

ORDINANCE NO. 1343

AN ORDINANCE TO ADOPT DIRECTED HEALTH MEASURES; TO HELP PREVENT, LIMIT, OR SLOW THE SPREAD OF THE NOVEL CORONAVIRUS (COVID-19) AMONG THE CITIZENS OF THE CITY OF DAVID CITY; TO PROVIDE FOR PUBLICATION OF THIS ORDINANCE IN PAMPHLET FORM; AND, TO PROVIDE FOR A TIME WHEN THIS ORDINANCE SHALL TAKE EFFECT.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF DAVID CITY, NEBRASKA:

Section 1. On March 17, 2020, the Mayor of the City of David City and the Chair of the Butler County Board of Commissioners/Supervisors cosigned a Butler County Disaster Declaration related to the Novel Coronavirus (COVID-19) as an infectious disease within the State of Nebraska.

Section 2. Pursuant to Neb. Rev. Stat. 17-112 the Mayor may recommend measures thru ordinance(s) for the improvement of the health and general prosperity of the City.

Section 3. The City Council has authority under Section 1-401 of the David City Municipal Code to adopt ordinance(s) as may be necessary and proper for maintaining the peace, good government, and welfare of the city and its trade, commerce, and manufactories and to enforce all ordinances by inflicting fines or penalties for the breach thereof.

Section 4. The City Council has determined it is in the best interest for the City to adopt the following Directed Heath Measures as and finds it necessary in order to effectively prevent, limit, or slow the spread of the Novel Coronavirus (COVID-19) among the citizens of the City of David City.

Section 5. The following Directed Health Measures are hereby ordered for the City of David City on April 10, 2020 at 8:00 a.m. and continuing until May 6, 2020 unless renewed, extended or terminated by subsequent order, and all persons are ordered to comply:

1. Gatherings are hereby prohibited.

Gatherings are defined as any event or convening that brings together more than ten (10) patrons, customers, or other invitees, excluding staff, in a single room or single space at the same time, including but not limited to, a school, daycare facility (including in-home facilities), gymnasium, fitness center, auditorium, stadium, arena, large event conference room, meeting hall, theater, library, or any other confined indoor or confined outdoor space.

Gatherings includes but is not limited to weddings, funerals, parades, fairs, festivals, and concerts; or any event or convening with ten (10) or fewer patrons, customers, or other invitees where a minimum distance of six (6) feet between all individuals cannot be maintained in the venue. This includes, but is not limited to, tattoo parlors, massage parlors, barber shops and beauty/nail salons, except the retail portion of these businesses may continue to operate in the sale of their related hair and beauty products. If a venue is subdivided into multiple spaces separated by either physical walls or sufficient airspace each subdivided area may contain up to ten (10) patrons, customers or other invitees, excluding staff.

2. This Ordinance shall not apply to courts of law, meetings or sessions of the

Nebraska Legislature, or operations of any other political subdivision; medical providers or facilities, pharmacies; public utilities, essential federal, state, county, and city operations, continuity of business operations; logistics/distribution centers; congregate living settings; group homes and residential drug and/or mental health treatment facilities; shelters; public transportation; airport travel; necessary shopping at fuel stations, grocery stores, retail stores, or malls; tanning salons; election offices; polling places on an election day; or to dwelling units housing more than ten (10) related people. However, all excepted settings shall, to the extent possible, observe physical distancing practices by providing for the maintaining of at least six (6) feet of separation between individuals and all other applicable local, states, and federal guidelines for disease prevention and disinfection of surfaces.

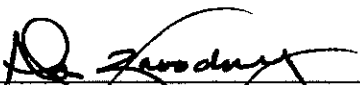
Failure to comply with this Ordinance will result in legal action for enforcement by civil and/or criminal remedies.

Any person who violates this Ordinance shall be deemed guilty of a violation. The penalty for such violation shall be an amount not to exceed \$500 for any one offense, recoverable with costs, and in default of said payment the offender shall stand committed to the County Jail until such fine and costs are paid. Each period of 24 hours during or on which a violation occurs or continues shall be deemed a separate offense.

In addition to any penalty sought or obtained under this Ordinance or other applicable law, the City may institute injunctive or other appropriate civil proceedings necessary to obtain compliance or to abate any nuisance resulting from violations in this Ordinance.

Section 6. Emergency Declaration; Proclamation; Publication; When Operative. Due to the potential impending danger of COVID-19 and pursuant to Neb. Rev. Stat. 17-613, the Mayor hereby proclaims that this Ordinance requires immediate operation upon posting of this Ordinance in at least three of the most public places in the city. This Ordinance shall be in full force and effective from and after its passage, approval, and publication as provided by law and City Ordinance.

PASSED AND APPROVED this 8th day of April, 2020.



MAYOR AYAN ZAVODNY

ATTEST:



TAMI COMTE, DEPUTY CITY CLERK

(SEAL)

