

City of Neosho

CITY COUNCIL AGENDA ITEM

REQUESTED COUNCIL MEETING DATE: July 7, 2020

ITEM: Bill No. 2020-993: Amending Ordinance 75-2020, **under emergency measure**

ORIGINATING DEPARTMENT: City Manager

ATTACHMENT: Bill No. 2020-993: Amending Ordinance 75-2020

ROUTING ORDER:

CITY MANAGER:	David Kennedy	DATE:
FINANCE DIRECTOR:	Daphne Pevahouse	DATE:
CITY CLERK:	Cheyenne Wright	DATE:

PURPOSE:

To ask Council to approve Bill No. 2020-993 which will amend Ordinance 75-2020 regarding COVID guidelines/restrictions. This is brought to Council under emergency measure due to the necessity of immediate preservation of public peace, property, health, safety or morals of the City of Neosho, Missouri.

BACKGROUND:

During the June 30th, 2020, Special Session Council Meeting regarding COVID19 Pandemic, the Council decided to make changes to Ordinance 75-2020. This Ordinance was put into place during the early stages of the COVID19 Pandemic to help stop the spread. The ordinance was then laxed during the Governor's Order. This Ordinance brought before Council shows the changes that the Council agreed upon during the June 30th Meeting.

- Prohibiting public gatherings of 16 or more persons except for educational institutions, daycare facilities and business operations within the corporate limits of Neosho, MO.
- 50% fire code capacity in retail and restaurant facilities.
- Mandating that any event to be conducted within the Neosho Corporate limits will first obtain a letter of approval from the Newton County Health Department.

RECOMMENDATION:

Staff asks for Council to approve Bill No. 2020-993 Amending 75-2020, under emergency measure.

AN ORDINANCE OF THE CITY OF NEOSHO, MISSOURI AMENDING ORDINANCE 75-2020, PROHIBITING ANY PUBLIC GATHERING OF 16 OR MORE PERSONS EXCEPT FOR EDUCATIONAL INSTITUTIONS, DAYCARE FACILITIES, AND BUSINESS OPERATIONS WITHIN THE CORPORATE LIMITS OF THE CITY OF NEOSHO; LIMITING RETAIL AND RESTAURANT BUSINESSES TO FIFTY PERCENT CAPACITY; AND MANDATING THAT ANY EVENT TO BE CONDUCTED WITHIN THE NEOSHO CORPORATE CITY LIMITS WHICH WILL GATHER SIXTEEN OR MORE PERSONS TO FIRST OBTAIN A LETTER OF APPROVAL FROM THE NEWTON COUNTY HEALTH DEPARTMENT, DURING THE DURATION OF THE NEOSHO CITY COUNCIL'S EMERGENCY GOVERNMENT RESOLUTION OF STATE OF EMERGENCY WITHIN THE CITY OF NEOSHO, MISSOURI DATED MARCH 21, 2020 OR ANY EXTENSION THEREOF; AUTHORIZING THE NEOSHO CITY MAYOR TO ISSUE AN ORDER AMENDING WHICH PUBLIC GATHERINGS WILL BE PROHIBITED TO PROTECT PUBLIC HEALTH AND WELFARE; AND ESTABLISHING A PENALTY FOR VIOLATING THE PROHIBITION; TO BE PASSED UNDER EMERGENCY MEASURE DUE TO THE NECESSITY OF IMMEDIATE PRESERVATION OF PUBLIC PEACE, PROPERTY, HEALTH, SAFETY OR MORALS OF THE CITY OF NEOSHO.

WHEREAS, on December 2019, medical professional detected a novel coronavirus, now designated as "SARS-CoV-2," which causes a disease known as "coronavirus disease 2019," abbreviated and popularly known as "COVID-19"; and

WHEREAS, on January 30, 2020, the World Health Organization Director General declared an outbreak of COVID-19 as a Public Health Emergency of International Concern, advising countries to prepare for containment, detection, isolation and case management, contact tracing and prevention of onward spread of disease; and

WHEREAS, on March 11, 2020, the World Health Organization Director General characterized COVID-19 as a pandemic; and

WHEREAS, on March 13, 2020, the President of the United States declared the COVID-19 outbreak a national emergency; and

WHEREAS, on March 13, 2020, the Governor of the State of Missouri declared the COVID-19 outbreak a state emergency; and

WHEREAS, COVID-19 is likely spread person to person through direct or close proximate contact and presents an imminent threat of widespread illness,

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NEOSHO, MISSOURI, AS FOLLOWS:

Section 1. A “public gathering” for purposes of this Ordinance shall be defined as a planned or spontaneous event with a number of people in attendance that could facilitate the spread of a communicable disease.

An “event” for purposes of this Ordinance shall be defined as a planned public or social occasion.

Section 2. The Neosho City Council hereby prohibits any public gathering of 16 or more persons except for educational institutions, daycare facilities, and business operations in the corporate limits of the City of Neosho during the duration of the City Council’s resolution of emergency dated March 21, 2020, or any extension thereof.

Section 3. The Neosho City Council hereby prohibits any retail or restaurant operation from having greater than fifty percent (50%) of its occupancy capacity as determined by the Neosho Fire Department within the establishment or any facility extension thereof at any time during the duration of the City Council’s resolution of emergency dated March 21, 2020, or any extension thereof.

Section 4. The Neosho City Council hereby prohibits any event conducted within the Neosho corporate city limits which will gather sixteen or more persons to first obtain a letter of approval from the Newton County Health Department outlining and approving the event’s health and safety measures are acceptable thereto. Said requirement to continue during the duration of the City Council’s resolution of emergency dated March 21, 2020, or any extension thereof.

Section 5. The Neosho City Council hereby directs all City of Neosho staff to take any and all required action(s) which will facilitate the direction and goals of this Ordinance.

Section 6. During the duration of the City Council’s resolution of emergency dated March 21, 2020, or any extension thereof, the City Council hereby authorizes the City Mayor, after consultation with appropriate city, county, and state officials as determined within his discretion, to issue an order amending which public gatherings are prohibited, either in number or in type, if in the collective judgment this prohibition should be amended to protect public health, safety and welfare.

Section 7. No person shall fail, neglect, or refuse to comply with, or in any manner aid, assist, encourage, or support the commission or perpetration of a violation of the prohibition in this Ordinance or any subsequent order regarding public gatherings issued by the City Mayor during the time said resolution of civil emergency, or any extension thereof, shall be in effect. Any person who shall violate this provision shall be guilty of a Misdemeanor and subject to a fine or incarceration per Section 100.130 of the Neosho City Code or Ordinances.

Section 8. That the City hereby declares that this Ordinance, being an Ordinance relating to the immediate preservation of the public peace, property, health, safety or morals of the Neosho citizenry, is considered an emergency and, as such, this Ordinance shall become effective immediately upon its passage.

Section 9. Emergency Ordinance. This Ordinance shall be considered an emergency ordinance passed as an emergency measure under the terms of the Charter of the City of Neosho due to the necessity of immediate preservation of public peace, property, health, safety or morals of the City of Neosho.

PASSED BY THE COUNCIL OF THE CITY OF NEOSHO, MISSOURI, this 7th day of July, 2020.

CITY OF NEOSHO, CITY COUNCIL

Carmin Allen, Mayor

ATTEST:

City Clerk

APPROVED:

City Attorney