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**EXTENSION ORDER No. 02-2020**

**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**, on April 22, 2020, under the extension authority of Ordinance No. 3008, Mayor Adam Couch issued Extension Order No. 01-2020 to the City of Odessa Stay Home Order, that went into effect at 11:59 pm on April 24, 2020, and is set to expire at 11:59 pm on May 3, 2020; 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 extend the stay home order with local modifications to the guidance provided in the State of Missouri Stay Home Order to allow certain businesses to open and restore business operations previously deemed non-essential, furthermore to be referred to as Extension Order No. 02-2020 and is Step 1 of the Odessa Recovery Plan for COVID-19, and to set forth the remaining steps of the Odessa Recovery Plan as attached hereto as Exhibit A to be proposed to the Board of Aldermen for consideration and approval on May 11, 2020, 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 continue to allow those businesses previously deemed non-essential during the initial stay home order within the city limits of the City of Odessa, Missouri, to reopen while still observing modified gathering and social distancing requirements of Ordinance No. 3008 and those outlined in the State of Missouri Stay Home Order.

**Section 2. Definitions**

The definitions established in Ordinance No. 3008 remain in effect unless otherwise updated or modified, referenced in this Order Extension.

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

- 1) 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 distancing are properly adhered to.
- 2) In accordance with guidelines from the President, the Centers for Disease Control and Prevention (CDC), and the State of Missouri, 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 job duties that require other people closer than six feet (6'). Individuals performing job duties that require contact with other people closer than six feet (6') should take enhanced precautionary measures to mitigate the risks of contracting or spreading COVID-19. 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. Offices and workplaces that remain open, individuals shall practice good hygiene, follow social distancing guidelines, and, where feasible, work from home in order to achieve optimum isolation from COVID-19.

- 3) Any Business that is engaged in retail sales to the public, shall adhere to the social distancing requirements, and 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. This subsection is not intended to apply to businesses that engage in retail sales to the public, which is covered in subsection three (3) above.
- 5) Restaurants may offer dining-in services, provided that the limitations on social distancing and other precautionary public health measures, including proper spacing of at least six feet (6') between tables, lack of communal seating areas to parties that are not connected, and having no more than ten (10) people at a single table, are properly adhered to. The continued use of drive-thru, pickup, or delivery options is encouraged throughout the duration of this Order.
- 6) In accordance with the guidelines from the President, the CDC, and the Centers for Medicaid and Medicare Services, people shall not visit nursing homes, long-term care facilities, retirement homes, or assisted living homes unless to provide critical assistance or in end-of-life circumstances. Elderly or otherwise vulnerable populations should take enhanced precautionary measures to mitigate the risks of contracting COVID-19.
- 7) 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.
- 8) 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 July 18, 2020, with appropriate notices having been posted.

**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, to which included the provision of extending the order by an additional thirty (30) days, without need for additional approval from the Board of Aldermen.

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

Extension Order No. 02-2020 of Ordinance No. 3008, with the aforesaid modifications, shall be in full force and effect at 11:59 P.M. on May 3, 2020, through 11:59 P.M. on May 16, 2020.

*Adam R. Couch*

Adam R. Couch, Mayor

ATTEST:

*Peggy Eoff*

Peggy Eoff, City Clerk

## EXHIBIT A

### *Odessa's 4-Step Recovery Plan for COVID-19*

STEP 1				
Begins	11:59 P.M. – May 3, 2020		Ends	11:59 P.M. – May 16, 2020

- Restaurants may offer dine-in options as long as they adhere to the State of Missouri’s Stay Home Order and must follow those restrictions put forth as it relates to social distancing requirements
- Businesses that their worker functions are not able to maintain required social distancing because their job duties require contact with other people closer than six feet (6’) may open provided that they take extra precautionary measures to mitigate the risks of contracting or spreading COVID-19. (examples: nail salons, beauty salons, barber shops, and massage parlors)
- Retail businesses (regardless of essential or non-essential classification) must follow the state order limiting occupancy to either 25% or 10% of occupancy based on the state formula provided for in Extension Order No. 02-2020
- Gathering limits, as defined in Ordinance No. 3008, remain at ten (10) or less
- Social distancing, as defined in Ordinance No. 3008, of six feet (6’) must be maintained, where applicable as outlined in Extension Order No. 02-2020

