

**AN ORDER OF THE MAYOR OF THE CITY OF OZARK, MISSOURI,  
AMENDING THE EXISTING STAY AT HOME ORDER ISSUED MARCH 24,  
2020, AS AUTHORIZED PURSUANT TO ORDINANCE NO. 20-017.**

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**WHEREAS**, pursuant to Section 79.380 RSMo, the Board of Aldermen is authorized to make regulations and pass ordinances for the prevention of the introduction of contagious diseases, such as COVID-19, in the city, and for the abatement of the same, and may make quarantine laws and enforce the same within five (5) miles of the city, including, among other things, a declaration that a state of emergency exists in Ozark, Missouri, and the exercise of all emergency powers not otherwise in conflict with any rules or regulations delegated to cities of the fourth class by the laws of the State of Missouri; and

**WHEREAS**, pursuant to Section 79.110 RSMo, the Mayor and Board of Aldermen shall have the power to enact and ordain any and all ordinances not repugnant to the constitution and laws of this state, and such as they shall deem expedient for the good government of the city, the preservation of peace and good order, the benefit of trade and commerce and the health of the inhabitants thereof, and such other ordinances, rules and regulations as may be deemed necessary to carry such powers into effect, and to alter, modify, or repeal the same; and

**WHEREAS**, the Board of Aldermen of the City of Ozark, Missouri, approved Ordinance No. 20-017 on March 18, 2020, delegating authority to the Mayor, after consultation with appropriate city, county, and state officials as determined within his discretion, to issue orders amending the original declaration of civil emergency; and

**WHEREAS**, on March 13, 2020, the Governor of Missouri declared that a state of emergency exists in the State of Missouri to address the spread of COVID-19 and to prevent a substantial risk to public health and safety; and

**WHEREAS**, the Governor of Missouri directed the Department of Health and Senior Services Director to issue an order on March 21, 2020, prohibiting social gatherings of more than ten (10) people in the state of Missouri from 12:01 a.m. Monday March, 23, 2020 and remaining in effect until 12:01 a.m. Monday, April 6, 2020 unless extended by further order of the Director of the Department of Health and Senior Services with said extensions not to exceed the duration of the effective period of Executive order 20-02, which expires on May 15, 2020; and

**WHEREAS**, there have been confirmed cases of COVID-19 in Christian County, Missouri; and

**WHEREAS**, on April 3, 2020, the Governor of the State of Missouri, through the Missouri Department of Health and Senior Services, issued a stay at home order signed by Randall W. Williams, M.D.; and

**WHEREAS**, after consultation with appropriate city, county, and state officials it is my judgment that there continues to reasonably appear to exist a state of civil emergency which requires response by the City to protect public health, welfare, and safety, including the protection of human life.

**NOW, THEREFORE, I, RICK GARDNER, MAYOR OF THE CITY OF OZARK, MISSOURI, PURSUANT TO ORDINANCE NO. 20-017, DO HEREBY PROCLAIM AND ORDER:**

SECTION 1 – Pursuant to the exercise of powers granted to me in Ordinance No. 20-017, I hereby amend the original Order by replacing “Exhibit A” with a new “Exhibit A” which is attached hereto and incorporated herein by this reference, hereby imposing the orders described in the new “Exhibit A” and, in addition, do hereby prohibit any public gathering of ten (10) or more persons in the corporate limits of the City of Ozark, Missouri, during this civil emergency, except this shall not apply to daycare facilities and the daily operations of Essential Businesses defined in the new “Exhibit A.”

SECTION 2 – I delegate to the City Administrator and his designees the authority to determine whether any personal or business activity is permitted or prohibited under this Order.

SECTION 3 – No person shall fail, neglect, or refuse to comply with, or in any manner aid, assist, encourage, allow, or permit the commission or perpetration of a violation of the prohibitions in this Order during the time said proclamation of civil emergency, or any extension thereof, shall be in effect. Any person who shall violate this provision shall, upon conviction, be punished as provided by the Municipal Code of the City of Ozark, Missouri, Section 100.220, General Penalty.

SECTION 4 – That if any section, subsection sentence, clause, or phrase of this Order is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Order. The Mayor hereby declares that he would have adopted this Order and each section, subsection, sentence, clause, or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

SECTION 5 – This Order shall be effective at 12:01 a.m. on April 9, 2020, and shall continue until April 25, 2020, unless renewed or withdrawn.



*Rick Gardner*

RICK GARDNER, MAYOR

ATTEST:

*Chandra Hodges*

CHANDRA HODGES, CITY CLERK

FILED:

4/8/20 1:38 pm.

