

**SPECIAL COUNCIL MEETING AGENDA
CITY OF CARTHAGE, MISSOURI
WEDNESDAY, NOVEMBER 25, 2020
COUNCIL CHAMBERS
3:15 P.M.**

1. Call to Order

2. Invocation

3. Pledge of Allegiance to Flag

4. Calling of the Roll

5. Public Comments

(Each person addressing the Council shall state their name and address or the organization or firm represented and is limited to no more than five (5) minutes. The time may be extended by the chair if deemed necessary. Once a person has had their say on a particular issue they are not permitted to once again speak on the issue unless called to answer any further questions by the Council or Chair)

6. New Business

1. **C.B. 20-54** – An Ordinance to require persons to wear facemasks that cover the nostrils and mouth to help restrict the spread of the COVID-19 virus, to establish reasonable exemptions, to set practical enforcement conditions; and containing an emergency clause.

7. Adjournment

PERSONS WITH DISABILITIES WHO NEED SPECIAL ASSISTANCE CALL 417-237-7000 (VOICE) OR 1-800-735-2466 (TDD VIA RELAY MISSOURI) AT LEAST 24 HOURS PRIOR TO MEETING

AN ORDINANCE to require persons to wear facemasks that cover the nostrils and mouth to help restrict the spread of the COVID-19 virus, to establish reasonable exemptions, to set practical enforcement conditions; and containing an emergency clause.

WHEREAS, on March 18, 2020, the Mayor declared a civil emergency because of the threat COVID-19 poses to the public health; April 19, 2020 the City Council approved a Declaration of a State of Emergency within the City of Carthage calling for proactive measures to protect the public health, safety and welfare; and

WHEREAS, the spread of the COVID-19 virus has been accelerating in the City of Carthage and in Jasper County; 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 Carthage 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, the City of Carthage finds therefore, 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.

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF CARTHAGE, MISSOURI, as follows:

Section 1. Masks shall be worn by those persons 6 years old and over when in public indoor spaces, only where social distancing of 6ft or more cannot be achieved with persons outside their immediate family, household, or party, unless dining, at which time masks may be removed at the dining table or surface.

Section 2. Other exceptions shall be persons exercising or in conditions (such as high temperatures) where a mask might be harmful to their ability to breathe, and medical conditions (such as, but not limited to; COPD, and asthma) that may be adversely affected by wearing a mask.

Section 3. That the Carthage 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 Carthage, 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 Carthage residents, including but not limited to those who are most vulnerable to infection, while still preserving the availability of essential services.

Section 4. 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 5. The Carthage 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 6. Under the Carthage City Council's authority for enforcement of a violation of face coverings, the City Council specifically orders that a violation of this ordinance under Carthage's City Code, Section 1-12, is punishable by a fine of \$0 to \$500 dollars, at the court's discretion.

Section 7. Violation of any provision of the Order may result in the suspension or revocation of the Certificate of Occupancy and/or Business License for the offending business or concern in accordance with Sections 12-234 and 25-60 of the Code of Carthage.

Section 8. Businesses have the right to refuse service for failure to comply, if there are no exceptions under this ordinance.

Section 9. This ordinance is effective at 6:00 a.m. on Wednesday, November 25, 2020.

Section 10. That the City Council of the City of Carthage, 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 3.9(e) of the Charter of the City of Carthage, 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, especially when humans gather large public gatherings will facilitate the spread of a communicable disease, COVID-19.

PASSED BY THE COUNCIL OF THE CITY OF CARTHAGE, MISSOURI, this day
of _____, 2020.

Dan Rife, Mayor

ATTEST:

Traci Cox, City Clerk

APPROVED AS TO FORM:

Nate Dally, City Attorney

Amendment: