

AN ORDINANCE establishing occupancy restrictions for businesses and organizations open to the public in the corporate limits of the City of Neosho at 50% of the entity's authorized fire or building code occupancy; creating exemptions for educational institutions, daycare facilities, and places of worship; establishing enforcement; and containing an emergency clause.

WHEREAS, the spread of the COVID-19 virus has been accelerating in the City of Neosho and in Newton County; and

WHEREAS, as of December 6, 2020, the Newton County Health Department confirmed 3,344 total cases, 464 active cases, 25 hospitalizations, and 52 deaths, including community spread, of the COVID-19 virus in Newton County, Missouri, with the majority of cases being located within Neosho, Missouri; and

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

WHEREAS, the City of Neosho finds that wearing a face covering, in combination with physical distancing of at least 6 feet and frequent hand-washing, may reduce the risk of transmitting the COVID-19 virus when in public and engaged in necessary activities by reducing the spread of respiratory droplets.

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NEOSHO, MISSOURI, as follows:

Section 1. That the Neosho City Council hereby establishes occupancy restrictions for businesses and organizations open to the public in the corporate limits of the City of Neosho at 50% of the entity's authorized fire or building code occupancy.

Section 2. Exceptions for occupancy restrictions will be made under the following circumstances:

- a. For educational institutions; or
- b. For daycare facilities; or
- c. For places of worship.

Section 3. That the Neosho City Council has determined that the orders and advisories included in this ordinance are necessary to preserve the peace and order of the City of Neosho, and to protect life and to promote and preserve public safety and welfare, in particular to mitigate the spread of COVID-19, and provide essential protections to Neosho residents, including but not limited to those who are most vulnerable to infection, while still preserving the availability of essential services.

Section 4. Enforcement of this ordinance shall focus first on educating and working to promote the mitigation of the spread of COVID-19. A person or business shall be notified of the provisions of this ordinance and will be provided an opportunity to explain an exception or follow the guidelines prior to issuance of any citation or other enforcement action.

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Section 5. The Neosho City Council specifically orders that enforcement of this ordinance shall therefore be administered by first education and an opportunity for compliance, followed by a warning, and a civil citation, only if necessary.

Section 6. Under the Neosho City Council's authority for enforcement of a violation of occupancy restrictions, the City Council specifically orders that a violation of this ordinance under Neosho's City Code, Section 100.130, is punishable by a fine of \$0 to \$50 dollars, at the court's discretion.

Section 7. This Ordinance is effective immediately and shall remain in effect until Friday February 12, 2021 at 11:59 p.m., unless extended or terminated prior to that date by the City Council.

Section 8. That the City Council of the City of Neosho, Missouri, hereby declares that this Ordinance, being an Ordinance relating to the immediate preservation of the public peace, property, health, safety, or morals, is considered an emergency within the meaning of Section 2.18(1) of the Home Rule Charter of the City of Neosho, Missouri, and, as such, this Ordinance shall become effective immediately upon its passage. Specifically, that this Ordinance should become effective without delay because widespread use of a face mask is necessary to prevent the more rapid spread of the COVID-19 virus.

PASSED BY THE COUNCIL OF THE CITY OF NEOSHO, MISSOURI, this 10th day of December, 2020, by a vote of _____.

Carmin Allen, Mayor

ATTEST:

Cheyenne Wright, City Clerk

APPROVED AS TO FORM:

Jordan L. Paul, City Attorney