

ORDINANCE 03.30.2020

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHALLOWATER, TEXAS, DECLARING A LOCAL STATE OF DISASTER DUE TO A PUBLIC HEALTH EMERGENCY; MAKING FINDINGS RELATED THERETO; PROVIDING AN EFFECTIVE DATE; PROVIDING AN EXPIRATION DATE; AND PROVIDING FOR THE PUBLICATION OF THE CAPTION HEREOF.

WHEREAS, beginning in December 2019, a novel coronavirus, now designated SARS-CoV2 which causes the disease COVID-19, has been declared a global pandemic by the World Health Organization; and

WHEREAS, the symptoms of COVID-19 can range from mild to severe illness and cause further complications including death; and

WHEREAS, COVID-19 virus mainly spreads between people who are in close contact with one another through respiratory droplets produced when an infected person coughs or sneezes; and

WHEREAS, on March 13, 2020, the Governor of the State of Texas issued a proclamation certifying that COVID-19 poses an imminent threat of disaster in the state and declaring a state of disaster for all counties in Texas and subsequently issued Executive Order GA 08 on March 19, 2020 pertaining to COVID-19; and

WHEREAS, on or about Tuesday, March 24, 2020, Mayor Royking Potter issued a Disaster Declaration due to the COVID-19 public health emergency; and

WHEREAS, pursuant to the provisions of Section 418.108(b) of the Texas Government Code, said Declaration shall expire on the seventh (7th) day unless continued or renewed by the City Council of the City of Shallowater; and

WHEREAS, upon approval of this Ordinance, the Declaration shall expire on its own terms; and

WHEREAS, the City of Shallowater, Texas, is taking extraordinary measures to prevent the spread of this potentially devastating disease in our community; and

WHEREAS, said state of disaster requires that certain emergency protective measures be taken pursuant to the Texas Disaster Act of 1975 relating to Emergency Management and Public Health, pursuant to Chapter 418 of the Texas Government Code; and

WHEREAS, the Mayor of the City of Shallowater, Texas has amended the declaration of March 18, 2020 from its original provision to include directives by the Governor of the State of Texas and additional protocols for the City.

WHEREAS, the City Council of the City of Shallowater, Texas, desires to issue the following declaration of a local state of disaster pursuant to its authority under state law.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SHALLOWATER, TEXAS, THAT:

SECTION 1. That a local state of disaster for public health emergency is hereby declared for the City of Shallowater, Texas, pursuant to Section 418.108(a) of the Texas Government Code.

SECTION 2. That pursuant to Section 418.108(b) of the Texas Government Code the state of disaster for public health emergency shall continue from the date of adoption of this Ordinance to 11:59 p.m. on Thursday, April 30, 2020, unless action is taken by the City Council of the City of Shallowater, Texas, to repeal, extend or otherwise amend this Ordinance.

SECTION 3. That pursuant to Section 418.108(c) of the Texas Government Code this Ordinance of a local state of disaster for public health emergency shall be given prompt and general publicity and shall be filed promptly with the City Secretary.

SECTION 4. That pursuant to Section 418.108(d) of the Texas Government Code, this Ordinance of a local state of disaster activates the City of Shallowater, Texas, emergency management plan, and authorizes the furnishing of aid and assistance under the declaration.

SECTION 5. That this Ordinance authorizes the City to take any actions necessary to promote health and suppress the virus, including the quarantine of persons and occupied structures, examining hospital access, regulating ingress and egress from the City, regulating ingress and egress to occupied structures, emergency locations, and insuring compliance for those who do not comply with the City's rules, pursuant to Section 122.005 of the Health and Safety Code.

SECTION 6. That this Ordinance hereby limits the size of gatherings to not more than 10 people and mandates the cancellation of all such gatherings until further notice. A "gathering" refers generally to a scheduled event or common endeavor where 10 persons are present in a confined space, room, or area.

SECTION 7. That this Ordinance stresses the importance of social distancing to stop the spread of the virus, and in that regard, all barbershops, salons, and beauty shops must abide by the following regulations: (1) only one client per stylist allowed in the business at a

time; (2) all services to be booked by appointment only (no walk-ins) and no client is allowed to wait in a waiting area; (3) commonly touched surfaces are to be sanitized after all services; (4) business is limited to existing clients; and (5) businesses are to utilize only existing employees/contractors.

SECTION 8. Pursuant to the Texas Health and Safety Code, Section 122.006, any individual adult or child having traveled to another country outside of the United States borders or has traveled via cruise ship, within the ten (10) days prior to this Ordinance and returning to the City of Shallowater, Texas, shall be quarantined at home for 14 days.

SECTION 9. Pursuant to Section 418.108(d) of the Texas Government Code, this Ordinance declaring a local state of disaster has resulted in the following:

- this declaration of a local state of disaster activates the City of Shallowater, Texas, emergency management plan and authorizes the furnishing of aid and assistance under the declaration.
- Shallowater Municipal Court is delaying all Court proceedings until April 30, 2020.
- All closures and cancellations will be reassessed and modified as conditions change.
- All in person City Council meetings are cancelled until further notice.
- All development applications are suspended until further notice.
- City offices will remain closed with very limited citizen traffic during normal operating hours, and for inquiries, please contact either the City Administrator or the City Secretary.

SECTION 10. Closures and cancellations referenced in this Ordinance may be extended, modified or revoked until the threat posed by COVID-19 has passed, as determined by the Mayor.

SECTION 11. The Mayor is granted the authority to direct non-emergency City personnel to work from home or to otherwise telecommute, as may be required, to mitigate community spread of COVID-19.

SECTION 12. In accordance with Texas Government Code §418.173, a person who knowingly or intentionally violates this Ordinance commits an offense, punishable by a fine up to \$1,000.00 or confinement in jail for a term that does not exceed 180 days.

SECTION 13. That this declaration hereby authorizes the use of all lawfully available enforcement tools.

SECTION 14. This Ordinance hereby incorporates by reference the provisions of any Executive Order or similar directive issued by the President of the United States, the Governor of the State of Texas, or the County Judge of Lubbock County.

SECTION 15. That this Ordinance shall take effect immediately from and after its passage and publication.

AND IT IS SO ORDERED, ADOPTED, AND APPROVED BY THE CITY COUNCIL OF THE CITY OF SHALLOWATER, TEXAS, ON THIS THE 30th DAY OF MARCH, 2020.

APPROVED BY:

Royking Potter, Mayor

ATTEST:

Amanda L. Cummings, City Secretary