

**AN ORDINANCE OF THE CITY OF NEOSHO, MISSOURI AMENDING ORDINANCE 75-2020; ENACTING A STAY AT HOME A/K/A SHELTER IN PLACE ORDER AND ESTABLISHING A PENALTY FOR VIOLATING THE PROHIBITION THEREOF; 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 March 21, 2020 the City Council passed Ordinance 75-2020, prohibiting public gatherings of more than 10 persons; and,

**WHEREAS**, the Missouri Department of Health has as of March 27, 2020 advised that Newton County, Missouri has 3 confirmed positive cases of COVID-19; and

**WHEREAS**, COVID-19 can result in mild or severe symptoms with the elderly population and those with serious underlying health conditions being most at risk from COVID-19, which in some cases may be fatal; and

**WHEREAS**, COVID-19 is highly contagious, and is spread through close contact between persons and respiratory transmission and poses a serious health risk for City of Neosho residents and visitors; and

**WHEREAS**, after consultation with City Staff, County and State officials there continues to reasonably appear to exist a state of civil emergency which requires a response by the City Council to protect human life from the continued spread of COVID-19, including a directive that the citizens of the City of Neosho stay-at-home to limit social contact and the spread of COVID- 19; and

**WHEREAS**, 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 the City of Neosho. When people leave their place of residence, whether to obtain or perform essential services, or to otherwise facilitate authorized activities, they should at all times reasonably comply with Social Distancing Requirements as promulgated by the Centers for Disease Control; and

**WHEREAS**, the City Council is authorized to promulgate orders intended to enhance the public health and prevent the entrance of infectious, contagious, communicable, or dangerous diseases, such as COVID-19, into the City of Neosho, including, among other things, a declaration that a state of emergency that currently exists within the City of Neosho, Missouri, 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.

**WHEREAS**, violating a public health order designed to "prevent the entrance of infectious, contagious, communicable, or dangerous disease" into the City of Neosho is punishable as a misdemeanor pursuant to City Ordinance 75-2020.

**NOW, THEREFORE,** on motion duly made and seconded, the question was called by Mayor Doubek to amend City Ordinance 75-2020 declaring a State of Emergency within the City of Neosho adopting a Stay-at-Home Order which requires all non-essential activities, businesses, and operations to cease within the City of Neosho except the daily operations of the essential activities and businesses as defined in Exhibit "A" attached hereto and incorporated herein by reference.

**IT IS FURTHER ORDERED** that with the exception of the essential businesses and activities described on Exhibit A, the City Council’s prior Order with respect to limiting group events and social gatherings to ten persons or less in a single space or room are still prohibited and in effect due to the unique characteristics and the risks associated with the transmission dynamics of COVID-19.

**IT IS FURTHER ORDERED** that essential businesses listed on Exhibit “A” shall take appropriate action to minimize risk for the spread of COVID-19 to the greatest extent possible by implementing and enforcing mitigation measures, including but not limited to, social distancing, physical distancing described in Exhibit A, frequent cleaning of all surfaces, and posting of signs.

**IT IS FURTHER ORDERED** this Order shall be effective at **12:01 a.m. on April 1, 2020** and shall continue for a period of thirty (30) days unless renewed or withdrawn.

ATTEST

CITY OF NEOSHO, CITY COUNCIL

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\_\_\_\_\_

City Clerk

Mayor

APPROVED:

\_\_\_\_\_

City Attorney

**EXHIBIT A**  
**CIVIL EMERGENCY**  
**ORDER**

I. Section One: Stay at Home Order

A. Individuals may leave their residences or place of rest only to perform "Essential Activities," as defined herein or to provide any services or perform any work necessary to the operations and maintenance of Essential Business, Minimum Basic Operations, or other enumerated exempted categories as prescribed by the State of Missouri, Newton County Health Department or other prevailing law. People at high risk of severe illness from COVID-19 are urged to stay in their residence or place of rest except as necessary to seek medical care and to obtain provision of essential life items. All individuals shall exercise physical distancing requirements at all times.

8. Exemptions. All persons working for or to support Essential Businesses are categorically exempt from this Order. Further, nothing in this Order shall prohibit any individual from performing or accessing "Essential Governmental Functions." Essential Government Functions means all services needed to ensure the continuing operation of any government agencies, including schools, and provide for the health, safety, and welfare of the public. All Essential Governmental Functions should be performed in compliance with Physical Distancing Requirements as defined in this Section, to the extent possible.

II. Section Two: Non-Essential Business and Other Non-Essential Operations Must Cease

A. All businesses and other operations in the City of Neosho, except as defined herein as an Essential Business or exempted by force of law or Order, are required to cease all in-person operations. Non-essential businesses and other operations may continue operations consisting exclusively of employees, contractors, or other agents of businesses performing activities at their own

residences or places of rest. All essential business activities shall carry out to the greatest degree possible Centers for Disease Control ("CDC") recommended social distancing guidelines. Essential businesses may perform those activities defined as an essential business and may not perform non-essential business activities.

