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

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 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 which serve employees**  
83 **of essential businesses, health care facilities, grocery stores, convenience food stores, service stations,**  
84 **drug stores, pharmacies, public service or telecommunication facilities, financial institutions, law**  
85 **firms, accounting firms, government offices and facilities, lodging establishments, and restaurants or**  
86 **other businesses as deemed essential by the Emergency Management Director or the City**  
87 **Administrator.**

88  
89 **ARTICLE III- COMMUNICABLE DISEASE**

90  
91 Sec. 58-386 – Purpose.

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

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

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

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

06  
07 **(c) 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.**

09  
10 ~~[(c) This section is not applicable to day care facilities, health care facilities, hospitals, medical and~~  
11 ~~dental offices and clinics as defined in Sec. 94-5.]~~

12  
13 **Section 58-388 – Operation of Non-Essential Business Prohibited**

14  
15 **(a) Only essential businesses are permitted to operate in the city.**

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

19  
20 **(c) Non-essential businesses may allow no more than ten people of the business on the premises if the**  
21 **premises are closed to the public.**

22  
23 **(d) The Emergency Management Director or City Administrator are authorized to allow other people**  
24 **on the premises of any non-essential business as needed.**

25  
26 **Section 58-389 – Eating or Drinking on the Premises Prohibited**

27  
28 **(a) It shall be unlawful to take part in or allow eating or drinking on the premises of any restaurant or**  
29 **business open to the public.**

30  
31 **(b) Operating an existing drive-thru or providing pickup or delivery options from any restaurant shall**  
32 **not be a violation of this Section.**

33  
34 **Section 58-390 – Visitation of Long-term Care Facilities or Retirement Homes Prohibited**

35  
36 **(a) It shall be unlawful to visit nursing homes, long-term care facilities, retirement homes, or assisted**  
37 **living homes or any other facility where of guests or residents over the age of sixty outnumber those**  
38 **under the age of sixty unless that visit is to provide critical assistance or care.**

39  
40 NOTE: LANGUAGE WHICH IS **BOLD, UNDERLINED** HAS BEEN ADDED; LANGUAGE WHICH  
41 IS ~~[BRACKETED, STRICKEN]~~ HAS BEEN REMOVED.

42  
43 Section 3: This ordinance shall be in full force and effect at 8:00AM on Tuesday, March 24, 2020 after its  
44 passage by the Board of Aldermen and approval by the Mayor and remain in effect until the  
45 Emergency Proclamation of the City of Branson signed by the Mayor on March 17, 2020  
46 expires.

47  
48 Read, this first time on this 23rd day of March, 2020.

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50 Read, this second time, passed and truly agreed to by the Board of Aldermen of the City of Branson,  
51 Missouri on this 23rd day of March, 2020.

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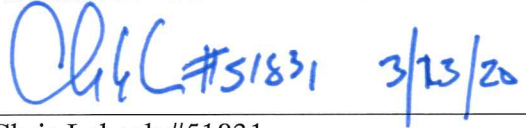


E. Edd Akers  
Mayor

ATTEST:

  
Lisa K. Westfall  
City Clerk

APPROVED AS TO FORM:



Chris Lebeck #51831  
City Attorney

