

BILL NO: 2020-777

ORDINANCE NO: 777

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF SEYMOUR, MISSOURI as follows:

AN ORDINANCE AMENDING ORDINANCE NO: 776 REGARDING PUBLIC GATHERINGS TO INCLUDE: LIMITING THE SPREAD OF COVID-19 WITHIN THE CITY OF SEYMOUR BY RESTRICTING NON-ESSENTIAL BUSINESS OPERATIONS AND ACTIVITIES, PUBLIC AND SOCIAL GATHERINGS, AND REQUESTING RESIDENTS TO “STAY-AT-HOME”.

WHEREAS, in December 2019, medical professionals detected a novel coronavirus, now designated as “SARS-CoV-2,” which causes a disease known as “coronavirus disease 2019” abbreviated and popularly known as “COVID-19”; and

WHEREAS, on January 30, 2020, the World Health Organization Director General declared an outbreak of COVID-19 as a Public Health Emergency of International Concern, advising countries to prepare for containment, detection, isolation and case management, contact tracing and prevention of onward spread of the disease; and

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

WHEREAS, on March 13, 2020, the President of the United States declared the COVID-19 outbreak a national emergency; and

WHEREAS, COVID-19 is spread person to person through direct or close proximate contact and presents an imminent threat of widespread illness; and

WHEREAS, as of March 25, 2020, three hundred and fifty-six (356) cases of COVID-19 have been diagnosed in the state of Missouri; and

WHEREAS, Webster County has issued an Order, described as “Stay-At-Home” Order, which generally discourages discretionary activities during set periods of time.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF SEYMOUR, MISSOURI AS FOLLOWS:

Section 1- A “public gathering” for purposes of this Ordinance shall be defined as a planned or spontaneous event with a number of people in attendance that could facilitate the spread of a communicable disease.

Section 2- Board of Aldermen hereby prohibits any public gathering of ten (10) or more persons except for educational institutions, daycare facilities, and essential business operations in the corporate limits of the City of Seymour, until April 24, 2020, or any extension thereof.

Section 3- Operation of Non-Essential Business Prohibited

- (a) Only essential business operations are permitted to operate in the city.
- (b) Non-essential businesses may continue operations consisting exclusively of employees, contractors, or other agents of those businesses performing activities at their own residences.
- (c) Essential Businesses, for means of this ordinance, 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:
 - Construction, including critical home and building repairs;

- Healthcare and public health services and supply manufacturing and distribution, including mental health and home health services, blood 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;
- Veterinary care and healthcare services for animals, including boarding;
- Food, shelter, and social services and other necessities of life for economically disadvantaged or otherwise needy individuals, such as those residing at shelters;
- Mortuary services, including funeral homes and cemetery workers, except that not more than ten (10) persons at a time shall be allowed into a funeral, visitation, or wake;
- Home-based care for seniors, adults, or children;
- Law enforcement, emergency management, public safety, first responders, emergency dispatch, and security;
- Hazardous materials handling and cleanup;
- Agriculture and food cultivation, including farming, livestock and fishing;
- Grocery stores, food banks, convenience stores and other food 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 essential 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 sanitation and essential operation of residents and persons, and includes the retail distribution of alcohol;
- Restaurant carry-out, drive-thru, and delivery services; liquor store drive-thru only, 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;
- Energy, electricity, petroleum, natural and propane gas acquisition, production, generation, processing, storage, distribution, and retail distribution;
- Waste and wastewater maintenance and operation of infrastructure, including processing, treatment, conveyance, distribution, and trash services;
- 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;
- Vehicle repair and maintenance facilities, including vehicle parts manufacturers and suppliers, including auto parts retailers;
- 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;
- Public infrastructure support and maintenance;
- Communications infrastructure support and maintenance, including storefronts that sell or repair communication devices and media services, including radio, television, and print;
- Information technology development, management, support, and security, including client service centers;
- Inspection services for construction functions of new facilities and/or maintenance of existing buildings;
- Hotels, motels and bed and breakfasts, provided that they may not offer dining-in services;
- 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;
- Legal and critical financial services, including banks, insurance agencies, accounting and tax services, and property services, including supportive activities such as appraisals, title searches, and inspections;
- Lawn, garden, and landscaping services and grass, weed, and vegetation removal; lawn, garden, and landscaping suppliers and retailers; and landscaping construction, excavating,

- and related services;
- Building supply stores;
- Laundromats, dry cleaners and laundry service providers;
- Residential care facilities, including nursing homes and group homes;
- Mailing and shipping services, including post office boxes; and private mailing and shipping service vendors and providers;
- Educational activities to support distance learning activities;
- 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 are 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;
- Religious activity to support distance and/or virtual services provided fewer than 10 persons are in;
- Direct support services necessary to ensure an essential business activity will not have to cease operation.

Section 4-Only essential activities are permitted in the City. Essential activities for means of this ordinance shall be defined as follows

- To engage in Agriculture and agriculturally related activities;
- 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, agricultural livestock & 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;
- 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;
- 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;
- 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 Businesses; and
- To care for a family member, close personal acquaintance, or agricultural livestock or pet in another household.

Section 5- No person shall fail, neglect, or refuse to comply with, or in any manner aid, assist, encourage or countenance the commission or perpetration of a violation of the prohibition in this Ordinance. Any person who shall violate this provision shall, upon conviction, be punished as provided by City of Seymour Code Section 100.220.

Section 6- The Board of Aldermen hereby finds and declares that an emergency exists in that large public gatherings will facilitate the spread of a communicable disease, COVID-19, and therefore this Ordinance relates to the preservation of the public health and safety pursuant to Section 225.010 of the City Code.

Section 7- This ordinance shall be in full force and effect at 12:01 a.m. on Thursday March 26, 2020 after its passage by the Board of Aldermen and shall expire April 24, 2020 to coincide with the Order issued by Webster County. This ordinance may be extended if necessary or terminated upon subsequent ordinance declaring the threat no longer exists.

IT IS HEREBY DECLARED to be the intention of the Board of Aldermen of the City of Seymour that the sections, paragraphs, sentences, clauses and phrases of this ordinance are severable, and, if any phrase, clause, sentence, paragraph, or section of this ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ordinance.

THE FOREGOING ORDINANCE WAS PROPOSED BY _____, with a motion that the same be adopted. Said motion was seconded by _____. Same was then put to a vote and _____ members voted in favor of the Ordinance and _____ members voted against the ordinance. Said motion was thereupon declared passed and duly adopted this _____ day of _____, 2020.

Leslie Houk, City Clerk
City of Seymour, Missouri

SAID ORDINANCE IS HEREBY APPROVED THIS _____ day of _____, 2020.

The Honorable Richard Vinson
Mayor, City of Seymour, Missouri

Approved as to form:

Christopher Swatosh, City Attorney