



City of Osage Beach

1000 City Parkway • Osage Beach, MO 65065
Phone [573] 302-2000 • Fax [573] 302-0528 • www.OsageBeach.org

APRIL 17, 2020

FOURTH AMENDED

**DECLARATION OF CIVIL EMERGENCY
ISSUED PURSUANT TO SECTION 225.100
OSAGE BEACH MUNICIPAL CODE**

WHEREAS as Mayor of the City of Osage Beach, Missouri I declared a State of Civil Emergency under Section 225.100 of the Osage Beach Municipal Code on March 18, 2020, and issued a First Amended Declaration on March 24, 2020,

WHEREAS the Governor of the State of Missouri has declared a state of emergency on Executive order 20-02 issued March 16, 2020, and

WHEREAS, the Missouri Department of Health and Senior Services and the State Emergency Management Agency has advised that there are confirmed cases of COVID-19 in this state; and

WHEREAS, COVID-19 poses a serious health risk for Osage Beach, Missouri residents and visitors; and

WHEREAS, the Centers for Disease Control and Prevention activated its Emergency Operations Center to better provide ongoing support to the COVID-19 response on January 21, 2020; and

WHEREAS, the U.S. Secretary of Health and Human Services declared a public health emergency to aid the nation's healthcare community in responding to COVID-19 on January 31, 2020; and

WHEREAS, the World Health Organization officially declared a pandemic due to COVID-19 on March 11, 2020; the Pandemic of Coronavirus / COVID-19 in the State of Missouri is a natural disaster and calamity, and,

WHEREAS, on March 31, 2020, Ordinance No. 03312001, Joint Camden County Commission Ordinance and Camden County Health Department Order, March 31, 2020 issued further orders to promote social distancing and slow the spread of COVID-19:

WHEREAS, on April 14, 2020 an Emergency Waiver for Retailer Packaged Alcohol was issued by the Missouri Division of Alcohol and Tobacco Control, under the approval of the Governor's office, which as Mayor, I find are reasonable and related to preserving life, property and the existence of local businesses which help provide individuals the jobs and income necessary to survive this Pandemic Emergency:

Now on this 17th day of April 2020, I John Olivarri, Mayor of the City of Osage Beach, having previously declared a CIVIL Emergency due to the Pandemic Emergency of Coronavirus / COVID-19; acting in a consistent manner with the Order of the Camden County Commission and the Camden County Health department do hereby order that:

1. The Emergency Waiver for Retailer Packaged Alcohol dated April 14, 2020 issued by the Missouri Division of Alcohol and Tobacco Control, attached hereto as Exhibit "A," is hereby adopted in full as part of this Declaration of Civil Emergency for the City of Osage Beach and all ordinances in contravention the letter and intent of the Emergency Waiver are ordered suspended for the period of the Emergency Waiver.
2. All previous orders in the Declaration of Civil Emergency, as set out below, remain in full force and effect.

Third Amended Order, April 14, 2020

1. **Liquor License Renewals**

All liquor license currently in effect or any renewals offered or applied for in accordance Section 600.165 Osage Beach Municipal Code are hereby extended for two months. For example, any license renewal due on May 1, 2020 is now due on July 1, 2020 and all periods for penalties for late renewals are similarly extended.

Fiscal year 2020 liquor licenses that are set to expire on June 30, 2020 will now extend until August 31, 2020. This is an extension of the current active license.

2. Social Gatherings

All public and private gatherings, planned or spontaneous; recreational facilities, conference, event and banquet facilities, wedding venues, gyms, social clubs, funerals, churches or any other place of public or private gathering, shall limit participants to 10 people provided they can maintain the appropriate 6ft distance between participants. This is meant to include employees and clergy in the count of 10 people.

3. Retail Sales Workplace Occupancy Restrictions

All retail sales businesses and workplaces shall follow the following workplace density and per person occupancy restrictions.

- I. A base number of authorized occupancies shall be the largest number as determined by either:
 - a. Total square feet of building divided by 30 (square feet per person),
or:
 - b. The fire or building code occupancy limitations set by the Osage Beach Municipal Code, or
 - c. The fire code occupancy limitations set by the Osage Beach fire protection district.
- II. Once the base number is established the following restrictions shall apply:
 - a. For locations less than 10,000 square feet retail sales area 25 % of authorized occupancy;
 - b. For locations larger than 10,000 square feet retail sales area 10 % of authorized occupancy.
- III. Employees and vendors delivering products do not count under these limitations.

