

NOTICE OF MEETING



BOARD OF ALDERMEN

EMERGENCY MEETING NOTICE 610.020(4) RSMo

Emergency Special Meeting – Monday, March 23, 2020 – 4:00 p.m.
Council Chambers – Branson City Hall – 110 W. Maddux

This Emergency Special Meeting is being called per 610.020(4) RSMo. and the nature for less than a twenty-four hour notice is: Section 79.380, RSMo permits the Board of Aldermen to “make regulations and pass ordinances for the prevention of the introduction of contagious diseases in the city, and for the abatement of the same, and may make quarantine laws and enforce the same within five miles of the city.” The City of Branson is facing an unprecedented and immediate risk of infection with the COVID-19 virus amongst the entire population and time is of the essence for containment. There were fifteen reported cases in the State of Missouri as of 10:00AM March 18, 2020 and four (4) of those cases in Greene County, Missouri and as of 8:45PM March 22, 2020 one hundred and six (106) cases in the State of Missouri and fourteen cases in Greene County. Today there is one reported case in Taney County. This is a virus in which there is no known reported cure and may result in death upon high risk individuals.

AGENDA

MEETING CALLED TO ORDER

ROLL CALL

REGULAR AGENDA:

- 1) **First Reading of Bill No. 5807 amending Chapter 58 of the Branson Municipal Code pertaining to public gatherings, social gatherings and essential businesses.**

ADJOURN

****Due to City Hall being closed due to COVID-19, this agenda has been posted on the front door of City Hall, on the City’s website and disbursed electronically to the media.**

Where Values are the Difference
MARCH: SERVICE/COURTESY
Responding to others with respect and a helpful attitude

For more information please visit www.bransonmo.gov or contact:
Lisa Westfall, City Clerk, 417-337-8522



STAFF REPORT

ITEM/SUBJECT: AN ORDINANCE AMENDING CHAPTER 58 OF THE BRANSON MUNICIPAL CODE PERTAINING TO PUBLIC GATHERINGS, SOCIAL GATHERINGS AND ESSENTIAL BUSINESSES

INITIATED BY: EMERGENCY MANAGEMENT DIRECTOR | LEGAL DEPARTMENT

FIRST READING: MARCH 23, 2020

FINAL READING: MARCH 23, 2020

EXECUTIVE SUMMARY:

- This ordinance is designed to limit the spread of COVID-19 within the City of Branson by restricting non-essential business operations, public and social gatherings, and forcing social distancing amongst individuals in the City.
- The authority for this ordinance is laid out in Section 79.380, RSMo which permits the Board of Aldermen to “make regulations and pass ordinances for the prevention of the introduction of contagious diseases in the city, and for the abatement of the same, and may make quarantine laws and enforce the same within five miles of the city.”
- This ordinance has the following components:
 - Prohibits public and social gatherings of more than 10 people.
 - Requires social distancing of six feet or more amongst non-family members.
 - Prohibits non-essential businesses from operating in the city.
 - Prohibits on premises eating and drinking at any restaurant or business open to the public.
 - Allows essential businesses to remain open as long as they don’t exceed 25% of their occupant load in enclosed public places. Daycares and medical facilities are exempt from occupant load requirement and for lodging establishments only the public areas are considered.
 - Prohibits visitation to nursing homes, long term care facilities, retirement homes or any facility where the number of guests over the age of sixty outnumber those under the age of sixty unless that visit is to provide critical assistance or care.
- Violations of this ordinance carry a range of punishment of up to ninety days (90) in jail or up to a 500 dollar fine as set in the general penalty provision in Section 1-13 of the Branson Municipal Code.
- This ordinance will sunset when the emergency proclamation of the Mayor expires.

