

# == NOTICE OF MEETING ==

## BOARD OF ALDERMEN

*Special Meeting – Monday, May 4, 2020 – 12:00 p.m.*  
Council Chambers – Branson City Hall – 110 W. Maddux

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### AGENDA

In accordance with the changes to Chapter 58 of the Branson Municipal Code regarding public gatherings and social distancing, physical attendance will be limited inside the Council Chambers to 37 people. The public may view and listen to the meeting through the City of Branson’s website.  
[www.bransonmo.gov](http://www.bransonmo.gov) / view & listen to meeting link: <http://bransonmo.gov/livestream>  
livestreamed on the @BransonCity “City of Branson Government” Facebook page.

#### MEETING CALLED TO ORDER

#### ROLL CALL

#### REGULAR AGENDA:

- 1) **First Reading of Bill No. 5808 amending Chapter 58 of the Branson Municipal Code pertaining to personal conduct, enclosed public spaces and the spread of communicable diseases.**

#### ADJOURN

**\*\*Due to City Hall being closed because of 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.**

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Lisa Westfall, City Clerk, 417-337-8522



# STAFF REPORT

**ITEM/SUBJECT:** READING OF A BILL AMENDING CHAPTER 58 OF THE BRANSON MUNICIPAL CODE PERTAINING TO PERSONAL CONDUCT, ENCLOSED PUBLIC SPACES AND THE SPREAD OF COMMUNICABLE DISEASES.

**INITIATED BY:** EMERGENCY MANAGEMENT DIRECTOR | LEGAL DEPARTMENT

**FIRST READING:** MAY 4, 2020

**FINAL READING:** MAY 4, 2020

**EXECUTIVE SUMMARY:**

- This ordinance is designed to bring the City back online while at the same time limiting the spread of COVID-19 within the City of Branson by placing controls on personal behavior and public operations in the City consistent with the April 27, 2020 order of the Missouri Department of Health and Senior Services.
- 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:
  - Requires individuals to wear face coverings while in indoor enclosed public spaces unless they are seated, eating and drinking or performing on a physical stage.
  - Requires social distancing of six feet or more amongst non-family members.
  - Enclosed public spaces can be open under a twenty-five percent (25%) occupant load if under 10,000 square feet and ten percent (10%) occupant load for any space over 10,000 square feet if they practice specific disinfectant measures.
  - Requires signage at all businesses outlining requirements on social distancing, face coverings, and groups of more than ten (10) people.
- Violations of this ordinance carry a range of punishment of up to ninety days (90) in jail or up to a five hundred (\$500) dollar fine as set in the general penalty provision in Section 1-13 of the Branson Municipal Code.
- This ordinance will go into effect at 12:01 AM on Tuesday, May 5, 2020 remain in effect until 11:59 PM, Sunday May 31, 2020.
- Staff is requesting a double read on this item.

**FINANCIAL IMPACT:**

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

**COMMUNITY PLAN 2030:** C-1: Public Safety

**ATTACHED EXHIBITS:**

**STAFF RECOMMENDATION:**

- Recommended
- Not Recommended
- Neutral/None

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3  
4 **AN ORDINANCE AMENDING CHAPTER 58 OF THE BRANSON MUNICIPAL CODE**  
5 **PERTAINING TO PERSONAL CONDUCT, ENCLOSED PUBLIC SPACES AND THE SPREAD**  
6 **OF COMMUNICABLE DISEASES.**  
7  
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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 on April 24, 2020 that state of emergency  
28 was extended until June 15<sup>th</sup> by Executive Order 20-09; and

29  
30 **WHEREAS**, COVID-19 has spread rapidly amongst the population of the United States with six thousand  
31 six hundred and twenty five cases (6,625) as of April 24, 2020 in Missouri and ten (10) reported cases in  
32 Taney County; and

33  
34 **WHEREAS**, COVID-19 has claimed two hundred and sixty two (262) Missouri lives and fifty-two thousand  
35 five hundred and forty six (52,546) lives nationwide as of April 24, 2020; and

