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**EXTENSION ORDER No. 01-2020**

**WHEREAS**, the City of Odessa has been closely monitoring an outbreak of respiratory illness caused by COVID-19; and

**WHEREAS**, on January 30, 2020, the World Health Organization (WHO) Director General declared the outbreak of COVID-19 and on March 11, 2020, declared it a global pandemic; and

**WHEREAS**, on March 13, 2020, the President of the United States issued a Proclamation declaring a national emergency concerning the COVID-19 outbreak and Missouri Governor Michael L. Parson signed Executive Order 20-02 declaring a state of emergency in Missouri in response to COVID-19; and

**WHEREAS**, Chapter 1, Section 1.200 of the City of Odessa Code of Ordinances empowers the Mayor to proclaim the existence or threatened existence of a local emergency when the City is affected or likely to be affected by a public calamity; and

**WHEREAS**, Mayor Adam Couch declared a local emergency on Monday, March 16, 2020; and

**WHEREAS**, Section 79.380, RSMo., authorizes the Board of Aldermen to 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 (5) miles of the City; and

**WHEREAS**, on Tuesday, March 24, 2020, the City of Odessa Board of Aldermen approved Ordinance Number 3008, issuing a stay home order designed to slow the spread of COVID-19 within the City of Odessa, Missouri, and surrounding areas to protect the health care resources and the health, safety, and welfare of the citizens of Odessa, Missouri, and surrounding areas; and

**WHEREAS**, the Board of Aldermen of the City, pursuant to authority granted by Section 79.380, RSMo., issued a quarantine in the form of a stay home order designed to slow the spread of COVID-19 within the City of Odessa and surrounding areas and within said Ordinance granted the Mayor the authority to extend and modify the stay home order for up to an additional thirty (30) days without further action by the Board of Aldermen; and

**WHEREAS**, following ongoing communication with local, county, and state officials while continuing to monitor the ever changing situation and statistics of COVID-19 cases, it is in the best interest of the health, safety, and wellness of Odessa, to modify and extend the stay home

order consistent with the State of Missouri Stay Home Order to allow certain businesses to open and restore business operations previously deemed non-essential as described herein.

**NOW, THEREFORE, I, ADAM R. COUCH, MAYOR OF THE CITY OF ODESSA, MISSOURI, DO HEREBY ORDER, that:**

**Section 1. Intent.**

The intent of this order is to slowly and methodically allow those businesses previously deemed non-essential during the initial stay home order within the City of Odessa, Missouri, to reopen while still observing the gathering and social distancing requirements of Ordinance No. 3008 and outlined in the State of Missouri Stay Home Order.

**Section 2. Definitions**

The definitions established in Ordinance No. 3008 remain in effect to the extent referenced in this Order.

**Section 3. Stay at Home Requirements.**

- 1) Individuals currently residing within the City of Odessa shall avoid leaving their homes or places of residence. When individuals need to leave their homes or places of residence to work, to access food, prescriptions, health care, and other necessities, or to engage in outdoor activity, they should at all times practice social distancing. Individuals may also go to and from an individual's place of worship, provided that limitations on social gatherings and social distancing are properly adhered to.
- 2) Any Non-Essential Business, as set forth in the definitions of Ordinance No. 3008 of the City of Odessa, Missouri, shall adhere to the limitations on social gatherings and social distancing requirements, or shall have applied and received a waiver from the limitation on social gatherings from the Director of the Department of Economic Development as set forth in the State of Missouri Stay Home Order. For offices and workplaces that remain open, individuals shall practice good hygiene and, where feasible, work from home in order to achieve optimum isolation from COVID-19.
- 3) Any Essential Business, as set forth in Ordinance No. 3008, and that is engaged in retail sales to the public, shall limit the number of individuals in any particular retail location which are inclusive in the State of Missouri Stay Home Order and are as follows:
  - Twenty-five (25) percent or less of the entity's authorized fire or building code occupancy, as set by local authorities, for a retail location with square footage of less than ten thousand square feet (10,000 ft<sup>2</sup>);
  - Ten (10) percent or less of the entity's authorized fire or building code occupancy, as set by local authorities, for a retail location with square footage of ten thousand square feet (10,000 ft<sup>2</sup>) or more.
- 4) In accordance with the guidelines from the President and the Centers for Disease Control and Prevention (CDC), all individuals in the City of Odessa shall avoid social gatherings of more than ten (10) people. For purposes of this Order, "social gatherings" shall mean

any planned or spontaneous event or convening that would bring together more than ten (10) people in a single space at the same time.

