

AN ORDINANCE OF THE CITY OF ODESSA, MISSOURI, ISSUING A STAY HOME ORDER DESIGNED TO SLOW THE SPREAD OF COVID-19 WITHIN THE CITY OF ODESSA, MISSOURI, AND SURROUNDING AREAS.

WHEREAS, pursuant to Section 79.110, RSMo., chief among the duties of a mayor and board of aldermen of a Missouri city of the fourth classification is the power to enact and ordain any and all ordinances not repugnant to the constitution and statutes of Missouri, as the Mayor and Board of Aldermen deems expedient, for the health of the inhabitants of the city; and

WHEREAS, The City of Odessa has been closely monitoring an outbreak of respiratory illness caused by COVID-19 and infections with COVID-19 have been reported around the world. The first confirmed instance of person-to-person spread of the virus in the United States was reported on March 7, 2020; and

WHEREAS, COVID-19 is considered an infectious, contagious, communicable, and dangerous disease for purposes of §§ 192.020.1, 192.139, and 193.300, RSMo.; 19 CSR 20-20.020; and other state and local laws; 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 miles of the City; and

WHEREAS; the extremely contagious characteristics of COVID-19 present an immediate threat to health care resources and the health, safety, and welfare of the citizens of Odessa, Missouri; and

WHEREAS, the Board of Aldermen of the City, pursuant to authority granted by Section 79.380, RSMo., desires to issue 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 as described herein.

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

Section 1. Intent.

The intent of this order is to ensure that the maximum number of people remain in their places of residence to the maximum extent feasible, while enabling essential services to continue, to slow the spread of COVID-19 within City of Odessa, Missouri. When people leave their place of residence, whether to obtain or perform essential services, or to otherwise facilitate otherwise authorized activities, they should at all times reasonably comply with Social Distancing Requirements.

Section 2. Definitions.

For purposes of this order, these terms, regardless of whether capitalized, are defined as follows:

- A. "Business" or "businesses" means any for-profit companies, non-profit organizations, benevolent associations, limited liability companies, or partnerships, regardless of legal organization, form, entity, tax-treatment, or structure;
- B. "CDC" means the Centers for Disease Control and Prevention of the United States Department of Health and Human Services;
- C. "City" means Odessa, Missouri;
- D. "County" means Lafayette County, Missouri;
- E. "Essential Activities" means activities that are necessary, but only to the extent consistent with reasonable compliance with Social Distancing Requirements and Gathering size limitations, for a person to:
 - 1. act or perform tasks essential to any person's health and safety, or to the health and safety of their family, household members, or pets, including but not limited to obtaining medical supplies or medication, visiting a health care professional, obtaining supplies needed to work from home, or laundering clothing;
 - 2. obtain Necessary Services or Supplies for themselves and their family, household members, or pets, or to deliver Necessary Services or Supplies to others;
 - 3. engage in Essential Travel;
 - 4. shop for grocery products, food, beverages, or other household and consumer products (for example, cleaning or personal care products including but not limited to products necessary to maintain the safety, sanitation, communication, and the essential operation of Residences);
 - 5. engage in services or perform work necessary to operate or maintain Essential Infrastructure;
 - 6. engage in outdoor activity (including walking, hiking, running, or biking and the use of lawful motorized transportation for recreational purposes) to the extent reasonably consistent with Social Distancing Requirements (including, for example, walking outdoors six feet away from another person);
 - 7. participate in religious services and other spiritual practices;
 - 8. acts consisting of providing Essential Products and Services to a Residence, an Essential Business, or to a business in order for that business to maintain Minimum Basic Operations;
 - 9. activities at open construction sites, irrespective of types of structures, subject to applicable OSHA and other safety guidelines, and related architectural, design,

and land surveying activities, so long as the people involved reasonably comply with Social Distancing Requirements to the extent consistent with applicable safety guidelines;

10. necessary care for a dependent in the person's legal custody, including acts essential for a parent with legal custody to transfer the physical custody of a child;
11. care for a family member in another household;
12. engage in Essential Government Functions;
13. engage in Healthcare Operations;
14. exercise constitutional rights to the extent that by so acting the person does not endanger the public health and safety or the health and safety of any person;
15. acts consisting of providing Essential Products and Services to the federal government, the state government, Lafayette County, or any municipality or political subdivision within Lafayette County; or to
16. act or perform tasks approved pursuant to an order of the Mayor.

