

**Order of the City of Columbia
Director of Public Health and Human Services**

**2019 Novel Coronavirus ("COVID-19")
Notice and Issuance of Rules and Regulations**

Order No. 2020-04

**Renewal of Stay at Home Order
Addition of Supplemental Authorized Activities
Curbside Pickup and Delivery for All Retail Businesses**

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 the Governor of the State of Missouri declared a state of emergency within in the State of Missouri; and

WHEREAS, on March 16, 2020 the City of Columbia declared a state of emergency, finding that proactive and extraordinary measures are necessary to prevent community spread of COVID-19; and

WHEREAS, pursuant to Section 11-98 of the Columbia City Code together with other state and local laws, the Director of Public Health and Human Services (Director) has been delegated the authority to adopt such measures as the Director deems necessary to prevent the introduction and spreading of such disease, including the authority to prevent the assembling of persons within the city and the closing of businesses and amusements; and

WHEREAS, the Director entered Order No. 2020-01 on March 17, 2020 instituting certain restrictions on public gatherings within the City; and

WHEREAS, the Director entered Order No. 2020-02 on March 20, 2020 instituting additional rules and regulations relating to gatherings within the City; and

WHEREAS, the Director entered Order No. 2020-03 on March 24, 2020 instituting a Stay at Home Order for all persons except for the conduct of certain Essential Activities and Essential Businesses and Operations; and

WHEREAS, the City continues to experience new cases of COVID-19; however, such cases have been controlled in a sufficient manner as to not overload the healthcare system and resources available within Boone County; and

WHEREAS, the Director finds it is necessary for the community to remain preemptive and vigilant to protect the health and safety of the general citizenry; and

WHEREAS, the Director finds it is advisable to amend Order No. 2020-03 to begin to allow certain Non-Essential Businesses and Operations to conduct certain activities in a controlled and orderly fashion;

NOW THEREFORE, it is hereby **ORDERED** by the Director as follows:

Article 1. Effective date and applicability.

This Order supplements and amends the Rules and Regulations contained in Order 2020-03 and shall be effective 8:00 a.m. on April 24, 2020 and will continue to be in effect until 11:59 p.m. on May 3, 2020, or until it is extended, rescinded, superseded or amended in writing by further order. Except as specifically provided herein, all other provisions of Order 2020-03 remain in effect.

Article 2. Intent.

By enacting this Order it is the express intent to ensure that the maximum number of people continue to stay at home to slow the spread of COVID-19 within the City of Columbia while enabling essential services to continue and beginning to introduce additional workers and services back into the economy in a safe and methodical manner. All provisions of this Order shall be interpreted to effectuate this intent.

Article 3. Amendment of Order 2020-03. Order 2020-03 is hereby amended as follows:

Amendment of Order 2020-03 Section 3.02. Section 3.02 of Order 2020-03 related to cessation of non-essential business and operations is amended to read as follows:

Section 3.02. The conduct of business and operations within the City. All businesses and operations within the City, except Essential Businesses and Operations and Supplemental Authorized Activities are required to cease all activities except Minimum Basic Operations, as defined herein.

All businesses are allowed to maintain the value of inventory and infrastructure, provide security, process payroll or employee benefits, or facilitate employees working remotely. For clarity, businesses may also continue operations consisting exclusively of employees or contractors performing activities at their own residences (i.e., working from home).

Restaurants and retail food establishments that normally prepare food for on-site consumption are prohibited from conducting any dine-in food service; however, such businesses may provide pickup, drive-through, or

delivery services so long as such business otherwise complies with this Order. The provision of any ordinance, permit or other restriction that would prohibit an existing restaurant or retail food facility from providing pickup, drive-through, or delivery service is waived during this effective period of this order.

All Essential Businesses and Operations are encouraged to remain open. To the greatest extent feasible, Essential Businesses and Operations shall comply with Social Distancing Requirements.

No business or person may operate or engage in a Prohibited Activity.

Amendment of Order 2020-03 Article 4. Definitions. Article 4 Definitions of Order 2020-03 is hereby amended by adding a new subsection to the definition of “E. Essential Activities” as follows:

18. engage in any Supplemental Authorized Activities.

Amendment of Order 2020-03 Article 4. Definitions. Article 4 Definitions of Order 2020-03 is hereby amended by adding a new subsection to add a definition for “Supplemental Authorized Activities” as follows:

W. “Supplemental Authorized Activities” means the following additional activities when conducted in accordance with written guidance issued by the Director, as amended, from time to time:

1. Businesses which sell at retail, including those which otherwise do not qualify as an Essential Business, may take orders by telephone, online, or by any other ordering system in which the order is not made in person and may fulfill those orders by shipping, delivery, or curbside pickup. Such business shall adhere to all Social Distancing Requirements, shall maintain a disinfection plan for the premises and shall maintain stable work environment for employees (“stable” means that the same ten or fewer persons are, to the greatest possible extent, in the same work group each day).

Article 4. Enforcement; Severability.


Section 4.01. Application with other laws. Unless otherwise specifically provided or suspended in this Order, any order or official guidance issued in writing by the Director, or any Executive Order, this Order shall not supplant, supersede, replace, rescind, amend, or modify any other law, ordinance, rule, regulation, or permit condition or requirement, including but not limited to those that may apply to Essential Business or Essential Activities.

Section 4.02. Enforcement. Violation of or failure to comply with this Order is a crime punishable by fine, imprisonment, or both. In addition to the criminal enforcement authority of the Prosecuting Attorney, the City Counselor is delegated the authority to take appropriate actions with respect to any person or business that has failed to comply or attempted to fail to comply with this Order, including, after offering notice and an opportunity to be heard that are reasonable in the circumstances, reclassifying an Essential Business as a Disqualified Business, or other actions the City Counselor may deem appropriate to ensure compliance with this Order, to address non-compliance, or to deter non-compliance by others. For purposes of this paragraph, notice to an Essential Business is presumptively reasonable if it is in writing, gives the Essential Business an opportunity to respond within a time that is reasonable in the circumstances (not to be less than two hours), and is addressed either to the chief executive, general counsel, counsel of record, or registered agent of the Essential Business. The City Counselor may also seek emergency injunctive or other civil relief as the City Counselor deems appropriate. Any action by the City Counselor, if taken after consulting the Director, shall be considered an emergency proceeding that is necessary to protect the public health and safety.

Section 4.03. Savings clause. If any provision of this Order or its application to any person or circumstance is held to be invalid, then the remainder of the Order, including the application of such part or provision to other persons or circumstances, shall not be affected and shall continue in full force and effect. To this end, the provisions of this Order are severable.

So Ordered.

Date: 4.23.2020


Stephanie Browning
Director of Public Health and Human Services
City of Columbia, Missouri