pandemic; and

WHEREAS: on March 13, 2020 the President of the United States declared the outbreak of COVID-19 in the United States constitutes a national emergency; and

WHEREAS: on March 13, 2020 Governor of the State of Missouri, Mike Parson, signed Executive Order 20-02 declaring a State of Emergency in Missouri in response to COVID-19; and

WHEREAS: on March 19, 2020 the Phelps County Commission declared a state of emergency, finding that proactive and extraordinary measures are necessary to prevent community spread of COVID-19; and

WHEREAS: On April 3, 2020 Missouri Governor Parson issued an Executive Stay-at-Home Order for the State of Missouri through April 24 and reissued through May 4, 2020; and

WHEREAS: On Monday, April 28, 2020 Missouri Governor Parson announced Phase 1 of the "Show Me Missouri Recovery Plan" which allows all Missouri businesses to open with safe-spacing requirements of six feet effective Monday, May 4, 2020;

WHEREAS: As of November 20, 2020 the Phelps/Maries County Health Department is reporting successive days of active positive cases in excess of 500, 40 cumulative deaths, and a positivity rate in excess of 16%; in addition, inpatient bed capacity in central Missouri is at 29%;

WHEREAS: pursuant to RSMo 192.021.1 the Phelps County Commission in cooperation with the Phelps/Maries County Health

Department has the authority to issue reasonable quarantine orders and restrictions for the prevention and abatement of contagious diseases, including the authority to require the wearing of facial coverings and the practice of social distancing.

NOW THEREFORE, BE IT ORDAINED BY THE PHELPS COUNTY COMMISSION OF PHELPS COUNTY, MISSOURI AS FOLLOWS:

1.01 Applicability

The provisions of the Order are applicable to Phelps County pursuant to the authority of Missouri Revised Statute 192.300. Nothing in this Order is to be construed to supersede the Rules and Regulations of the Missouri Department of Health and Senior Services.

1.02 Definitions

For purposes of this Order, these terms, regardless of whether capitalized, are defined as follows:

"Business" means any for-profit company, non-profit organization, of benevolent association regardless of its legal organization, form, entity, tax-treatment or structure, but does not include any education institution or public governmental body subject to CDC, MO DESE or MO DHSS guidelines.

"County" means Phelps County, Missouri.

"Covid-19" is an illness due to an infection with SARS CoV-2, a novel Coronavirus.

"Face Covering" means a device that covers the nose and mouth.

"Social Distancing Requirements" means, to the extent possible, maintaining at least a six-foot physical distance from other individuals.

1.03 Purpose

This Order intends to institute standards for the requirement of face coverings when in a public space, with the goal to ensure people protect themselves and others, particularly those who are vulnerable to poorer outcomes related to COVID-19 infection.

As face-to-face interactions increase, and as scientific evidence indicates COVID-19 is spread by asymptomatic and pre-symptomatic individuals, it is critical that all individuals wear face coverings in public spaces.

1.04 Provisions

1. Face coverings must be worn by:
 - a. All persons over the age of 11, including employees or visitors, present at any Business of Public Space; or
 - b. All persons over the age of 11 when outdoors in a public space when anyone other than members of their household or living unit will be within six feet; or
 - c. All persons over the age of 11 attending a gathering of individuals who are not members of their household in any area, which will necessarily involve close contact or proximity to others when six feet of separation is not feasible. This restriction does not apply to gatherings of individuals at personal residences.
2. Those not subject to this requirement include:
 - a. Children under the age of 3;
 - b. Children between the ages of 3 and 11 are strongly encouraged, but not required, to wear a face covering while under the direct supervision of an adult;
 - c. Persons with health conditions that prohibit wearing a face covering. Nothing in this Order shall require the use of a face covering by any person for whom doing so would be contrary to their health or safety because of a medical condition;
 - d. Persons who have trouble breathing, or are unconscious, incapacitated, or otherwise unable to remove the face covering without assistance;
 - e. Persons who are hearing impaired, or someone who is communicating with a person who is hearing impaired, where the ability to see the mouth is essential for communication;
 - f. Persons who are at a place of business or public space who are consuming food or drink while adequately distanced from other patrons and staff;
 - g. Persons who are at a public pool while in the water;
 - h. 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; and
 - i. Persons playing a sport;
 - j. Persons exercising or using exercise equipment where participants are at least 6 feet apart.

3. All businesses and other entities that provide a public space must post the requirement that face coverings are required for entry and must continuously be worn while present in the business or on the premises unless excepted above.
4. Businesses are authorized to deny entry to members of the public who refuse to wear face coverings. A Business shall neither require the individual to produce medical documentation verifying a medical condition or disability nor ask about the nature of a medical condition or disability.

1.05 Application and Enforcement

Failure to comply with a public health order designed to "prevent the entrance of infectious, contagious, communicable or danger diseases" into Phelps County is enforceable and punishable under Missouri law. The Phelps County Prosecuting Attorney can seek emergency injunctive relief or other civil relief to enforce any provision of this Order. Noncompliance with this Order may also disqualify businesses from future financial benefits.

In addition to other civil and criminal penalties that may be sought, the Phelps County Health Department may enforce this Order. In accordance with 19 CSR 20-20.040 and Phelps County Ordinance 2020-11-24 (1), the Health Department has the authority to establish appropriate control measures to prevent or control the spread of an infectious disease, including isolation, quarantine, disinfection, and closure of establishments in the interest of public health. In exercising its authority under 19 CSR 10-20.040, the Health Department may proceed with closures and enforcement actions including:

- a. At the individual level, including isolation and quarantine of cases, family members, and close contacts;
- b. At the business level by location of transmission;
- c. At the industry/sector level, if businesses in that industry are found to be particularly associated with transmission.

The maximum punishment that may be imposed for a violation of this Order, which by statute is a class A misdemeanor, is a fine not to exceed one thousand dollars.

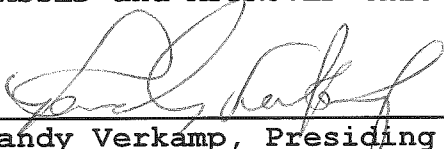
1.06 Immunity

Neither Phelps County, nor any political subdivision in the County, nor any local law enforcement agency, nor the Phelps/Maries Health Department, nor any of the employees, agents, contractors or volunteers assisting these organizations, shall be held responsible for any lost wages, income or other damages due to the requirements imposed hereunder.

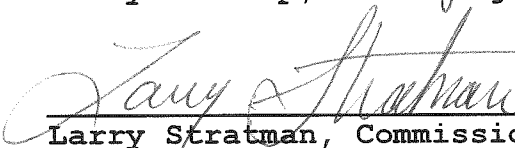
1.07 Effective Date

This Order shall be in full force and effect beginning 12:01 a.m. Monday, November 30, 2020. This Emergency Order may be repealed, amended, or rescinded at any time by the Phelps County Commission. This Order shall remain in effect until February 2, 2021 or until revoked by the Phelps County Commission.

PASSED and APPROVED this 24th day of November, 2020.



Randy Verkamp, Presiding Commissioner




Larry Stratman, Commissioner District 1



Gary W. Hicks, Commissioner District 2



ATTEST:



Pamela K. Grow, Phelps County Clerk