FINANCIAL IMPACT:

- No impact/Not applicable
- Budgeted in the current year’s budget
- Other (see additional explanation)

STAFF RECOMMENDATION:

- Recommended
- Not Recommended
- Neutral/None

JD

COMMUNITY PLAN 2030: C-1: Public Safety

2
3
4 **AN ORDINANCE AMENDING CHAPTER 58 OF THE BRANSON MUNICIPAL CODE**
5 **PERTAINING TO PUBLIC GATHERINGS, SOCIAL GATHERINGS AND ESSENTIAL**
6 **BUSINESSES.**
7

8
9 **WHEREAS**, In December 2019, a new coronavirus known as SARS-CoV-2 was first detected in Wuhan,
10 Hubei Province, People’s Republic of China, causing outbreaks of the coronavirus disease (COVID-19) that
11 has now spread globally and into the United States; and

12
13 **WHEREAS**, COVID-19 is spread between people who are in close contact with one another (within about 6
14 feet) or through respiratory droplets produced when an infected person coughs or sneezes and as such
15 presents an imminent threat of widespread illness and a threat to public health and welfare; and

16
17 **WHEREAS**, on March 11, 2020, the World Health Organization characterized COVID-19 as a pandemic;
18 and

19
20 **WHEREAS**, on March 13, 2020, President Donald Trump, under the Constitution and the laws of the
21 United States of America, including sections 201 and 301 of the National Emergencies Act (50 U.S.C. 1601
22 et seq.) and consistent with section 1135 of the Social Security Act (SSA), as amended (42 U.S.C. 1320b-5),
23 found and proclaimed that that the COVID-19 outbreak in the United States constitutes a national
24 emergency; and

25
26 **WHEREAS**, on March 13, 2020, Governor Mike Parsons, signed Executive Order 20-02 declaring a state of
27 emergency in the state of Missouri in response to COVID-19; and

28
29 **WHEREAS**, COVID-19 has spread rapidly amongst the population of the United States with fifteen
30 reported cases in the State of Missouri as of 10:00AM March 18, 2020 and four (4) of those cases in Greene
31 County, Missouri and as of 8:45PM March 22, 2020 one hundred and six (106) cases in the State of Missouri
32 and fourteen cases in Greene County; and

33
34 **WHEREAS**, the inevitability exists that COVID-19 will spread into Taney County and affect the health,
35 safety and welfare of the citizens of the City of Branson, Missouri; and

36
37 **WHEREAS**, on March 16, 2020, President Donald Trump issued guidelines encouraging the public for the
38 next fifteen days to avoid social gatherings in groups of ten or more people and to avoid eating or drinking at
39 bars, restaurants, and food courts and instead use drive-thru, pickup or delivery options; and

40
41 **WHEREAS**, on March 17, 2020, Mayor E. Edd Akers issued an emergency declaration declaring a state of
42 emergency activating all of the rights, duties and responsibilities granted under the Missouri Civil Defense
43 Act and Chapter 34 of the Branson Municipal Code and on March 19, 2020 this Board passed regulations
44 prohibiting public gatherings in excess of ten people and lowering the occupant load of enclosed public
45 places to less than 25% of current occupant load; and

46
47 **WHEREAS**, on March 21, 2020, Governor Parsons directed the Director of the Department of Health and
48 Senior Services to issue an order under Section 192.020, RSMo banning social gatherings of ten or more
49 persons and restricting persons eating or drinking at restaurants, bars, or food courts.
50

51 **WHEREAS**, the Board of Aldermen “may make regulations and pass ordinances for the prevention of the
52 introduction of contagious diseases in the city, and for the abatement of the same, and may make quarantine
53 laws and enforce the same within five miles of the city” under Section 78.380 of the Missouri Revised
54 Statutes.

55
56 **NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF**
57 **BRANSON, MISSOURI, THE FOLLOWING:**
58

59 Section 1: It is the intention of the Board, and it is hereby ordained, that the provisions of this ordinance
60 shall become and be made a part of the Branson Municipal Code, and the sections of this
61 ordinance may be renumbered to accomplish such intention.