- 5) In accordance with the guidelines from the President and the CDC, every person and business in the City of Odessa shall abide by social distancing requirements, including maintaining six feet (6') of space between individuals. This provision shall not apply to family members or individuals performing essential worker functions, as set forth in section 2 of this Order, whose job duties require contact with other people closer than six feet (6'). This provision shall apply in all situations, including, but not limited to, when customers are standing in line or individuals are using shared indoor or outdoor spaces when outside their residence.
- 6) In accordance with Ordinance No. 3008, restaurants and other facilities that prepare or serve food are deemed essential, but only to the extent necessary to provide drive-thru, curbside pick-up or deliveries as all dining rooms shall remain closed through the duration of this Order.
- 7) In accordance with the guidelines from the President and the CDC, people shall not visit nursing homes, long-term care facilities, retirement homes, or assisted living homes unless to provide critical assistance.
- 8) Pursuant to section 44.101, RSMo, 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.
- 9) All public parks and open outdoor recreation areas including the Odessa City Lake will remain open. Because playgrounds may increase the spread of COVID-19, all playgrounds, shelter houses, basketball courts, and park restroom facilities shall be closed through May 3, 2020, with appropriate notices having been posted.

This Order does not prohibit people from accessing essential services, such as grocery stores, gas stations, and banks, or engaging in outdoor recreation, provided that necessary precautions are taken and maintained to reduce the transmission of COVID-19, including observing social gathering and social distancing requirements set forth in sections 4 and 5 of this Order.

#### **Section 4. Enforcement-Penalties.**

- A. Upon conviction of a violation of this Ordinance the penalty to be imposed may be a fine not to exceed five hundred dollars and court costs, or ninety days' imprisonment, or both the fine and imprisonment.
- B. In addition to the enforcement mechanism provided in subsection A, the City Attorney or City Prosecutor may also seek emergency injunctive or other civil relief, as the City Attorney deems appropriate. Such other relief may also consist of revocation of the business license of any business that violates the provisions of this

Ordinance. Any action by the City Attorney or City Prosecutor, shall be considered an emergency proceeding that is necessary to protect the public health and safety.

**Section 5. Severability Clause.**

If any provision of this Order or its application to any person or circumstance is held to be invalid by a court of competent jurisdiction, then the remainder of the Order, including the application of such part or provision to other persons or circumstances, shall not be affected and shall continue in full force and effect. To this end, the individual provisions of this Order are severable.

**Section 6. Administrative Discretion.**

The authorization previously granted in Ordinance No. 3008 to the Mayor to modify the provisions of the stay home order as is necessary in conjunction with the advice of the CDC or other Federal or State of Missouri authorities to address the rapidly changing conditions of the COVID-19 pandemic. This includes, but is not limited to, further determining the number of persons enumerated in the provision related to Prohibited Activities or eliminating or modifying terms related to Essential Activities or Essential Businesses during the effective dates of the stay home order, and also includes extending the stay home order not to exceed the original thirty (30) day allowance within Ordinance No. 3008, without need for additional approval from the Board of Aldermen.

**Section 7. Effective Date of Stay Home Order Extension.**

The extension of Ordinance No. 3008, with the aforesaid modifications, shall be in full force and effect at 11:59 P.M. on April 24, 2020, through 11:59 P.M. on May 3, 2020.

*Adam R. Couch*

Adam R. Couch, Mayor

ATTEST:

*Peggy Eoff*

Peggy Eoff, City Clerk