

PROCLAMATION

EMERGENCY ORDER NO. 2020-4

An Emergency Order issued by the Mayor of the City of Lee's Summit, Missouri, during the COVID-19 Health Emergency regarding the enforcement of City laws in a manner consistent with the State Order issued by the Director of the Missouri Department of Health and Senior Services on April 27, 2020, extending the deadline for liquor license renewals pursuant to Chapter 4 of the City Code, modifying the duration of Emergency Order 2020-2 regarding the sale of alcohol at the curbside of certain local establishments, and extending the duration of business licenses during the Emergency Declaration.

WHEREAS, on March 17, 2020, the Mayor of the City of Lee's Summit, Missouri (the "City") issued a Proclamation which declared a state of emergency exists within the City due to the 2019 novel coronavirus (COVID-19) (referred to as the "Emergency Declaration"); and,

WHEREAS, the state of emergency continues to exist within the City due to the 2019 novel COVID-19 pandemic; and,

WHEREAS, on April 16, 2020, the Mayor issued Emergency Order No. 2020-1 which (a) extended the Emergency Declaration to May 15, 2020, (b) tolled the running of deadlines in the City's Unified Development Ordinance during the Emergency Declaration, and (c) suspended in-person neighborhood meetings for land-use applications during the Emergency Declaration; and,

WHEREAS, on April 16, 2020, the Mayor issued Emergency Order No. 2020-2 which suspended the City Code provision that prohibits the sale of alcoholic beverages to people in vehicles during the Emergency Declaration, to facilitate curb-side pickup of food and beverage by restaurants that continue to provide such services during the Emergency Declaration; and,

WHEREAS, on April 21, 2020, the Mayor issued Emergency Order No. 2020-3 which adopted procedural rules for public hearings which are held by videoconference during the Emergency Declaration; and,

WHEREAS, on April 27, 2020, the Director of the Missouri Department of Health and Senior Services issued an order (the "State Order"), which is attached as **Exhibit A** and incorporated herein by reference, which set forth orders, directives, and guidance regarding health and safety measures to be followed by Missouri residents, businesses, and certain governmental entities during the COVID-19 pandemic between May 4 and May 31, 2020; and,

WHEREAS, the Mayor wishes to modify the City's prior Emergency Declaration so that City officials and staff will enforce the laws of the City to the restrictive limits of the State Order within the geographic borders of the City; and,

WHEREAS, many restaurants, bars and retail establishments that hold liquor licenses have experienced significant business disruptions that prevent the normal operation of business and compliance with routine regulatory matters, and the Mayor therefore wishes to extend the deadlines

associated with renewals of licenses for the sale of alcoholic beverages by the drink, restaurant licenses, C.O.L. licenses, licenses for sales in the original packaging and licenses to manufacture or sell at wholesale as set forth in Section 4-91 of the City Code; and,

WHEREAS, Emergency Order No. 2020-2, referenced above, needs to be modified so that the duration of such order matches the effective period of the Industry Circular issued by the Missouri Division of Alcohol and Tobacco Control on April 14, 2020; and,

WHEREAS, businesses which hold business licenses issued by the City of Lee's Summit are experiencing staffing issues and operational challenges during the Emergency Declaration, and the Mayor therefore desires to extend the duration of City-issued business licenses so that they do not lapse during the Emergency Declaration; and,

WHEREAS, this Order is being issued pursuant to the authority granted to the Mayor in Section 10-2 of the City Code, which provides that the Mayor may promulgate rules and orders to implement and clarify the City Emergency Declaration, as extended.

NOW THEREFORE, I, William A. Baird, Mayor of the City of Lee's Summit, Missouri, do hereby declare and order that:

1. City officials and staff are hereby directed and ordered to interpret the laws of the City in a manner consistent with the orders, directives and guidance of the State Order. In the event of any conflict between any orders issued by Jackson County, Missouri, and the State Order, City officials and staff are directed to interpret the laws of the City only to the restrictive limits of the State Order.
2. The prior Emergency Orders issued by the Mayor are modified as set forth in this Emergency Order 2020-4. In the event of any conflict between this Emergency Order No. 2020-4 and prior Mayor Emergency Orders, the provisions of this Emergency Order No. 2020-4 shall be followed.
3. It is the intention of this Emergency Order No. 2020-4 that the City shall follow the State Order to the greatest extent possible.
4. The deadline associated with liquor license renewals as set forth in Section 4-91 of the City Code, providing that person holding a license for the sale of alcoholic beverages by the drink, a restaurant license, a C.O.L. license, licenses for sales in the original packaging and licenses to manufacture or sell at wholesale must file with the Director of Liquor Control an application for license renewal on or about May 1 and not later than May 15 of each year, is hereby extended to the deadline of July 1, 2020, and that failure of a licensee to file such renewal application not later than July 1, 2020, may be considered abandonment or forfeiture of the current license upon expiration of such license.
5. Emergency Order No. 2020-2 is hereby modified to terminate on the same date of termination which is applicable to the Industry Circular – Emergency Waiver – Retailer – Packaged Alcohol which was issued on April 14, 2020 by the Missouri Division of Tobacco and Alcohol Control (the “**Division**”), as such termination date may be modified by the Division. In the event that the Division issues a new order governing the same subject matter as the April 14, 2020 order referenced in this paragraph, the duration of Emergency Order No. 2020-2 shall be extended to match the duration of such new order from the Division.

