

CITY OF BRANSON WEST

**AN ORDINANCE REQUIRING FACE-COVERINGS IN PUBLIC SPACES
AND POSTING OF RELATED NOTICES**

EXECUTIVE SUMMARY:

- This ordinance is designed to follow the recommendations of the CDC, Cox Health and the Missouri Department of Health and Senior Services by mandating persons to wear face coverings in many situations and requiring that owners and tenants of public buildings post notices regarding face-coverings and other measures.
- The Board of Aldermen is empowered by Missouri statute, section 79.380 RSMo, to adopt ordinances for the prevention of the introduction of contagious diseases in the city and for the abatement of contagious diseases, and may make quarantine laws.

Recitals:

1. The new coronavirus known as SARS-CoV-2 has caused outbreaks of the coronavirus disease (COVID-19) around the world over the past six months and at an alarming rate in recent weeks in Stone County.
2. COVID-19 is spread between people who are in close contact with one another (within about 6 feet) or through respiratory droplets produced when an infected person coughs or sneezes and as such presents an imminent threat of widespread illness and even death in some cases; and
3. On March 11, 2020, the World Health Organization characterized COVID-19 as a pandemic; and
4. On March 13, 2020, President Donald Trump, under the Constitution and the laws of the United States of America, including sections 201 and 301 of the National Emergencies Act (50 U.S.C. 1601 et seq.) and consistent with section 1135 of the Social Security Act (SSA), as amended (42 U.S.C. 1320b-5), found and proclaimed that that the COVID-19 outbreak in the United States constitutes a national emergency;

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

Section 1: Definitions

- Public Spaces - means an indoor or outdoor area to which the public is invited or in which the public is permitted, including but not limited to banks, convention

facilities, common areas, shopping centers, laundromats, reception areas, restaurants, retail establishments, retail stores, schools, spas, sports arenas, theaters, waiting rooms, amusement parks, attractions, and any other place where food is prepared or stored.

- Face-Covering - means a particulate mask or face covering of the nose and mouth secured to the face with ties, loops or elastic that is covering the nose and mouth.

Section 2: Face Covering Requirement:

It is unlawful for anyone to be in a public space without wearing a face covering subject to the following exceptions:

- A. Children under the age of 13;
- B. Any person with a health condition documented by a medical professional that prohibits wearing a face covering;
- C. Any person who is hearing impaired or someone who is communicating with a person that is hearing impaired, where the ability to see the mouth is essential for communication;
- D. Any person who is in a public place consuming food, drink or smoking while seated and maintaining a physical distance of at least six feet from other persons who are not family members or reside together, but such persons must wear a face covering while in waiting areas and while walking to and from seating or other parts of the premises;
- E. Any person in the water at a swimming pool or lake;
- F. Any person who is obtaining a service involving the face or nose for which temporary removal of the face covering is necessary to perform the service;
- G. Any person playing a sport, exercising, including walking, running or using exercise equipment;
- H. Any person who is outdoors who is closer than six feet to family members or people they reside with;
- I. Any person who is outdoors while maintaining physical distancing of at least six feet, except as otherwise provided in this ordinance;
- J. Any person performing on a fixed stage;
- K. Any person engaged in public speaking who maintains a minimum physical

distance of six feet from others who are not family members or who reside together and;

- L. Any public safety officer engaged in an emergency situation.

Section 3: Operation of Public Spaces

It is unlawful for any person operating a public space to allow any person in the public space who is not wearing a face covering unless that person in the public space is exempt from wearing a face covering as provided in this ordinance.

Section 4: Signage Required for Business Operations

- A. It shall be unlawful for any business open to the public unless at the points of entry or exit to the premises there is prominently displayed a sign no smaller than 8.5 inches tall by 11 inches wide which shall contain the following lettering at least one-half inch high on white background.
1. IT IS A VIOLATION OF LAW TO ENTER THE PREMISES WITHOUT A FACE COVERING.
 2. PLEASE MAINTAIN AT LEAST SIX FEET OF DISTANCE BETWEEN INDIVIDUALS THAT ARE NOT FAMILY MEMBERS OR DO NOT RESIDE TOGETHER.
- B. A business shall be in compliance with this Section if they display signage that has been provided to the business by the City of Branson West.

Section 5: Penalties

- A. A person who fails to wear a face covering when wearing a face covering is required by the provisions of this Ordinance upon conviction by a fine of up to \$50.00 and court costs.
- B. A person who owns, manages, operates, or otherwise controls a public place at which wearing a face covering is required by this Ordinance and who fails to comply or to require compliance with the provisions of this Ordinance upon conviction shall be punishable by a fine of up to \$50.00 and court costs.
- C. In addition to the fines established by this section, violation of this Ordinance by a person who owns manages, operates, or otherwise controls a public place at which face coverings are required by this Ordinance may result in the suspension or revocation of any permit or license issued to the person for the premises on which the violation occurred.

No person shall be in violation of this subsection if the person or the place the

person owns, manages, operates, or otherwise controls requires compliance with the provisions of this Ordinance to wear a face covering and the person that is allowed in the public space refuses to wear a face covering.

Section 6:

- A. This ordinance shall be in force and effect at 12:01 am on August 12th, 2020 after its passage and the Board of Aldermen and approval by the Mayor and remain in effect for up to three successive 30-day periods, unless rescinded earlier.
- B. The City Clerk shall make this Ordinance available to the public.

Section 7: Implicit Repeal


Any ordinance to the contrary is hereby repealed.

Read two times, passed and approved on the 5th day of August, 2020, and approved by the Mayor.

(Seal)


 Ron Flam, Mayor

Attest:




 City Clerk

Read twice by title.
FIRST AND SECOND READING AND VOTE: Merritt;No, Pollock;Yes, Lonsway;Yes

DATE APPROVED: August 5th, 2020, going into effect August 12, 2020

Approved as to form:



 Harry Styron, City Attorney