

PROPOSED JOINT ORDER OF THE
SCOTT COUNTY COMMISSION,
SCOTT COUNTY HEALTH OFFICER,
SCOTT COUNTY HEALTH DEPARTMENT, &
SCOTT COUNTY MUNICIPALITIES

Proposed enactment date
April 2, 2020

Proposed effective date
April 4, 2020 12:01 am

WHEREAS, on April 2nd, 2020 the Scott County Commission passed its order declaring a state of emergency in Scott County in response to the COVID-19 pandemic.

WHEREAS, Barry Cook is the Director of the Scott County Health Department and is the authorized designee of the Scott County Health Department Board; and

WHEREAS, on April 2nd, 2020 the Scott County Commission appointed Dr. W. Cully Bryant IV, a duly licensed physician, as the Scott County Health Officer; and

WHEREAS, the Director of the Scott County Health Department has advised the Scott County Commission that there have been 6 confirmed cases of individuals testing positive for COVID-19 virus. COVID-19 has previously been deemed a national health crisis and a communicable disease. COVID-19 presents a real and present danger and serious health risk for the residents and visitors of Scott County, Missouri; and

WHEREAS, there continues to exist a state of emergency which requires a response by the County Commission to protect human life from the continued spread of COVID-19, including a directive that all persons within the territorial jurisdiction of Scott County stay at home to limit social contact, that any business not declared an Essential Business cease public operations, that all businesses comply with all guidelines set forth by the United States Center for Disease Control and Prevention for the mitigation of the spread of COVID-19; and

Article 1. Effective Date and Applicability

This Order replaces and supersedes the Rules and Regulations in prior orders or Orders for COVID-19 control and shall be effective at 12:01 am on April 4, 2020. The Scott County Health Department shall make a daily review of the status of COVID-19 and this Order may be revoked at any time.

Article 2. Intent

The intent of this Order is to ensure that the maximum number of people remain in their places of residence to the maximum extent feasible, while enabling essential services to continue, to slow the spread of COVID-19 within Scott County. When people leave their place of residence, whether to perform Essential Activities, or to otherwise facilitate authorized activities, they should at all times

comply with all guidelines set forth by the United States Center for Disease Control and Prevention for the mitigation of the spread of COVID-19.

This Order applies to all businesses and persons entering or remaining within the territorial jurisdiction of Scott County, Missouri, irrespective of their county or state of residency, domicile or incorporation.

Article 3. Issuance Authority

Pursuant to Section 192.300 and 19 CSR 20-20.010 et. Seq., the Scott County Commission and/or the Scott County Health Department Board, through its Director, and/or the County Health Officer is/are authorized to promulgate orders intended to enhance the public health and prevent the entrance (including the entrance into portion of Scott County where the disease is not now present) of infectious, contagious, communicable, or dangerous diseases, all of which COVID-19 is, into the County, including among other things, a declaration that a state of emergency exists in Scott County, and the exercise of all emergency powers not otherwise in conflict with any rules or regulations authorized by the Department of Health or the Department of Social Services under Chapter 198, RSMo.

Article 4. Stay At Home; Cessation of Non-Essential Business and Operations

Section 4.01. Stay At Home or Place of Residence. All individuals currently living within Scott County are ordered to stay at home or at their place of residence except as allowed in this Order. All persons may leave their homes or place of residence, or if visiting the County as a non-resident, only for Essential Activities, Essential Governmental Functions, or to operate Essential Businesses and Operations, all as defined below.

To the extent individuals are using shared or outdoor spaces when outside their residences, they must at all times, and as much as reasonably possible, adhere to Social Distancing Requirements.

Individuals experiencing homelessness are exempt from this Order but are strongly urged to obtain shelter. Individuals whose residence is unsafe or becomes unsafe, such as victims of domestic violence, are permitted and urged to leave their home and stay at a safe alternative location. For purposes of the Order, homes or residences include hotels, motels, campgrounds, shared rental units, shelters and similar facilities.

Section 4.02. Individual Violation Penalty. An individual who knowingly violates the provisions of this Section shall be guilty of a misdemeanor under Section 192.300, RSMo., and/or a Class A misdemeanor under Section 192.320, RSMo., at the election of the Prosecuting attorney.

