

BILL NO. _____

ORDINANCE NO. _____

AN ORDINANCE AMENDING SECTION 11.12.004 “EMERGENCY POWERS OF THE MAYOR” OF THE INDEPENDENCE CITY CODE.

WHEREAS, the Section 11.12.004 vests certain emergency powers with the Mayor of the City of Independence, Missouri; and,

WHEREAS, House Bill 271 was approved by the 101st General Assembly and signed into law by the Governor in 2021, amending the authority for political subdivisions in Missouri to issue emergency orders; and,

WHEREAS, it is the desire of the Independence City Code to reflect these changes in state law in the City’s Code of Ordinances;

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF INDEPENDENCE, MISSOURI, AS FOLLOWS:

SECTION 1. That Section 11.12.004 – Emergency Powers of the Mayor is hereby amended to read as follows:

Sec. 11.12.004. Emergency powers of the Mayor.

A. In the event of natural or man-made disasters or emergencies, or during times of hostile military or paramilitary action, the Mayor, or in his/her absence or inability to serve the person designated by ordinance to succeed the Mayor shall, in addition to other powers granted him/her by the laws of this state and the charter and ordinances of the City, have the power to declare a state of emergency. After the declaration of an emergency, the Mayor or his/her successor shall have the powers granted in the following:

1. Declare that an emergency situation exists within the City and if necessary, request a state of emergency declaration from the Governor of the State.

2. As soon as possible thereafter, convene the City Council to perform its legislative functions.

3. Promulgate such emergency regulations as may be deemed necessary to protect life and property and conserve critical resources, and such regulations may be invoked when necessary for tests of emergency operations. All such regulations shall be subject to approval of the Council as soon as practical subsequent to promulgations.

4. To impose a curfew upon all or any portion of the City as designated therein as he/she may deem advisable during such hours of the day or night as he/she determines necessary in the interest of the public safety and welfare, and during which all persons shall remove themselves to their places of residence and remain off and away from the public streets, sidewalks, parkways, parks and all other public or open places, and no persons shall assemble, gather, loiter or otherwise congregate in any manner in groups, assemblies or meetings in any place for any purpose whatsoever; provided, however, that persons performing medical services, essential public utility services, public officials, policemen, firemen, and all other persons explicitly enumerated in such proclamation may be exempted from curfew.

5. To order the closing of any, certain types, or all business establishments throughout the City or any portion thereof during the period for which the state of emergency exists or during the curfew hours when in his/her opinion, the continued operation of such businesses poses a threat to the safety of citizens or property.

~~6. To order discontinuance of selling, distributing, dispensing or giving away of any fire arms or ammunition or other weapons of any character whatsoever or nonintoxicating or intoxicating liquor.~~

6. To order the discontinuance of selling, distributing or giving away gasoline or other liquid flammable or combustible products in any container other than a gasoline tank properly affixed to a motor vehicle.

7. To designate any public place, public street, thoroughfare, boulevard, parking area and any other place closed to motor vehicles, persons, and pedestrian traffic.

8. Any such order or designation that is issued in response to an actual or perceived threat to public health for the purpose of preventing the spread of a contagious disease shall be issued, approved, and extended in accordance with Section 67.265, RSMo., as amended.

B. Any such proclamation of a state of emergency shall become immediately effective upon its execution and issuance by the Mayor, and the original thereof shall be filed and remain in the office of the City Clerk.

C. The proclamation issued in accordance with the provisions of this section shall remain in effect continuously from the date and time of the issuance thereof for such period of time as specifically prescribed therein or until the issuance of a proclamation determining an emergency no longer exists, whichever occurs first.

PASSED THIS _____ DAY OF _____, 2023, BY THE CITY COUNCIL OF
THE CITY OF INDEPENDENCE, MISSOURI.

Presiding Officer of the City Council of
the City of Independence, Missouri

ATTEST:

City Clerk

APPROVED AS TO FORM AND LEGALITY:

City Counselor

REVIEWED BY:

City Manager

NOTE: Text being eliminated by this ordinance is lined through and bolded, and text being added by this ordinance is underlined and bolded.