For any questions concerning this limitation please contact the Building Official at 573-302-2030.

Amendments to items 1 and 2 of the Second Amended Order, April 1, 2020

Items 1 and 2 of the Second Amended Order April 1, 2020 are hereby amended and restated as follows:

1. In accordance with the guidelines from the President and the CDC, every person in Camden County shall avoid eating or drinking at restaurants, bars, or food courts; provided, however, that the use of drive-thru, pickup, or delivery options is allowed throughout the duration of this Order. No dining or drinking is allowed inside food or beverage establishments or their patios, lawns, or boat docks. Water-front establishments are to limit numbers of people using their docks while ordering to 10 or less, including staff. Boats are to leave the dock area as soon as order is received.
2. Due to being unable to maintain the 6 ft. social distancing order between individuals, the provider and the customer; nail salons, hair salons, tattoo parlors, massage therapists, estheticians, spas, gyms, tanning facilities, swimming pools including hot tubs open to the public or paying guests or members or any other personal service provider will cease to provide their services or make the aforesaid facilities available to the public. This restriction does not apply to private swimming pools and hot tubs located on individually owned residential lots intended to be used by the owners or renters of a single-family dwelling.

Second Amended Order, April 1, 2020

Sections 3 and 4 of the second Amended Order of April 1, 2020 remain in full force and effect.

3. Schools shall remain closed, but allowed to continue to provide nutrition services to the families they serve
4. These directives do not apply to Essential Governmental Proceedings, Day Care facilities, or Food Stores.

First Amended Order, March 24, 2020

The previous order that the Osage Beach Ambulance Service and the Osage Beach Chief of Police, the Emergency Manager for the City, may in the discretion of the Chief of Police, use any and all personnel authorized pursuant to Sections 109.105.2 and 109.105.3(1) R.S.Mo. to operate the Osage Beach Ambulance as in the opinion of the Chief of

Police may be necessary and prudent remains in full force and effect.

Original Order, March 18, 2020

The previous order that meetings of the Planning and Zoning Commission, the Board of Zoning Adjustment, and Liquor Control Board be postponed until May 15, 2020 and the running of all time periods, and all procedural deadlines associated with any of those Boards or Commission are extended and stayed until May 15, 2020 remains in full force and effect.

Enforcement

Any violation of this order in any respect is punishable under Section 100.190 of the Osage Beach Municipal Code. Retail sales, restaurants, food and beverage facilities found to be non-compliant may be subject to suspension of their business licenses due to creating an imminent health hazard.

SAVINGS CLAUSE. If any provisions of this Declaration of Civil Emergency or its application to any person or circumstance is held to be invalid, then the remainder of this Declaration, 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 provisions of this Declaration are severable.

This Declaration may be extended modified or terminated as the situation requires.



John Olivarri, Mayor

Attest



Dorothy Urlings, Deputy City Clerk

EXHIBIT A

DIVISION OF ALCOHOL AND TOBACCO CONTROL

Michael L. Parson
Governor

Sandra K. Karsten
Director, Public Safety



Dorothy E. Taylor
State Supervisor

INDUSTRY CIRCULAR

Emergency Waiver – Retailer-Packaged Alcohol

Issued April 14, 2020

The Division has received approval from the Governor's Office to proceed with an emergency waiver to temporarily suspend the portion of the definition of "original package" in 11 CSR 70-2.010(5) that requires utilizing the manufacturer's original container, to the extent necessary to allow retailer-packaged alcoholic beverages under the following conditions:

1. The alcohol container must be durable, leak-proof, and sealable, and meet the minimum size requirements outlined in [11 CSR 70-2.010\(5\)](#);
2. The patron must have ordered and purchased a meal simultaneous with the liquor purchase;
3. The licensee must provide the patron with a dated receipt for the alcohol beverage(s); and
4. The sealed alcohol container must either be:
 - a. Placed in a one-time-use, tamperproof, transparent bag which must be securely sealed; or
 - b. The container opening must be sealed with tamperproof tape;

The change does not allow liquor licensees to sell mixed drinks in 'to-go' plastic or Styrofoam cups with straws or loose covers.

This suspended definition will expire at the end of the Governor's emergency declaration, which is May 15, 2020.

1738 E. Elm, Lower Level, Jefferson City, MO 65101
P.O. Box 837, Jefferson City, Missouri 65102-0837
Voice 573-751-2333; FAX 573-526-4369

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<http://www.facebook.com/atcmogov/>

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