

AN ORDER OF THE MAYOR OF THE CITY OF NIXA, MISSOURI LIMITING PUBLIC GATHERINGS TO NO MORE THAN TEN (10) PERSONS PURSUANT TO ORDINANCE NO. 2110

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, there have been confirmed cases of COVID-19 in Christian County, Missouri; 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 2110, DO HEREBY PROCLAIM AND ORDER:

SECTION I – That a “public gathering” for purposes of this Order shall be defined as a planned or spontaneous event with a number of people in attendance that could facilitate the spread of an infectious disease where people are not separated by physical space of at least six (6’) feet. A public gathering, for purposes of this Order, shall not include: funeral homes, educational institutions, daycare facilities, places of employment, grocery stores, retail stores, or any activity a Court of competent jurisdiction holds cannot constitutionally be closed in these specific circumstances, or any gatherings where the organizer can demonstrate to myself, City, County, and State health officials that sufficient mitigation plans for infectious disease are in place.

SECTION II – That due to the unique characteristics and risks associated with the transmission dynamics of COVID-19, the clinical severity of COVID-19, the lack of vaccine or antivirals as treatment options, the inability to ensure social distancing and to prevent close contact among professional, social, cultural, entertainment, or other special events where people are not separated by a physical space of at least six (6’) feet, it is hereby declared unlawful for any person to organize or attend a public gathering of ten (10) people or more in a single space or room. All public gatherings of ten (10) or more people in the corporate limits of the City of Nixa, Missouri are prohibited from taking place during the duration of this Order unless otherwise specified.

SECTION III – That any person who organizes a gathering of nine (9) people or less shall take appropriate action to minimize risk to the greatest extent possible by

implementing and enforcing mitigation measures, including but not limited to, social distancing, limiting the time period of gatherings, frequent cleaning of all surfaces and posting of signs.

SECTION IV – That nothing in this Order shall prohibit public food establishments from offering delivery, pickup, and drive-thru services.

SECTION V – That a business at which a public gathering, as defined herein, may take place may remain open to the public so long as any such business complies with the ten (10) person gathering and distancing requirements set forth in Section II of this Order.

SECTION VI – 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 prohibition in this Order.

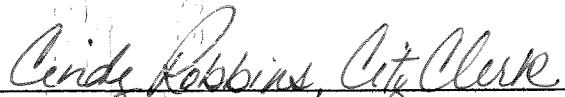
SECTION VII – That if any section, subsection sentence, clause, or phrase of this Order is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Order. The Mayor hereby declares that he would have adopted this Order and each section, subsection,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

SECTION VIII – That this Order shall go into effect at 5:00 p.m. on March 19, 2020 and shall expire at 11:59 p.m. on Wednesday April 1, 2020.



BRIAN STEELE, MAYOR

ATTEST:



CINDY ROBBINS, CITY CLERK

FILED:

03/19/2020