III. Section Three: Definitions and Exemptions

A. Definitions. For purposes of this Section, the following terms will have the meaning ascribed to them:

1. "Essential Activities," shall mean:

- a. 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, pets), or close personal acquaintances, such as, by way of example only and without limitation, obtaining medical supplies or medication, visiting a health care professional, or obtaining supplies they need to work from home;
  - b. 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, such as, by way of example only and without limitation, groceries and essential household goods and products, such as cleaning and personal care products, and other products necessary to maintain the safety, sanitation, and essential operation of residences;
  - c. To engage in outdoor activity, provided the individuals comply with Physical Distancing Requirements as defined herein, such as, by way of example and without limitation, biking, walking, hiking, or running;
  - d. To perform work providing essential products and services at an Essential Business or to otherwise carry out activities specifically permitted in this Order, including Minimum Basic Operations, as defined herein, at Non-Essential Business; and
  - e. To care for a family member, close personal acquaintance, or pet in another household.
2. "Essential Businesses" means any for-profit, non-profit, or educational entity, regardless its corporate or entity structure, to the extent that a substantial element of its daily operations is included in the following activities:
    - a. Construction, including critical home and building repairs;
    - b. Healthcare and public health services and supply manufacturing and distribution, including mental health and home health services, blood and plasma donation and related activities, and pharmacies, but not including gyms and fitness centers. This should be construed broadly to avoid any impacts to the delivery of healthcare;
    - c. Veterinary care and other healthcare services for animals, including boarding;

- d. Food, shelter, and social services and other necessities of life for economically disadvantaged or otherwise needy individuals, such as those residing at shelters;
- e. Mortuary services, including funeral homes, crematoriums, and cemetery workers, except that not more than 10 persons at a time shall be allowed into funeral, visitation, or wake;
- f. Home-based care for seniors, adults, or children;
- g. Law enforcement, emergency management, public safety, first responders, emergency dispatch, and security;
- h. Hazardous materials handling and cleanup;
- i. Agriculture and food cultivation, including farming, livestock, and fishing;
- j. Grocery stores, food banks, convenience stores, and other establishments engaged in the retail sale of canned food, dry goods, fresh fruits and vegetables, pet supply, fresh meats, fish, and poultry, and any other household products (such as cleaning and personal care products), provided that farmers' markets and produce stands may provide drive-thru or carry out services only. This includes stores that sell groceries and also sell other non-grocery products, and products necessary to maintain the safety, sanitation, and essential operation of residences and persons, and includes the retail sale and distribution of alcohol;
- k. Restaurant carry-out, drive-thru, and delivery services; entertainment, amusement, and recreation carry-out, drive-thru, and delivery services provided they are food services; pick-up or take-away food services provided by a school;
- l. Energy, electricity, petroleum, natural and propane gas acquisition, production, generation, processing, storage, distribution, and retail distribution;
- m. Waste and wastewater maintenance and operation of infrastructure, including processing, treatment, conveyance, and distribution;
- n. Logistics and transportation of goods and people, including taxis and private transportation providers and businesses that ship or deliver foods, goods, or services directly to residences;

- o. Vehicle repair and maintenance facilities, including vehicle parts manufacturers and suppliers;
- p. Public works support, inspection, and maintenance, including workers such as plumbers, electricians, and other service providers whose services are necessary to maintain safety, sanitation, and essential operation of residences and buildings, Essential Activities, and Essential Businesses;
- q. Public infrastructure support and maintenance;
- r. Communications infrastructure support and maintenance, including storefronts that sell or repair communication devices and media services, including radio, television, and print;
- s. Information technology development, management, support, and security, including client service centers;
- t. Inspection services for construction functions of new facilities and/or maintenance of existing buildings;
- u. Hotels, motels, and bed and breakfasts, provided that they may not offer dining-in services;
- v. Critical manufacturing of materials and products needed for medical supply chains, transportation, energy, communications, food and agriculture, chemical manufacturing, water and wastewater treatment, emergency services, and the defense industrial base;
- w. Legal and critical financial services, including banks, and property services, including supportive activities such as appraisals, title searches, and inspections;
- x. Lawn and landscaping services and grass, weed, and vegetation removal;
- y. Building supply stores;
- z. Laundromats, dry cleaners, and laundry service providers;
- aa. Residential care facilities, including nursing homes and group homes;
- bb. Mailing and shipping services, including post office boxes;

- cc. Educational activities to support distance learning activities;
- dd. Childcare facilities providing services that enable employees exempted in this Order to work as permitted. To the extent possible, childcare should be carried out in stable groups, preferably with 10 or fewer ("stable" means that the same 10 or fewer children or in the same group each day); children should not change from one group to another; if more than one group of children is cared for at one facility, each group should be in a separate room. Groups should not mix with each other; and childcare providers should remain solely with one group of children;
- ee. Religious activity to support distance and/or virtual services provided fewer than 10 persons are in;
- ff. "Minimum Basic Operations" of otherwise non-essential businesses, provided that employees comply with Physical Distancing Requirements as defined herein to the extent possible while carrying out such operations and which shall be limited to the following:
  - i. The minimum necessary activities to maintain the value of the business's inventory and facilities, ensure security, process payroll and employee benefits, or for related functions; and
  - ii. The minimum necessary activities to facilitate employees of the business being able to continue to work remotely from their residences, place of rest, or elsewhere;
- gg. Direct support services necessary to ensure an essential business activity will not have to cease operation.

"Physical Distancing Requirements" includes maintaining at least **six** foot physical distance from other individuals, washing hands with soap and water for at least twenty seconds as frequently as possible or using hand sanitizer, regularly cleaning high-touch surfaces, and not shaking hands.