36  
37 **WHEREAS**, Director Randall Williams of the Missouri Department of Health and Senior Services issued an  
38 order on April 27, 2020 easing the restrictons on Missouri citizens under Missouri Governor Mike Parson’s  
39 “Show Me Strong Recovery” plan; and

40  
41 **WHEREAS**, said Order will go into effect on Monday, May 4, 2020 at 12:01am and remain in effect until  
42 11:59, Sunday, May 31, 2020; and

43  
44 **WHEREAS**, the Board of Aldermen “may make regulations and pass ordinances for the prevention of the  
45 introduction of contagious diseases in the city, and for the abatement of the same, and may make quarantine  
46 laws and enforce the same within five miles of the city” under Section 78.380 of the Missouri Revised  
47 Statutes.

48  
49 **NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF**  
50 **BRANSON, MISSOURI, THE FOLLOWING:**

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

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

**ARTICLE I. – IN GENERAL**

Sec. 58-1 – Definitions.

~~[Public gathering or social gathering means for purposes of this Chapter only a planned or spontaneous event with a number of people in attendance in a single space that could facilitate the spread of a communicable disease.]~~

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

~~[Essential businesses means for purposes of this Chapter only day care facilities which serve employees of essential businesses, health care facilities, grocery stores, convenience food stores, service stations, drug stores, pharmacies, public service or telecommunication facilities, financial institutions, law firms, accounting firms, government offices and facilities, lodging establishments, and restaurants or other businesses as deemed essential by the Emergency Management Director or the City Administrator.]~~

**Occupant load means for purposes of this Chapter the total number of persons including employees that might occupy a building or portion thereof at any one time as determined by fire code.**

**ARTICLE III- COMMUNICABLE DISEASE**

Sec. 58-386 – Purpose.

This article is enacted to mandate restrictions on conduct to prevent the introduction and spread of contagious diseases in the City by restricting ~~[non-essential]~~ business operations, ~~[public and social gatherings]~~, **requiring face masks** and forcing social distancing amongst individuals in the City.

Sec. 58-387 – ~~[Public or Social Gatherings Prohibited]~~ **Personal Conduct Prohibited**

(a) ~~[It is unlawful for any person to take part in or allow a public gathering or social gathering of more than ten people.]~~ **It is unlawful for any person to be in an indoor enclosed public space without a particulate mask or fabric covering of the nose and mouth secured to the face with ties or loops unless that person is seated and eating, drinking or smoking or unless that person is performing entertainment on a physical stage.**

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

06  
07 ~~([e]b) It is unlawful for any person to fail to maintain at least six feet (6') of distance between~~  
08 ~~individuals that are not family members **or do not reside together. This provision shall not apply**~~  
09 ~~**to individuals performing job duties that requires contact with other people that are not family**~~  
10 ~~**members closer than six feet (6').**~~

11  
12 *Section 58-388 – Operation of Enclosed Public Spaces [Non-Essential Businesses Prohibited]*

13  
14 (a) [~~Only essential business operations are permitted to operate in the city.] **It is unlawful for any**~~  
15 ~~**person to operate an enclosed public space in a manner that exceeds twenty-five percent of the**~~  
16 ~~**established occupant load of the enclosed public space if the enclosed public space is under ten**~~  
17 ~~**thousand square feet (10,000).**~~

18  
19 (b)[~~Non-essential businesses may continue operations consisting exclusively of employees,~~  
20 ~~contractors, or other agents of those businesses performing activities at their own residences.] **It is**~~  
21 ~~**unlawful for any person to operate an enclosed public space in a manner that exceeds ten-**~~  
22 ~~**percent of the established occupant load of the enclosed public space if the enclosed public**~~  
23 ~~**space is ten-thousand square feet (10,000) or more.**~~