Section 4.03. Business Operations. All businesses shall be closed to the public throughout the duration of this Order, with the following exceptions:

- A) Any business deemed an Essential Business are encouraged to remain open. To the greatest extent feasible, Essential Businesses shall comply with all guidelines set forth by the United States Center for Disease Control and Prevention for the prevention of the spread of COVID-19.
- B) All businesses may perform limited operations necessary to maintain value of inventory and infrastructure, provide security, process payroll or employee benefits, or facilitate

employees working remotely. To the extent possible, employees working from home is encouraged.

- C) Restaurants, retail food establishments, bars and private clubs which normally prepare food and/or beverage service for on-site consumption are prohibited from allowing any on-site consumption of any food or beverage however such businesses may provide pick-up, drive-through or delivery services for at-home consumption by the consumer, so long as said business follows all guidelines set forth by the United States Center for Disease Control and Prevention for the prevention of the spread of COVID-19.
- D) Laundromats and any other businesses which support and promote personal hygiene and cleanliness are encouraged to remain open so long as said business follows all guidelines set forth by the United States Center for Disease Control and Prevention for the prevention of the spread of COVID-19.

Section 4.04. Religious Organizations. All religious gatherings or meetings, including churches and church services must be limited by the Social Distancing Requirements (no more than 10 people and maintaining 6 foot distance). And are subject to the same rules and requirements as businesses.

Section 4.05. Prohibited Activities. No business, whether an Essential Business or not, shall engage in or allow to occur on their premises the following activities:

- A) Gatherings of greater than 10 people, unless the operations of their Essential Business so require.
- B) Allowing patrons to operate shared equipment including but not limited to: gyms, rented golf carts, playground equipment, and sports equipment, unless the use of shared equipment is required for the operations of an Essential Business so long as compliance is maintained with all guidelines set forth by the United States Center for Disease Control and Prevention for the prevention of the spread of COVID-19.
- C) Activities that do not conform with Social Distancing Requirements, unless operation of their Essential Business so require.
- D) Operation of a public swimming pool.

Section 4.06. Business Violation Penalties. Any business which violates any provision herein shall be subject to a civil action commenced in the Circuit Court of Scott County against said business seeking the suspension or revocation of their business license issued by Scott County. No revocation of any business license shall occur without a judicial decree ordering the same, after due process of law. The civil action shall be initiated by order of the Scott County Commission and filed in the appropriate division of the Circuit Court by the Scott County Prosecuting Attorney naming the Scott County Commission as Petitioner or Relator and the business' legal entity listed on their respective Scott County Business license as Respondent.

Section 5. Inapplicability.

This Order does not apply to or have effect on any of the following:

1. Operations of any political subdivision of the State of Missouri or the County of Scott or any agency of the State of Missouri, or any employee thereof.
2. Any person, business, church, civic organization, school district, political subdivision or government agency providing food to individuals, so long as it is accomplished on a pick-up and take-away basis to be consumed by the individual at their home and all guidelines set

forth by the United States Center for Disease Control and Prevention for the prevention of the spread of COVID-19 are followed.

3. Nothing in this Order shall restrict or diminish the County Health Officer's authority to issue quarantine orders to individuals and enforce the same under Section 192.320, RSMo.
4. Any provision of this Order which is in conflict with any rules or regulations authorized and made by the Department of Health and Senior Services or Department of Social Services in accordance with state statute.
5. An agricultural operation and its appurtenances, as such term is defined in Section 537.295, RSMo., in so far as the terms of this Order are inconsistent with or more stringent than any provision of chapter 192, RSMo., or chapters 260, 640, 643, and 644, RSMo., or any rule or regulation promulgated under such chapters.
6. Any provision of this Order which would prohibit or restrict the lawful possession, transfer, sale, transportation, storage, display, or use of firearms or ammunition during an emergency.
7. Individuals currently experiencing homelessness or whose residence is unsafe or becomes unsafe, such as victims of domestic violence.

Section 6. Definitions.

“Business or Businesses” – means any for-profit companies, non-profit organizations, benevolent associates, private clubs, associations, limited liability companies, corporations or partnerships.