F. "Essential Businesses" means the following:

1. Healthcare Operations;
2. Essential Infrastructure;
3. Essential Government Functions;
4. grocery stores, farmers' markets, farm stands, produce stands, supermarkets, food banks, food pantries, convenience stores, liquor stores, or other establishments engaged in the retail sale of or providing canned food, dry goods, fruits, vegetables, pet supply, meats, fish, and poultry, or any household consumer products (*e.g.*, cleaning or personal care products), including but not limited to stores that sell groceries and also sell other non-grocery products, and products necessary to maintaining the safety, sanitation, and essential operation of Residences;
5. businesses that ship or deliver groceries, food, beverages, goods, or services to Residences or other Essential Businesses
6. businesses that engage in food cultivation, including farming, livestock, and fishing;
7. businesses that engage in food production, manufacturing, processing, packaging, wholesaling, storage, warehousing, or distribution;

8. businesses that provide food, shelter, social services, or other necessities of life for economically disadvantaged or people otherwise in need of social services (including but not limited to individuals with physical, intellectual, or developmental disabilities);
9. newspapers, television stations, radio stations, and other media services, whether private or public;
10. gas stations, auto-supply, auto-repair, and related facilities;
11. banks, financial institutions, broker-dealers, asset managers, businesses that process payroll for any other business, and businesses that process financial transactions and services;
12. trash collection and disposal;
13. hardware stores;
14. inns, hotels, motels, and bed and breakfast establishments;
15. plumbers, electricians, exterminators, lawn care maintenance providers, and other service providers who provide services that are necessary to maintaining the safety, sanitation, communication, and essential operations of Residences, Healthcare Operations, Essential Infrastructure, Essential Government Services, Essential Activities, or other Essential Businesses;
16. businesses that perform construction and remodeling services;
17. businesses providing mailing and shipping services, including post office boxes;
18. educational institutions, including public and private K-12 schools, colleges, and universities for purposes of facilitating distance learning, provided that Social Distancing Requirements are maintained to the greatest extent possible;
19. businesses providing private security services in accordance with applicable laws;
20. laundromats, dry cleaners, and laundry service providers;
21. funeral homes, crematoriums, cremation, burial, mortuary services, and cemeteries;
22. churches, religious services, and other spiritual practices;
23. storage for Essential Businesses;
24. restaurants and other facilities that prepare or serve food, but only to the extent necessary to provide curbside pick-up or deliveries as all dining rooms shall be closed, and only in compliance with applicable orders of the Mayor;

25. businesses that provide emergency repair and safety services for Essential Infrastructure;
26. businesses that supply products needed for people to work from home;
27. businesses that supply Essential Businesses with the support or supplies necessary to operate, including but not limited to maintenance, security, janitorial, and other similar services;
28. non-profit organizations to the extent that the organizations are providing financial or social support for people and businesses that are impacted by COVID-19;
29. businesses that manufacture or supply products necessary to meet the Social Distancing Requirements, including but not limited to manufacturers of hand sanitizers and other hygiene, health, and cleaning products, and the businesses whose products and services are necessary to the ongoing operation of the businesses whose products are necessary to meet the Social Distancing Requirements;
30. businesses that provide personal and transportation services including airlines, taxis, transportation network providers, livery services, vehicle rental services, and other private transportation providers providing transportation services necessary for Essential Activities and other purposes expressly authorized in this Order;
31. businesses or agencies providing public transportation or paratransit;
32. businesses that provide home-based care for the health of seniors, adults, or children;
33. residential facilities and shelters for seniors, adults, or children, including but not limited to those for survivors of family violence, domestic violence, intimate partner violence, child abuse, or child neglect;
34. defense and national security-related operations supporting the federal government or a contractor to the federal government;
35. professional services, such as legal, accounting, or real-estate services, when necessary to assist in compliance with legally mandated activities, to assist a person in the exercise of constitutional rights, or when related to the necessary activities of Essential Businesses, including but not limited to services required by a court order, a court rule, a fiduciary duty, a duty to the person's client, or an ethical obligation;
36. businesses and agencies that provide and help to determine eligibility for basic needs including food, cash assistance, medical coverage, childcare, vocational services, or rehabilitation services;