62
63 Section 2: That Chapter 58, Article I – *In General*; Chapter 58 – Article X – *Communicable Disease*;
64 Section 58-1 – *Definitions*; Section 58-386 – *Purpose*; Section 58-387 – *Public Gatherings*;
65 Section 58-388 – *Operation of Non-Essential Business Prohibited*; Section 58-389 – *Eating or*
66 *Drinking on the Premises Prohibited*; Section 58-390 – *Visitation of Long-term Care Facilities*
67 *or Retirement Homes Prohibited* of the Branson Municipal Code are hereby amended or added
68 to read as follows:
69

70 **ARTICLE I. – IN GENERAL**

71 Sec. 58-1 – Definitions.

72
73 *Public gathering* **or social gathering** means for purposes of this Chapter only a planned or spontaneous
74 event with a number of people in attendance **in a single space** that could facilitate the spread of a
75 communicable disease.
76

77 *Enclosed public place* means for purposes of this Chapter an enclosed area to which the public is invited or
78 in which the public is permitted, including but not limited to, banks, convention facilities, enclosed common
79 areas, enclosed shopping malls, hotels and motels, laundromats, museums, reception areas, restaurants, retail
80 establishments, retail stores, schools, spas, sports arenas, theaters, waiting rooms.
81

82 **Essential businesses means for purposes of this Chapter only day care facilities, health care facilities,**
83 **grocery stores, convenience food stores, service stations, drug stores, pharmacies, public service or**
84 **telecommunication facilities, financial institutions, government offices and facilities, lodging**
85 **establishments, and restaurants.**

86 **ARTICLE III- COMMUNICABLE DISEASE**

87
88
89 Sec. 58-386 – Purpose.

90
91 This article is enacted to mandate restrictions on conduct to prevent the introduction and spread of
92 contagious diseases in the City by **restricting non-essential business operations, public and social**
93 **gatherings, and forcing social distancing amongst individuals in the City.**
94

95 Sec. 58-387– Public **or Social** Gatherings **Prohibited.**
96

97 (a) It is unlawful for any person to take part in or allow a public gathering **or social gathering** of [ten
98 or] more **than ten** people.
99

00 (b) It is unlawful for any person to operate an enclosed public place in a manner that exceeds twenty-
01 five percent of the established occupant load of the enclosed public space. **This is not applicable to**
02 **day care facilities, health care facilities, and within lodging establishments is only applicable to**
03 **the common areas.**

04
05 **(c) It is unlawful for any person to fail to maintain at least six feet (6') of distance between other**
06 **individuals that are not family members.**

07
08 ~~{(c) This section is not applicable to day care facilities, health care facilities, hospitals, medical and~~
09 ~~dental offices and clinics as defined in Sec. 94-5.}~~

10
11 **Section 58-388 – Operation of Non-Essential Business Prohibited**

12
13 **(a) Only essential business operations are permitted to operate in the city.**

14
15 **(b) Non-essential businesses may continue operations consisting exclusively of employees, contractors,**
16 **or other agents of those businesses performing activities at their own residences.**

17
18 **Section 58-389 – Eating or Drinking on the Premises Prohibited**

19
20 **(a) It shall be unlawful to take part in or allow eating or drinking on the premises of any restaurant or**
21 **business open to the public.**

22
23 **(b) Operating an existing drive-thru or providing pickup or delivery options from any restaurant shall**
24 **not be a violation of this Section.**

25
26 **Section 58-390 – Visitation of Long-term Care Facilities or Retirement Homes Prohibited**

27
28 **(a) It shall be unlawful to visit nursing homes, long-term care facilities, retirement homes, or assisted**
29 **living homes or any other facility where of guests or residents over the age of sixty outnumber those**
30 **under the age of sixty unless that visit is to provide critical assistance or care.**

31
32 NOTE: LANGUAGE WHICH IS **BOLD, UNDERLINED** HAS BEEN ADDED; LANGUAGE WHICH
33 IS ~~[BRACKETED, STRICKEN]~~ HAS BEEN REMOVED.

34
35 Section 3: This ordinance shall be in full force and effect at 08:00AM on Tuesday March 24, 2020 after its
36 passage by the Board of Aldermen and approval by the Mayor and remain in effect until the
37 Emergency Proclamation of the City of Branson signed by the Mayor on March 17, 2020
38 expires.

39
40 Read, this first time on this ____ day of _____, 2020.

41
42 Read, this second time, passed and truly agreed to by the Board of Aldermen of the City of Branson,
43 Missouri on this ____ day of _____, 2020.

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ATTEST:

Lisa K Westfall
City Clerk

E. Edd Akers
Mayor

APPROVED AS TO FORM:

 #51831 3/23/20

Chris Lebeck #51831
City Attorney