STEP 2				
Begins	11:59 P.M. – May 16, 2020*		Ends	11:59 P.M. – June 6, 2020

- Within STEP 2, after 11:59 P.M. on May 31, 2020, when the current state order expires (and provided no extension is issued), all retail businesses will be able to increase their occupancy restrictions to fifty percent (50%) of occupancy based on the state formula provided for in Extension Order No. 02-2020
- Gathering limits, as defined in Ordinance No. 3008, increase to fifty (50) people or less
- Social distancing, as defined in Ordinance No. 3008, of six feet (6’) must be maintained, where applicable as outlined in Extension Order No. 02-2020

*\*All provisions of Step 2 become effective after 11:59 P.M. on May 16, 2020, EXCEPT for the occupancy limits which will remain in accordance with the State of Missouri State Home Order. Should the state order be extended this provision will continue to model aforesaid order. If the state order is allowed to expire at 11:59 P.M. on May 31, 2020, then the occupancy provisions set forth above will become effective.*

STEP 3				
Begins	11:59 P.M. – June 6, 2020		Ends	11:59 P.M. – June 27, 2020

- All occupancy restrictions in retail businesses is lifted
- Gathering limits, as defined in Ordinance No. 3008, remain at fifty (50) people or less
- Social distancing, as defined in Ordinance No. 3008, of six feet (6') must be maintained, where applicable as outlined in Extension Order No. 02-2020

STEP 4				
Begins	11:59 P.M. – June 27, 2020		Ends	11:59 P.M. – July 18, 2020

- No occupancy restrictions
- Gathering limits, as defined in Ordinance No. 3008, increase to two-hundred fifty (250) people or less
- Social distancing, as defined in Ordinance No. 3008, of six feet (6') must be maintained, where applicable as outlined in Extension Order No. 02-2020

*Following the end of Step 4, it is expected that all restrictions will be lifted, the City's active response to COVID-19 will cease, and anything further information will come as a recommendation from the City of Odessa based on guidance provided by county, state, and/or federal authorities.*

### **Conclusion**

- At any point during this four (4) step re-opening and recovery process following collaboration with the Lafayette County Health Department, or if directives are given from county, state, or federal authorities, that the healthcare system becomes or is becoming overwhelmed, authority within the Odessa 4-Step Recovery Plan (proposed Extension Order No. 03-2020) will be granted to the Mayor of the City of Odessa to extend the period of time between steps or if necessary move backwards a step.
- The Local Emergency Proclamation declared on Monday, March 16, 2020, will remain in effect until rescinded by the Mayor or Board of Aldermen. Through this proclamation the following declarations have been made, are in effect until May 31, 2020, and are subject to extensions authorized by the Mayor:
  - A waiver of utility late fees and credit card convenience fees, and a stay placed on utility disconnections
  - An exemption from obtaining a City of Odessa fishing or boating permit
  - A waiver of the associated fee on business license **renewals** for the period of July 1, 2020 through June 30, 2021. All other requirements outlined by ordinance for

the business license renewal process remain in effect as well as the fees associated for a new business license application.

- Proposed Extension Order No. 03-2020 (*Odessa's 4-Step Recovery Plan*) will be presented to the City of Odessa Board of Aldermen for their consideration and approval on May 11, 2020, during the regularly scheduled meeting
- Modifications to City operations, including but not limited to the modifications to staffing schedules, telecommuting, and re-opening of city facilities will be handled at an administrative level with guidance of our local emergency management team. Parks and Recreation programming and pool operations will involve the City Administrator, Parks and Recreation Director, Park Board President, and oversight provided by the Park Board.