37. adoption agencies;
38. labor union essential activities, including the administration of health and welfare funds and personnel checking on the well-being and safety of members providing services in Essential Businesses provided that these checks should be done by telephone or remotely where possible;
39. businesses or independent providers that provide childcare or other dependent services but only to the extent that they provide services to people who are necessary employees of Essential Businesses, and including specifically without limitation Healthcare Operations, police departments, fire districts, jails, corrections medicine services, emergency management functions, food distribution companies, groceries, restaurants, pharmacies, public transit agencies, or businesses that manufacture or supply products necessary to meet Social Distancing Requirements, provided that they take reasonable actions to comply with Social Distancing Requirements, and provided that:
 - G. "Essential Government Functions" means all services needed to ensure the continuing operation of federal, state, or local government departments, offices, agencies, officials, political subdivisions, entities created by intergovernmental agreement, essential court functions as determined by the Presiding Judge or the Presiding Judge's designee, and any other government functions necessary to provide for the health, safety, and welfare of the public;
 - H. "Essential Infrastructure" means operation and maintenance of utilities, power generation, electric and gas transmission and distribution facilities, water, wastewater, public works, construction (in particular, without exclusion, skilled trades, construction of affordable housing, construction for housing for individuals experiencing homelessness, and related construction firms and professionals), propane distribution, roads, highways, public transportation, solid waste collection and removal, internet, telecommunications systems (including essential global, national, and local infrastructure for computing services, business infrastructure, communications, and web-based services), data centers, logistics facilities and providers (including warehouses, trucking, consolidators, fumigators and handlers), distribution facilities, sorting facilities, and the design and construction of supply chain facilities such as logistics distribution and sorting facilities for commerce and food goods;
 - I. "Essential Products and Services" means products and services that are necessary for Essential Activities, Essential Government Functions, Essential Infrastructure, Essential Travel, Essential Businesses, Minimum Basic Operations, or Healthcare Operations (including ancillary operations, maintenance, and support activities that are necessary to deliver the Essential Products and Services);
 - J. "Essential Travel" means travel that is necessary to serve any of the following purposes:

1. travel related to Essential Activities, Essential Government Functions, Essential Infrastructure, Essential Travel, Essential Businesses, Minimum Basic Operations, or Healthcare Operations;
 2. travel to care for elderly, minors, dependents, persons with disabilities, or other vulnerable or High Risk people;
 3. travel to an Essential Business to purchase goods or services from the Essential Business;
 4. travel to or from educational institutions for purposes of receiving materials for distance learning, for receiving meals, and any other related services;
 5. travel to return to a place of Residence from outside the jurisdiction;
 6. travel required by court order;
 7. travel required by directions from law enforcement personnel with authority; and
 8. travel required for non-residents to return to their place of Residence outside the City.
- K. "Gathering" means an occasion when people come together as a group, whether formal or informal and whether public or private;
- L. "Health" means the physical, mental, psychological, or psychiatric health of any person;
- M. "Healthcare Operations" means hospitals, clinics, dentists, doctors, physicians, nurses, medical assistants, social workers, speech pathologists, diagnostic and therapeutic technicians and technologists, respiratory therapists, occupational and physical therapists, public health and community health workers, blood donation related organizations, organizations collecting blood, organizations collecting plasma, organizations collecting platelets, reproductive health care providers, eye care centers (including those that sell glasses and contact lenses), substance abuse counselors, pharmacies, pharmaceutical and biotechnology companies, doctor offices, dentist offices, healthcare facilities, healthcare suppliers, home healthcare services providers, mental health providers, any ancillary healthcare services, research and laboratory services, hospital and laboratory personnel, walk-in health facilities, elder care, medical wholesale and distribution, veterinary care, veterinarians, animal health services, workers providing COVID-19 testing, workers that perform critical clinical research needed for the COVID-19 response, facilities licensed pursuant to state constitutional amendment, the design and construction of healthcare and research related facilities including businesses that support the function and care for healthcare entities, and manufacturers and distributors of personal protective equipment, durable medical equipment, or other equipment used in the provision of healthcare. This definition shall be construed broadly to avoid any impacts to the delivery of healthcare, broadly defined, however "Healthcare Operations" does not include fitness and exercise gyms, yoga or

