



LAUBER MUNICIPAL LAW, LLC
Serving those who serve the public

APRIL 4, 2020

**PRACTICAL AND IMPORTANT GUIDELINES FOR MISSOURI CITIES
WHEN DEALING WITH GOVERNOR PARSON'S STAY AT HOME ORDER AND
SOCIAL DISTANCING REQUIREMENTS RELATED TO COVID-19**

CIRCULAR #5

On Friday, April 3, Governor Parson announced that at midnight on April 6 (overnight Sunday night) a statewide stay at home order goes into effect in Missouri. As has been the case with previous orders, the Governor's stay at home raises many questions, and our elected officials continue to receive difficult questions, the answers for which require a delicate balance between protecting public health and protecting businesses. There are no easy answers, however, this guidance is intended to provide you with a factual basis from which each governing body can make decisions that they believe are in the best interest of their jurisdiction. As a final point, we all understand that this information is rapidly changing and evolving. This information is accurate as of the time it was drafted on the date indicated above. Please be sure to look for updates from us or other sources as this issue continues to evolve. As with any issue, please be sure to consult your city attorney before taking action in this uncertain environment. All emphasis indicated in this summary was provided by us.

What does Governor Parson's stay at home order require?

The Essentials

- Beginning at 12:01 a.m. on Monday, April 6, and continuing until 11:59 p.m on Friday, April 24, 2020
- Missouri residents shall avoid leaving their homes or place of residence, except as necessary
- All individuals in Missouri shall avoid social gatherings of more than 10 people
- Every person and business in Missouri shall abide by social distancing requirements
- Some guidance is provided on what is a necessary reason to be out- but the stay at home order does not prohibit people from accessing essential services such as grocery stores, gas stations, and banks, or engaging in outdoor recreation, *provided that necessary precautions are taken*
- Different rules apply to business that do and those that do not employ individuals to perform essential worker functions
- Essential retail businesses have specific limits on the number of people allowed in its store

250 NE Tudor Rd. • Lee's Summit, MO 64086 • (816) 525-7881
jlauber@laubermunicipal.com

308 E. High St. • Jefferson City, MO 65101 • (660) 672-4597
nmickolaus@laubermunicipal.com



LAUBER MUNICIPAL LAW, LLC
Serving those who serve the public

Details of the Director of the Department of Health and Senior Services Stay at Home Order, Effective 12:01 a.m. Monday, April 6, 2020

At approximately 5:00 p.m. on Friday, April 3, Governor Parson announced that he had directed the Missouri Department of Health and Senior Services to issue a statewide stay at home order (referred to herein as the “Governor’s order”). This order goes into effect at 12:01 am on Monday, April 6 (i.e., overnight Sunday night), and is in effect through 11:59 p.m. on Friday, April 24, 2020. Here is a summary of the terms of Missouri’s stay-at-home order:

1. **Individuals currently residing in Missouri shall avoid leaving their homes or place of residence.**
 - When it is necessary for an individual to leave their home or place of residence, they **should at all times practice social distancing**
 - Necessary reasons to leave home:
 - To access
 - Food
 - Prescriptions
 - Health care
 - Other *necessities*
 - To engage in outdoor activity
 - To go to and from an individual’s place of worship, *provided that limitations on social gatherings and social distancing are adhered to*

2. **Any entity that does not employ individuals to perform essential worker functions (described in detail below) shall adhere to the limitations on social gatherings and social distancing set forth in Sections 4 and 5 of the stay at home order.**
 - **Section 4:**
 - **All individuals in the State of Missouri shall avoid social gatherings of more than 10 people** (i.e., 10 or less is still permitted).
 - Social gatherings are any planned or spontaneous event or convening that would bring more than 10 people together in a single space at a single time.
 - **Section 5:**
 - **Every person and business in Missouri shall abide by social distancing requirements.**
 - This specifically includes **maintaining six-feet (6’) of space between individuals**

250 NE Tudor Rd. • Lee’s Summit, MO 64086 • (816) 525-7881
jlauber@laubermunicipal.com

308 E. High St. • Jefferson City, MO 65101 • (660) 672-4597
nnickolaus@laubermunicipal.com



LAUBER MUNICIPAL LAW, LLC

Serving those who serve the public

- **Social distancing requirements apply in all situations** (except as described immediately below), specifically including, without limitation, when individuals are outside their residence:
 - Standing in line
 - Using shared indoor or outdoor spaces
 - **Social distancing requirements DO NOT apply to:**
 - Family members
 - Individuals performing essential worker functions
 - Entities that do not employ individuals to perform essential worker functions may request from the Department of Economic Development a waiver from the limitation on social gatherings (Section 4)
 - In any office or workplace that remains open, individuals shall practice good hygiene, and where feasible, work from home in order to achieve optimum isolation from COVID-19.
3. **Any entity that employs individuals to perform essential worker functions AND that is engaged in retail sales to the public shall limit the number of individuals in any particular retail location as follows:**
- If the retail location is **less than 10,000 ft²**
 - Occupancy must be limited to **25% or less** than the entity's authorized fire code or building code occupancy
 - (e.g. if the business is limited to a maximum occupancy of 100 persons, while the stay at home order is in place only 25 or less persons are permitted)
 - If the retail location is **10,000 ft² or more**
 - Occupancy must be limited to 10% or less than the entity's authorized fire code or building code occupancy
 - (e.g. if the business is limited to a maximum occupancy of 500 persons, while the stay at home order is in place only 50 or less persons are permitted)
6. (Sections 4 & 5 were covered above in #2). **Schools shall close and remain closed.**
- This does NOT prohibit:
 - Daycares
 - Childcare providersFrom providing childcare for working families in accordance with CDC guidelines.
 - This also does NOT prohibit:

250 NE Tudor Rd. • Lee's Summit, MO 64086 • (816) 525-7881
jlauber@laubermunicipal.com

308 E. High St. • Jefferson City, MO 65101 • (660) 672-4597
nmickolaus@laubermunicipal.com



LAUBER MUNICIPAL LAW, LLC

Serving those who serve the public

- Schools from providing food and nutritional services
 - School teachers and staff from entering buildings pursuant to gathering limitations and social distancing requirements
 - Additional information regarding schools will be issued by the Department of Elementary and Secondary education
7. **Every person in Missouri shall avoid eating or drinking at restaurants, bars, or food courts**
- The use of drive-through, pickup, or delivery options is permitted
8. **People shall not visit nursing homes, long-term care facilities, retirement homes, or assisted living homes unless to provide critical assistance**
9. The lawful possession, transfer, sale, transportation, storage, display, or use of firearms or ammunition is not prohibited or restricted.
10. All state office buildings are closed to the public
- Essential state functions shall continue
 - Does not apply to the State Capitol Building during meetings or proceedings of the General Assembly

This order shall be observed throughout the state and *enforced by all local and state health authorities*

Nothing in the stay at home order shall limit the right of local authorities to make such further ordinances, rules, regulations, and orders not inconsistent with the stay at home order which may be necessary for the particular locality under the jurisdiction of the local authorities

Local public health authorities are hereby directed to carry out and enforce the provisions of the stay at home order by any legal means

250 NE Tudor Rd. • Lee's Summit, MO 64086 • (816) 525-7881
jlauber@laubermunicipal.com

308 E. High St. • Jefferson City, MO 65101 • (660) 672-4597
nnickolaus@laubermunicipal.com