6. All business licenses issued by the City which are currently held by businesses operating in the City, or that may operate in the City, and which are set to expire in May or June 2020, shall not expire during the months of May and June 2020 and their duration is hereby extended to July 1, 2020.
7. The Emergency Declaration and the effective duration of all Emergency Orders are hereby extended to end at 11:59 p.m. on May 31, 2020, unless earlier terminated or further extended by written order of the Mayor.
8. The parts and provisions of this Emergency Order No. 2020-4 shall be severable, and in the event that a court of competent jurisdiction rules that any part or provision of this Emergency Order No. 2020-4 is unlawful or unconstitutional the remaining parts and provisions shall remain in full force and effect.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the City of Lee's Summit, Missouri, at 3 o'clock p.m. on the 8th day of May, 2020.

CITY OF LEE'S SUMMIT, MISSOURI


MAYOR WILLIAM A. BAIRD

ATTEST:

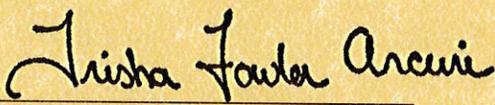

City Clerk *Trisha Fowler Arcuri*



EXHIBIT A
STATE ORDER ISSUED APRIL 27, 2020

[Attached]



Missouri Department of Health and Senior Services

P.O. Box 570, Jefferson City, MO 65102-0570 Phone: 573-751-6400 FAX: 573-751-6010
RELAY MISSOURI for Hearing and Speech Impaired and Voice dial: 711

Randall W. Williams, MD, FACOG
Director



Michael L. Parson
Governor

April 27, 2020

The Director of the Department of Health and Senior Services, finding it necessary to protect public health and prevent the further spread of COVID-19, pursuant to the authority granted under section 192.020, RSMo, and 19 CSR 20-20.040, hereby order the following:

1. When individuals leave their homes or places of residence to work, to access food, health care, necessities, or to engage in other activities, they should at all times practice social distancing. Individuals may go to and from an individual's place of worship, provided that limitations on social distancing are properly adhered to.
2. In accordance with the guidelines from the President and the Centers for Disease Control and Prevention (CDC), every person and business in the State of Missouri shall abide by social distancing requirements, including maintaining six feet (6') of space between individuals. This provision shall not apply to family members or individuals performing job duties that require contact with other people closer than six feet (6'). Individuals performing job duties that require contact with other people closer than six feet (6') should take enhanced precautionary measures to mitigate the risks of contracting or spreading COVID-19. This provision shall apply in all situations, including, but not limited to, when customers are standing in line or individuals are using shared indoor or outdoor spaces.
3. In accordance with the guidelines from the President, the CDC, and the Centers for Medicaid and Medicare Services, people shall not visit nursing homes, long-term care facilities, retirement homes, or assisted living homes unless to provide critical assistance or in end-of-life circumstances. Elderly or otherwise vulnerable populations should take enhanced precautionary measures to mitigate the risks of contracting COVID-19.
4. Any entity that employs individuals that is engaged in retail sales to the public, shall limit the number of individuals in any particular retail location as follows:
 - (1) Twenty-five (25) percent or less of the entity's authorized fire or building code occupancy, as set by local authorities, for a retail location with square footage of less than ten thousand square feet (10,000 ft²);
 - (2) Ten (10) percent or less of the entity's authorized fire or building code occupancy, as set by local authorities, for a retail location with square footage of ten thousand square feet (10,000 ft²) or more.
5. In accordance with the guidelines from the President and the CDC, schools shall remain closed for the remainder of the 2019-2020 academic school year. At the discretion of the school district, nothing in this Order shall prohibit school teachers, school staff, students, and parents from reentering school buildings in order to work, retrieve personal belongings, or return school property as long as limitations on social distancing are properly adhered to. Summer school may

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The Missouri Department of Health and Senior Services will be the leader in promoting, protecting and partnering for health.

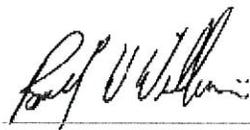
AN EQUAL OPPORTUNITY / AFFIRMATIVE ACTION EMPLOYER: Services provided on a nondiscriminatory basis.

proceed under guidelines set forth by the Department of Elementary and Secondary Education. Notwithstanding section 2 of this Order, nothing in this Order shall prohibit daycares, child care providers, or schools from providing child care in accordance with CDC guidelines. Further, this Order does not prohibit schools from providing Food and Nutritional Services for those children that qualify.

6. Restaurants may offer dining-in services, provided that the limitations on social distancing and other precautionary public health measures, including proper spacing of at least six feet (6') between tables, lack of communal seating areas to parties that are not connected, and having no more than ten (10) people at a single table, are properly adhered to. The continued use of drive-thru, pickup, or delivery options is encouraged throughout the duration of this Order.
7. State office buildings shall be open to the public as soon as practicable, and essential state functions shall continue. The State Capitol Building shall remain open to the public during meetings or proceedings of the General Assembly.
8. Pursuant to section 44.101, RSMo, this Order shall not be construed to prohibit or restrict the lawful possession, transfer, sale, transportation, storage, display, or use of firearms or ammunition during the declared state of emergency, subject to the provisions set forth herein.

Pursuant to section 192.290, RSMo, this Order shall be observed throughout the state and enforced by all local and state health authorities; provided however, nothing herein shall limit the right of local authorities to make such further ordinances, rules, regulations, and orders not inconsistent with this Order which may be necessary for the particular locality under the jurisdiction of such local authorities. Local public health authorities are hereby directed to carry out and enforce the provisions of this Order by any legal means.

This Order shall be in effect beginning 12:01 A.M., Monday, May 4, 2020, and shall remain in effect until 11:59 P.M., Sunday, May 31, 2020, unless extended by further order of the Director of the Department of Health and Senior Services with said extensions not to exceed the duration of the effective period of Executive Order 20-09.



Randall W. Williams, MD, FACOG
Director