Pilates studios, esthetician services, tattoo parlors, tanning facilities, spas, massage facilities, or similar facilities;

- N. "High Risk" means a person who is any one of the following: (a) over sixty years of age; (b) has a chronic health condition such as heart disease, lung disease, or diabetes; (c) is immune compromised; or (d) is pregnant;
- O. "Intentional" means an act done with a purpose or with deliberation;
- P. "Minimum Basic Operations" means the minimum necessary activities to maintain the value of a business's inventory, provide security, process payroll or employee benefits, or to facilitate employees of the business being able to continue to work remotely from their Residences.
- Q. "Necessary Services or Supplies" means services, supplies, or funds needed to engage in Essential Activities and support Essential Infrastructure;
- R. "Non-Essential Business" means any business that does not satisfy the definition of Essential Business;
- S. "Organizes" means intentionally coordinate, to make arrangements for, or to make preparations for an event or an activity;
- T. "Prohibited Activities" means any of the following:
 - 1. any Gathering of ten (10) or more people in a single space or room, unless otherwise specifically permitted by this Order; or
 - 2. activities regarding places of public amusement, whether indoors or outdoors, including but not limited to locations with carnivals, water parks, museums, fairs, children's play centers, playgrounds, concert and music halls, social clubs, and athletic clubs.
- U. "Residences" means a house, a condominium unit, an apartment unit, a dwelling, a hotel room, a motel room, a shared rental unit, shelters, or similar facilities but extends only within the bounds of the person's ownership, the person's leasehold interest, or the space occupied in a hotel, motel or shared rental unit and does not include common areas;
- V. "Social Distancing Requirements" means maintaining at least six-foot social distancing from other individuals, washing hands with soap and water for at least twenty seconds as frequently as possible or using hand sanitizer with more than sixty percent alcohol, covering coughs or sneezes with something other than hands, regularly cleaning high-touch surfaces, and not shaking hands; and
- W. "Travel" means moving from place to place.

Section 3. Stay at Home Requirements.

A. Allowed Conduct

1. A person may be outside their Residence only to engage in Essential Activities. Otherwise, every person in the City shall be and shall remain within their Residence.
2. Any person who is outside their Residence to engage in an Essential Activity shall reasonably comply with Social Distancing Requirements.
3. 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, and park restroom facilities shall be closed with appropriate notices posted.
4. Individuals experiencing homelessness are exempt from Section IV(A)(1) but are strongly urged to obtain shelter. Individuals whose residences are unsafe or become unsafe, such as victims of domestic violence, are permitted and urged to leave their home and stay at a safe alternative location.

B. Gatherings

1. No person shall organize or attend an Intentional Gathering of any number of people occurring outside a Residence, Essential Business, or while engaging in an Essential Activity.
2. Nothing in this Order shall be interpreted to prohibit Gatherings of members of a single household.