24  
25  
26 (c)[~~Non-essential businesses may allow no more than ten people of the business on the premises if~~  
27 ~~the premises are closed to the public.] **Any person operating an enclosed public space shall**~~  
28 ~~**disinfect using an EPA-registered disinfectant, diluted bleach solution or 70% alcohol solution**~~  
29 ~~**all high-touch surfaces including but not limited to tabletops, countertops, point-of-sale devices,**~~  
30 ~~**points of ingress, door handles, toilets, faucets, and sinks a minimum of once per hour during**~~  
31 ~~**business hours.**~~

32  
33 [(d) The Emergency Management Director or City Administrator are authorized to allow other people  
34 on the premises of any non-essential business as needed.] **Any person operating an enclosed public**  
35 ~~**space shall maintain a log of hourly disinfections under this Section at their place of business.**~~

36  
37 *[Section 58-389 – Eating or Drinking on the Premises Prohibited]*

38  
39 (a)[~~It shall be unlawful to take part in or allow eating or drinking on the premises of any restaurant or~~  
40 ~~business open to the public.]~~

41  
42 (b) [~~Operating an existing drive thru or providing pickup or delivery options from any restaurant~~  
43 ~~shall not be a violation of this Section.]~~

44  
45 ***Section 58-389 – Signage Required for Business Operations***

46  
47 (a) **It shall be unlawful for any business to be open to the public unless at the points of ingress**  
48 **and egress to the premises there is prominently displayed a sign no smaller than 11 inches tall**  
49 **by 14 inches wide which shall contain the following in red lettering at least one-half inch high**  
50 **on white background:**

- 51  
52 **“1. IT IS A VIOLATION OF THE LAW TO ENTER THE PREMISES WITHOUT AN**  
53 **APPROPRIATE FACE COVERING. IF YOU DO NOT FEEL WELL GO HOME.**  
54  
55 **2. PLEASE DO NOT CONGREGATE IN GROUPS OF MORE THAN TEN PEOPLE.**  
56  
57 **3. IT IS A VIOLATION OF THE LAW TO FAIL TO MAINTAIN AT LEAST SIX FEET**  
58 **(6’) OF DISTANCE BETWEEN INDIVIDUALS THAT ARE NOT FAMILY**  
59 **MEMBERS OR DO NOT RESIDE TOGETHER.”**  
60

61 **(b) A business shall be in compliance with this Section if they display signage that has been**  
62 **provided to the business by the City of Branson.**  
63

64 *Section 58-390 – Visitation of Long-term Care Facilities or Retirement Homes Prohibited*  
65

66 [(a)] It shall be unlawful to visit nursing homes, long-term care facilities, retirement homes, or assisted living  
67 homes or any other facility where of guests or residents over the age of sixty outnumber those under the age  
68 of sixty unless that visit is to provide critical assistance or care.  
69

70  
71 NOTE: LANGUAGE WHICH IS **BOLD, UNDERLINED** HAS BEEN ADDED; LANGUAGE WHICH  
72 IS [~~BRACKETED, STRICKEN~~] HAS BEEN REMOVED.  
73

74 Section 3: This ordinance shall be in full force and effect at 12:01 AM on Tuesday, May 5, 2020 after its  
75 passage by the Board of Aldermen and approval by the Mayor and remain in effect until 11:59  
76 PM, Sunday May 31, 2020 at which time the Sections above will be repealed in their entirety  
77 unless extended by the Board of Aldermen.  
78

79 Read, this first time on this 4<sup>th</sup> day of May, 2020.  
80

81 Read, this second time, passed and truly agreed to by the Board of Aldermen of the City of Branson,  
82 Missouri on this 4<sup>th</sup> day of May, 2020.  
83

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88 E. Edd Akers  
89 Mayor

90  
91 ATTEST:

APPROVED AS TO FORM:

92  
93  4/29/20  
94

95 \_\_\_\_\_  
96 Lisa K Westfall  
City Clerk

95 \_\_\_\_\_  
96 Chris Lebeck #51831  
City Attorney