

**AN ORDINANCE ADDING TO CHAPTER 225 EMERGENCY MANAGEMENT  
SECTION 225.200 DEFINITIONS THRU SECTION 225.260 REFUSAL TO COMPLY-PENALTY**

WHEREAS, it has been determined by the Board of Aldermen of the City of Hallsville, Missouri, to protect the life and health of Hallsville residents and ensure their continued safety during a state of emergency.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN of the City of Hallsville, Missouri, as follows:

**Section 225.200 Definitions.**

For the purposes of this Article, the following terms shall have the meanings respectively ascribed to them:

**CIVIL EMERGENCY**

A riot or unlawful assembly characterized by the use of force or violence, civil commotion or uprising; or any natural or manmade disaster or calamity; or imminent danger of any of the foregoing; or pandemic or other spread disease.

**MAYOR**

The Mayor of the City or, in his/her absence or inability to act, the Acting President of the Board of Aldermen.

**Section 225.210 Mayor To Proclaim Existence of Civil Emergency.**

When in the judgment of the Mayor a civil emergency is deemed to exist, he/she shall forthwith proclaim in writing the existence thereof.

**Section 225.220 Notification of Public.**

Any proclamation of a civil emergency shall be promptly communicated to all available news media for dissemination to the public and the original thereof shall be filed in the office of the City Clerk.

**Section 225.230 Curfew.**

After the proclamation of a civil emergency by the Mayor, he/she may order a general curfew applicable to such geographical areas of the City or to the City as a whole as he/she may deem advisable and the curfew shall be applicable during the hours of the day or night as he/she may deem necessary in the interest of public safety and welfare. In the designated areas and during the designated hours of any such curfew, all persons shall remove themselves to and remain in their places of residence, remain off and away from the public streets, sidewalks, parks and all other public or open places; and no persons shall loiter or gather together in groups at any place for any purpose whatsoever; provided however, that persons performing medical services, essential public utility services, public officials, Law Enforcement Officers, firemen and other persons officially designated to perform some duty with reference to the civil emergency are exempt from the curfew.

**Section 225.240 Powers of Mayor.**

- A. After the proclamation of a civil emergency, the Mayor shall, in addition to all other powers granted to him/her by the laws of the State, this Code and other ordinances of the City, be empowered in the interest of the public safety and welfare to preserve the peace and order of the City and to exercise any or all of the powers hereinafter granted, as follows:

1. To order all Policemen, Reserve Policemen, and any other City employee to report for immediate duty as he/she may direct;
2. To order the closing of any and all business establishments throughout the City or any portion thereof during the period for which the civil emergency exists or during the hours of curfew;
3. To order a reduction in the use of all utilities throughout the City during the state of civil emergency;
4. To order the discontinuance of the selling, distribution or giving away of gasoline or other flammable liquids or combustible products in any container other than a gasoline tank properly affixed to a motor vehicle;
5. To order any public place or building, public street or alley, sidewalk, parking area and any other place closed to motor vehicles, persons and pedestrian traffic;
6. To order the doing of or refraining from all acts necessary and incidental to the protection of life and property;
7. To make such other orders and issue directives as may be deemed advisable to preserve the safety, health and welfare of the community;
8. Utilize all available resources of the City Government as reasonably necessary to cope with the disaster emergency, including emergency expenditures not to exceed fifty thousand dollars (\$50,000.00);
9. Waive the provisions of ordinances requiring advertisement for bids for the performance of public work or entering into contracts according to the Missouri Civil Defense Act, Chapter 44.080, RSMo;
10. Requisition and confiscate merchandise, equipment, vehicles or property needed to alleviate the emergency. Reimbursement for such confiscation shall be within sixty (60) days and at customary value charged for the items during ninety (90) days previous to the emergency;
11. Declare that during an emergency it shall be unlawful and an offense against the City of Hallsville for any person, firm or corporation operating within the City to charge more than the normal average retail price for any merchandise, goods or services sold during the emergency. The "*average retail price*", used herein, is defined to be the price at which similar merchandise, goods or services were being sold during the ninety (90) days immediately preceding the emergency or a markup which is not a larger percentage over wholesale cost than was being added to the wholesale cost before the emergency.

#### **Section 225.250 Proclamation To Remain in Effect**

A proclamation issued in accordance with the provisions of this Article shall remain in effect continuously from the date and time of the issuance thereof for such a period of time as may specifically be prescribed therein or upon the issuance of a proclamation determining the civil emergency no longer exists, whichever occurs first (1st).

#### **Section 225.260 Refusal to Comply — Penalty.**

- A. Any person, firm or corporation who refuses to comply with or violates any Section of this Article or the emergency measures which may be made effective pursuant to this Article, shall be punished by a fine not to exceed five hundred dollars (\$500.00) or imprisonment not to exceed sixty (60) days in jail, or both. Each act or day of continued non-compliance or violation shall be considered a separate offense. In addition to the foregoing, any licensee of the City of Hallsville found guilty of violating any provision of this Article or the emergency measures which may be made effective pursuant to this

Article may have his/her license suspended or revoked by the Board of Aldermen of the City of Hallsville.

- B. Nothing herein contained shall prevent the City from taking such other lawful action in any court of competent jurisdiction as is necessary to prevent or remedy any refusal to comply with or violation of this Article or the emergency measures which may be effective pursuant to this Article. Such other lawful action shall include, but shall not be limited to, an equitable action for injunctive relief or any action at law for damages.


THIS ORDINANCE SHALL HAVE IMMEDIATE FORCE AND EFFECT UNDER THE LAWS OF THE CITY AND STATE OF MISSOURI.

READ TWO TIMES AND PASSED THIS 19<sup>th</sup> DAY OF MARCH, 2020.



Logan Carter, Mayor

ATTEST:



Kenyetta Ridgway-Sample, City Administrator/City Clerk