C. Businesses

1. Essential Businesses may continue necessary activities so long as they comply, to the maximum extent possible, with Social Distancing Requirements for both employees and members of the public, including but not limited to, customers standing in line. All Essential Businesses are strongly encouraged to remain open.
2. Non-Essential Businesses shall cease all activities within the City except:
 - a. Minimum Basic Operations; and
 - b. to the extent that business can be conducted with point of sale transactions via telephone or internet and deliver product by pick up or delivery; and
 - c. business activities consisting of employees or contractors performing activities at their own Residences (i.e., working from home).
3. No businesses or persons may operate or engage in a Prohibited Activity.

D. Travel

1. Any person may engage in Essential Travel and travel necessary to engage in Essential Activities. All other travel is prohibited.

2. People shall use public transit only for purposes of performing Essential Activities or to travel to and from work to operate Essential Businesses, Healthcare Operations, or to maintain Essential Governmental Functions or Minimum Basic Operations. People riding on public transit must comply with Social Distancing Requirements.
 3. This Order allows travel into or out of the City to perform Essential Activities, operate Essential Businesses, or maintain Essential Governmental Functions or Minimum Basic Operations.
- E. Schools and Social Services Providing Food: Schools and other entities that ordinarily provide food services to students or members of the public may continue to do so under this Order provided that the food is provided to students or members of the public on a pick-up and take-away basis only. Schools and other entities, other than childcare facilities, that provide food services under this paragraph shall not permit the food to be eaten onsite.
- F. Exemptions: All 911 call center employees, fire personnel, corrections personnel, hazardous material responders from government or the private sector, workers maintaining digital systems infrastructure supporting law enforcement and emergency service operations, first responders, emergency management personnel, emergency dispatchers, court personnel, law enforcement personnel; and people designated by the Mayor who are necessary in the performance of Essential Government Functions are exempt from this Order to the extent such people are performing these functions.
- G. Access to Essential Governmental Functions: Nothing in this Order shall prohibit any individual from performing or accessing Essential Governmental Functions; but only to the extent consistent with reasonable compliance with Social Distancing Requirements and Gathering size limitations;
- H. Application with Other Laws: Unless otherwise specifically provided or suspended in this Order, any order of the State Director of the Department of Public Health, or any Executive Order, this Ordinance shall not supplant, supersede, replace, rescind, amend, or modify any other law, ordinance, rule, regulation, or permit condition or requirement, including but not limited to those that may apply to Essential Business or Essential Activities.

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. Effective Date of Ordinance and Stay Home Order.

This Ordinance shall be in full force and effect from and after its passage and approval. The stay home order which is the primary subject of this Ordinance shall become effective at 12:01 A.M. on Wednesday, March 25, 2020, and continue in effect through 11:59 P.M. on April 24, 2020. The stay home order shall not be enforced with respect to any person travelling to or at their place of business, work, or employment on March 25, 2020, so long as every such person shall reasonably comply with Social Distancing Requirements.

Section 6. Severability Clause.

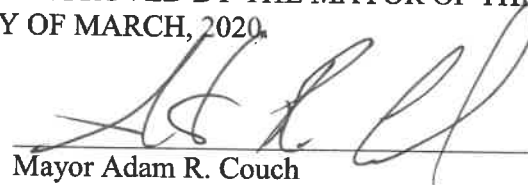
If any provision of this Ordinance or its application to any person or circumstance is held to be invalid by a court of competent jurisdiction, then the remainder of the Ordinance, including the application of such part or provision to other persons or circumstances, shall not be affected and shall continue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

Section 7. Administrative Discretion.

The Mayor is hereby authorized 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 arising from the COVID-19 pandemic. This includes, but is not limited to, restricting further 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 for up to an additional thirty (30) days, without need for additional approval from the Board of Aldermen.

PASSED BY THE BOARD OF ALDERMEN AND APPROVED BY THE MAYOR OF THE CITY OF ODESSA, MISSOURI, THIS 24th DAY OF MARCH, 2020.

03/24/2020
Date


Mayor Adam R. Couch

ATTEST:


Melissa Hundley, Interim Deputy City Clerk