

**AN EIGHTH ORDER OF THE MAYOR OF THE CITY OF OZARK, MISSOURI,
ISSUED PURSUANT TO ORDINANCE NUMBER 20-017, ESTABLISHING A
REQUIREMENT TO WEAR FACE COVERINGS WHEN IN PUBLIC, FOR THE
PURPOSE OF PREVENTING OR LIMITING THE SPREAD OF COVID-19 AND
EXTENDING THE DECLARATION OF A STATE OF EMERGENCY.**

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, numerous epidemiologists have determined that widespread use of a face covering helps prevent the spread of COVID-19, especially when individuals gather in groups; and

WHEREAS, the United States Centers for Disease Control and Prevention has recommended that members of the public, when they interact with others outside of the home, and especially in settings where many people are present, should cover their mouth and nose to prevent inadvertently spreading COVID-19; 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 – The following provisions related to the use of Face Coverings to prevent or limit the spread of COVID-19 are hereby adopted and ordered:

(a) Definitions: The following words, terms, and phrases, when used in this Order, shall have the meaning ascribed to them in this Section:

1. *Business* means any for-profit company, non-profit organization, benevolent association, or educational entity, regardless of its legal organization, form, entity, tax treatment or structure.
2. *Face Covering* means a device that covers the nose and mouth. *Face Covering* includes, but is not limited to: a sewn mask secured with ties or straps around the head or behind the ears; multiple layers of fabric tied around the head; is made from a variety of materials, such as fleece, cotton, or linen; or factory-made or made from household items.

(b) Face coverings required – When.

1. Except as otherwise provided in this Order, all persons, including employees or visitors, over the age of 11, shall wear a Face Covering when present at locations other than their own primary residence.
2. A person may remove their Face Covering where otherwise required under the following circumstances:
 - a. While indoors or outdoors and when able to maintain a distance of at least six feet from others;
 - b. When engaged in an exercise activity;
 - c. While eating or drinking only when inside or in the outside dining area of a restaurant or other establishment that offers food or beverage service;
 - d. When an individual has a medical condition, mental health condition or disability that prevents wearing a Face Covering;
 - e. When any party to a communication is deaf or hard of hearing and not wearing a Face Covering is essential to communication;

- f. While obtaining a service that requires temporary removal of the Face Covering, such as dental examinations;
 - g. When necessary to confirm the individual's identity;
 - h. When federal or state law prohibits wearing a Face Covering or requires the removal of a Face Covering;
 - i. When requested by a law enforcement officer;
 - j. When requested by a medical provider, including emergency response personnel;
 - k. When giving a presentation, performance, or speech, or other similar activity, to a grouping of individuals in an indoor setting, provided that the presenter or performer shall maintain six feet of distance between other individuals while not wearing a Face Covering;
 - l. When attending a religious service, seated, and maintaining social distancing of at least six feet between themselves and others not within their household; or
 - m. When at any business where there are ten or fewer people present at said business, provided that such persons maintain at least six feet of distance between each other.
3. Persons qualifying for an exception established in Section 1(b)(2) shall take other reasonable actions to protect against or mitigate the potential for spread of COVID-19 while not wearing a Face Covering, such as maintaining at least six feet of distance between themselves and others or conducting activities outdoors.
 4. Except as otherwise provided in this Order, all businesses shall require Face Coverings to be worn as described in this Order.
 5. All businesses that are open to the public shall post a sign at all public entrances that the use of Face Coverings is required by those seeking to enter the business.

(c) Violations.

1. *Penalties.*

- a. No persons 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 terms of this Order. Any person who shall violate the provisions of this Order shall, upon conviction, be punished as provided in Section 100.220 of the City Code, however any fine assessed shall not exceed \$100.00.

- b. Any person who owns, manages, operates, or otherwise controls a place at which wearing Face Coverings is required by this Order and who fails to comply or to require compliance with the provisions of this Order shall, upon conviction, be punished as provided in Section 100.220 of the City Code, however any fine assessed shall not exceed \$100.00. No person shall be in violation of this subsection if such person or the place the person owns, manages, operates or otherwise controls requires compliance with the provisions of this Order to wear a Face Covering and a patron or customer refuses to wear a Face Covering.
- c. Each day on which a violation of this Order occurs shall be considered a separate and distinct violation.
- d. Violations of this Order are hereby declared to be a public nuisance, which may be abated by the City by restraining order, preliminary and permanent injunction, or by other means provided for by law, and the City may take action to recover the costs of abating said nuisance.

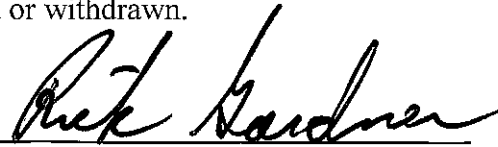
2. *Enforcement.* The Mayor hereby specifically encourages that enforcement of this Order should be administered by education and an opportunity for voluntary compliance, followed by a warning, and then a civil citation after warning.

SECTION 2 – I delegate to the City Administrator, or designee, the authority to determine whether any activity is permitted or prohibited under the terms of this Order.

SECTION 3 – Severability. If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Ordinance. The Board of Aldermen hereby declares that it would have adopted this Ordinance 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.

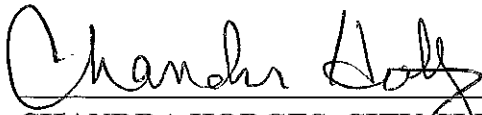
SECTION 4 – This Order shall be in full force and effect at 12:00 a.m. on October 21, 2020. This Order shall continue in full force and effect until 11:59 p.m. on December 31, 2020 unless amended, extended, or withdrawn.

SECTION 5 – The declaration of a State of Emergency is hereby extended and shall continue until 11:59 p.m. on January 31, 2021, unless renewed or withdrawn.



RICK GARDNER, MAYOR

ATTEST:


CHANDRA HODGES, CITY CLERK

FILED: ¹⁹10/20/20 6:46pm