

**AN ORDER OF THE MAYOR OF THE CITY OF NIXA, MISSOURI PURSUANT
TO ORDINANCE 2111 LIMITING THE GATHERING OF PERSONS AND
ADOPTING A STAY AT HOME ORDER WITHIN
THE CITY LIMITS OF NIXA, MISSOURI**

WHEREAS, ARTICLE II, Section 2.1 of the Home Rule Charter of the City of Nixa, Missouri provides the City of Nixa all powers the General Assembly of the State of Missouri has authority to confer upon any City, provided such powers are consistent with the Constitution of the state of Missouri and are not limited or denied by the City of Nixa's Charter or by statute; and

WHEREAS, in December 2019, a novel coronavirus known as SARS-CoV-2 was detected and is known to cause the coronavirus disease 2019, which is abbreviated as COVID-19; and

WHEREAS, on March 1, 2020, the President of the United States of America issued a proclamation declaring that the COVID-19 outbreak in the United States constitutes a national emergency; 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 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, on March 19, 2020, the Christian County Commission has issued a declaration prohibiting gatherings of ten (10) or more people, with limited exceptions; and

WHEREAS, COVID-19 can result in mild or severe symptoms, with the elderly population and those with serious underlying health conditions being most at risk from COVID-19, which in some cases may be fatal; and

WHEREAS, COVID-19 is highly contagious, and is spread through close contact between persons and respiratory transmission and poses a serious health risk for city residents and visitors; and

WHEREAS, any large gathering of persons may accelerate the spread of infection in Nixa, Missouri and pose a risk to the health of our community; and

WHEREAS, the continued spread of COVID-19 constitutes a natural calamity and presents an imminent threat of wide-spread illness, which requires emergency action; and

WHEREAS, Section 192.290 RSMo, permits local authorities to make ordinances, rules and regulations not inconsistent with the rules and regulations prescribed by the department of health and senior services which may be necessary for the particular locality under the jurisdiction of such local authorities; and

WHEREAS, ARTICLE IV, Section 4.4(k) of the Home Rule Charter of the City of Nixa, Missouri provides that the Mayor shall exercise such other powers and perform such other duties as may be prescribed by the Charter, by ordinance or by law; and

WHEREAS, on March 18, 2020, the Council of the City of Nixa, Missouri passed Ordinance 2110 which provided the Mayor the power to enter an Order limiting public gatherings during the declared state of emergency; and

WHEREAS, on March 23, 2020, the Council of the City of Nixa, Missouri passed Ordinance 2111 which provided the Mayor additional powers to limit gatherings and to impose a curfew; and

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

WHEREAS, on March 25, 2020, the Christian County Commission has issued a stay at home order; and

WHEREAS, after consultation with city, county, and state officials, it is my judgment that a prohibition of public gatherings should be ordered to protect the public health.

NOW, THEREFORE, I, BRIAN STEELE, MAYOR OF THE CITY OF NIXA, MISSOURI, PURSUANT TO ORDINANCE 2111, DO HEREBY PROCLAIM AND ORDER:

SECTION I – Pursuant to the exercise of powers granted to me in Ordinance No. 2111, I hereby impose the orders described in “Exhibit A,” which is attached hereto and incorporated herein by this reference; and, in addition, do hereby prohibit any public gathering, gathering, or grouping of ten (10) or more persons in the corporate limits of the City of Nixa, Missouri, during this civil emergency, except this shall not apply to daycare facilities, gatherings of immediate family members, and the daily operations of Essential Businesses defined in “Exhibit A.”

SECTION II – 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 III – That 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.

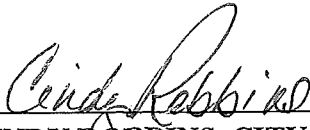
SECTION IV – That if any section, subsection sentence, clause, or phrase of this Order is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Order. The Mayor hereby declares that he would have adopted this Order and each section, subsection,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

SECTION V – That this Order shall go into effect at 12:01 a.m., March 26, 2020, and shall continue for a period of thirty (30) days unless renewed or withdrawn.



BRIAN STEELE, MAYOR

ATTEST:



CINDY ROBBINS, CITY CLERK

FILED: 03/25/2020

EXHIBIT A

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 exercise physical distancing requirements at all times.
- B. Exemptions. All persons working for or to support Essential Businesses are categorically exempt from this Order. Further, nothing in this Order shall prohibit any individual from performing or accessing "Essential Governmental Functions." Essential Governmental 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 Physical Distancing Requirements as defined this Section, 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 Centers for Disease Control ("CDC") recommended social distancing guidelines. Essential businesses may perform only those activities defined as an essential business and may not perform non-essential business activities. This Order shall not apply to government agencies.

III. Section Three: Definitions and Exemptions

- A. Definitions. For purposes of this section, 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 Physical Distancing Requirements as defined herein, 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 canned food, dry goods, fresh fruits and vegetables, pet supply, fresh meats, fish, and poultry, and any other household 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, and includes the retail sale and distribution of alcohol;
- k. Restaurant carry-out, drive-thru, and delivery services; 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;
- 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, 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 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, 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;
 - ff. "Minimum Basic Operations" of otherwise non-essential businesses, provided that employees comply with Physical Distancing Requirements as defined herein 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.
3. "Physical Distancing Requirements" includes maintaining at least a six-foot physical distance from other individuals, washing hands with soap and water for at least twenty seconds as frequently as possible or using hand sanitizer, regularly cleaning high-touch surfaces, and not shaking hands.