## EXHIBIT A

### AMENDED CIVIL EMERGENCY ORDER

- I. Section One: Stay at Home Order
  - A. Individuals may leave their residences or place of rest only to perform "Essential Activities," as defined herein or to provide any services or perform any work necessary to the operations and maintenance of Essential Business, Minimum Basic Operations, or other enumerated exempted categories as prescribed by City Order or other prevailing law. People at high risk of severe illness from COVID-19 are urged to stay in their residence or place of rest except as necessary to seek medical care and to obtain provision of essential life items. All individuals shall comply with Centers for Disease ("CDC") social distancing guidelines at all times, including, but not limited to, when individuals are using shared indoor or outdoor spaces when outside their residence.
  - B. Exemptions. Nothing in this Order shall prohibit any individual from performing or accessing "Essential Governmental Functions." Essential Government Functions means all services needed to ensure the continuing operation of any government agencies, including schools, and provide for the health, safety and welfare of the public. All Essential Governmental Functions should be performed in compliance with CDC social distancing and cleaning guidelines, to the extent possible.
- II. Section Two: Non-Essential Business and Other Non-Essential Operations Must Cease
  - A. All businesses and other operations in the City, except as defined herein as an Essential Business or exempted by force of law or Order, are required to cease all in-person operations. Non-essential businesses and other operations may continue operations consisting exclusively of employees, contractors, or other agents of businesses performing activities at their own residences or places of rest. All essential business activities shall carry out to the greatest degree possible CDC recommended cleaning and social distancing guidelines in all situations, including, but not limited to, when customers are standing in line or individuals are using shared indoor or outdoor spaces. Essential Businesses may perform only those activities defined as an essential business and may not perform non-essential business activities, including the distribution or sale of products that are not included in the definition of an Essential Business. This Order shall not apply to government agencies.
  - B. Any Essential Business, as defined in this Order, that is engaged in retail sales to the public shall limit the number of customers in any particular retail

location at any one time to a maximum of:

1. The result of the total square feet of the building at the retail location divided by 30
  - a. Times twenty-five (25) percent for a retail location with square footage of less than ten thousand square feet (10,000 ft<sup>2</sup>);
  - b. Times ten (10) percent for a retail location with square footage of ten thousand square feet (10,000 ft<sup>2</sup>) or more.

### III. Section Three: Definitions and Exemptions

A. Definitions. The following terms will have the meaning ascribed to them:

1. "Essential Activities," shall mean:
  - a. 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, 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;
  - b. 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;
  - c. To engage in outdoor activity, provided the individuals comply with CDC social distancing guidelines, such as, by way of example and without limitation, biking, walking, hiking, or running;
  - d. 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
  - e. To care for a family member, close personal acquaintance, or pet in another household.
2. "Essential Businesses" 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:

- a. Construction, including critical home and building repairs;
- b. Healthcare and public health services and supply manufacturing and distribution, including mental health and home health services, blood and plasma 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;
- c. Veterinary care and other healthcare services for animals, including boarding;
- d. Food, shelter, and social services and other necessities of life for economically disadvantaged or otherwise needy individuals, such as those residing at shelters;
- e. Mortuary services, including funeral homes, crematoriums, and cemetery workers, except that not more than 10 persons at a time shall be allowed into a funeral, visitation, or wake;
- f. Home-based care for seniors, adults, or children;
- g. Law enforcement, emergency management, public safety, first responder, emergency dispatch, and security;
- h. Hazardous materials handling and cleanup;
- i. Agriculture and food cultivation, including farming, livestock, and fishing;
- j. Grocery stores, food banks, convenience stores and other establishments engaged in the retail sale of household consumer 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 safety, sanitation, and essential operation of residences and persons;
- k. Food and beverage carry-out, drive-thru, and delivery services; and pick-up or take-away food services provided by a school;
- l. Energy, electricity, petroleum, natural and propane gas

acquisition, production, generation, processing, storage, distribution, and retail distribution;

- m. Waste and wastewater maintenance and operation of infrastructure, including processing, treatment, conveyance, and distribution;
- n. Logistics and transportation of goods and people related to Essential Business activities or Essential Activities, including taxis and private transportation providers and businesses that ship or deliver foods, goods, or services directly to residences;
- o. Vehicle repair and maintenance facilities, including vehicle parts manufacturers and suppliers;
- p. 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;
- q. Public infrastructure support and maintenance;
- r. Communications infrastructure support and maintenance, including storefronts that sell or repair communication devices and media services, including radio, television, and print;
- s. Information technology development, management, support, and security, including client service centers;
- t. Inspection services for construction functions of new facilities and/or maintenance of existing buildings;
- u. Hotels, motels, and bed and breakfasts, provided that they may not offer dining-in services;
- v. Critical manufacturing of materials, packaging, 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;
- w. Legal and critical financial services, including banks, insurance, and property services, including supportive activities such as appraisals, title searches, and inspections;

- x. Lawn and landscaping services and grass, weed, and vegetation removal;
- y. Building supply stores;
- z. Laundromats, dry cleaners and laundry service providers;
- aa. Residential care facilities, including nursing homes and group homes;
- bb. Mailing and shipping services, including post office boxes;
- cc. Educational activities to support distance learning activities;
- dd. 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;
- ee. Religious activity to support distance and/or virtual services provided fewer than 10 persons are in physical attendance;
- ff. "Minimum Basic Operations" of otherwise non-essential businesses, provided that employees comply with CDC cleaning and social distancing guidelines to the extent possible while carrying out such operations and which shall be limited to the following:
  - i. The minimum necessary activities to maintain the value of the business's inventory and facilities, ensure security, process payroll and employee benefits, or for related functions; and
  - ii. The minimum necessary activities to facilitate employees of the business being able to continue to work remotely from their residences, place of rest, or elsewhere;
- gg. Direct support services necessary to ensure an essential business activity will not have to cease operation.
- hh. Firearm repair. Further, pursuant to RSMo Section 44.101, this



Order shall not be construed to prohibit or restrict the lawful possession, transfer, sale, transportation, storage, display, or use of firearms or ammunition during the declared state of emergency, subject to the provisions set forth herein.