

**AN ORDINANCE AMENDING CHAPTER 58 OF THE BRANSON MUNICIPAL CODE PERTAINING TO PUBLIC GATHERINGS.**

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

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

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

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

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

**WHEREAS**, COVID-19 has spread rapidly amongst the population of the United States with fifteen reported cases in the State of Missouri as of 10:00 a.m. March 18, 2020 and four of those cases in Greene County, Missouri; and

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

**WHEREAS**, on March 17, 2020, Mayor E. Edd Akers issued an emergency proclamation declaring a state of emergency activating all of the rights, duties and responsibilities granted under the Missouri Civil Defense Act and Chapter 34 of the Branson Municipal Code; and

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

**WHEREAS**, the Board of Aldermen “may 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” under Section 78.380 of the Missouri Revised Statutes.

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

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* of the Branson Municipal Code are hereby amended or added to read as follows:

#### ARTICLE I. – IN GENERAL

Sec. 58-1 – Definitions.

**Public gathering means for purposes of this Chapter only a planned or spontaneous event with a number of people in attendance that could facilitate the spread of a communicable disease.**

**Enclosed public place 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, hotels and motels, laundromats, museums, reception areas, restaurants, retail establishments, retail stores, schools, spas, sports arenas, theaters, and waiting rooms.**

#### 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.**

**Sec. 58-387– Public Gatherings.**

**(a) It is unlawful for any person to take part in or allow a public gathering of ten or more people.**

**(b) It is unlawful for any person to operate an enclosed public place in a manner that exceeds twenty-five percent of the established occupant load of the enclosed public space.**


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

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

Section 3: This ordinance shall be in full force and effect after its passage by the Board of Aldermen and approval by the Mayor and remain in effect until the Emergency Proclamation of the City of Branson signed by the Mayor on March 17, 2020 expires.

Read, this first time on this 19<sup>th</sup> day of March, 2020.


Read, this second time, passed and truly agreed to by the Board of Aldermen of the City of Branson, Missouri on this 19<sup>th</sup> day of March, 2020.

  
E. Edd Akers  
Mayor

ATTEST:

  
Lisa K Westfall  
City Clerk

APPROVED AS TO FORM:

  
Chris Lebeck #51831  
City Attorney