“Essential Activities” – means:

- 1) To engage in activities or perform tasks essential to their health and safety, or to the health and safety of their family or household members (including but not limited to their pets), or close personal acquaintances, including but not limited to obtaining medical supplies or medication, visiting a healthcare professional, laundering clothes at a laundromat, or obtaining personal hygiene and cleaning supplies;
- 2) To obtain necessary services or supplies for themselves and their family or household members, or close personal acquaintances, or to deliver those services or supplies to others, including but not limited to groceries and household goods and products.
- 3) To engage in outdoor activity, provided such individuals comply with Social Distancing Requirements.
- 4) To perform work providing essential products and services at an Essential Business or to otherwise carry out activities specifically permitted under this Order, including services performed for non-essential businesses for limited operations necessary to maintain value of inventory and infrastructure, provide security, process payroll or employee benefits, or facilitate employees working remotely.
- 5) To care for a family member, close personal acquaintance or pet in another household.

Due to the high risk of community spread at such events, Essential Activities do not include weddings, funerals, wakes, memorial services or similar gatherings. All such events or gathering shall be limited, shall not exceed ten (10) persons (including any clergy or other persons present participating in the ceremony) and shall comply with Social Distancing Requirements.

“Essential Business” – means all businesses and operations thereof declared as such by the Department of Homeland Security in that agency's ADVISORY MEMORANDUM ON IDENTIFICATION OF ESSENTIAL CRITICAL INFRASTRUCTURE WORKERS DURING COVID-19 RESPONSE, as revised March 28, 2020 which is attached hereto as Exhibit A, and fully

incorporated herein by reference and can be found at:

https://www.cisa.gov/sites/default/files/publications/CISA_Guidance_on_the_Essential_Critical_Infrastructure_Workforce_Version_2.0_Updated.pdf

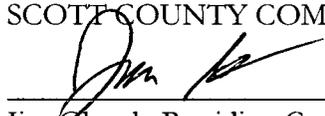
“Essential Government Functions” – means all services needed to ensure the continuing operation of federal, state, or local government departments, offices, agencies, officials, political subdivisions, entities created by intergovernmental agreement, essential court functions as determined by the Presiding Judge or the Presiding Judge’s designee, and any other government functions necessary to provide for the health, safety, and welfare of the public.

“Social Distancing Requirements” – means the social distancing recommendations of the United States Center for Disease Control and Prevention which include maintaining at least six-foot social distancing from other individuals, washing hands with soap and water for at least twenty seconds as frequently as possible or using hand sanitizer with more than sixty percent alcohol, covering coughs or sneezes with something other than hands, regularly cleaning high-touch surfaces, and not shaking hands.

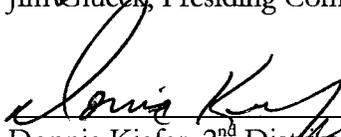
This ordinance has been reviewed and approved by all municipalities within Scott County, Missouri. This was a collaborative effort between officials and agencies for the safety and health of citizens of Scott County.

SO ORDERED this 24 day of April, 2020

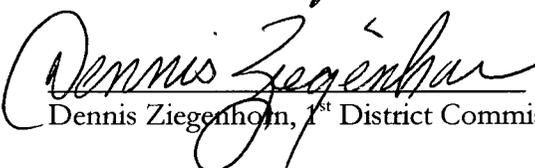
SCOTT COUNTY COMMISSIONER:



Jim Glueck, Presiding Commissioner

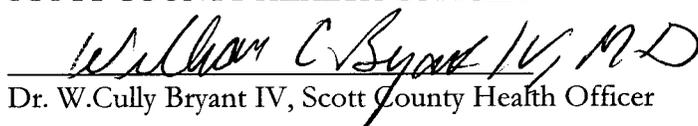


Donnie Kiefer, 2nd District Commissioner



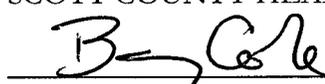
Dennis Ziegenhorn, 1st District Commissioner

SCOTT COUNTY HEALTH OFFICER



Dr. W. Cully Bryant IV, Scott County Health Officer

SCOTT COUNTY HEALTH DEPARTMENT



Barry Cook, Director, Scott County Health Department