

## **Ordinance No. 20-H-09**

### **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SCHERTZ EXTENDING A DECLARATION OF LOCAL DISASTER; ESTABLISHING RULES AND REGULATIONS FOR THE DURATION OF THE DISASTER; RESTRICTING CERTAIN ACTIVITIES; ESTABLISHING PENALTIES FOR VIOLATIONS. PROVIDING AN EFFECTIVE DATE AND DECLARING AN EMERGENCY. FIRST AND FINAL READING**

**WHEREAS**, in December 2019 a novel coronavirus, now designated COVID-19, was detected in Wuhan City, Hubei Province, China. Symptoms of COVID-19 include fever, cough, and shortness of breath. Outcomes have ranged from mild to severe illness, and in some cases death; and

**WHEREAS**, on January 20, 2020, the World Health Organization (WHO) Director General declared the outbreak of COVID-19 as a Public Health Emergency of International Concern (PHEIC), advising countries to prepare for the containment, detection, isolation and case management, contact tracing and prevention of onward spread of the disease; and

**WHEREAS**, to date, there have been 143 confirmed positive cases in Texas; and

**WHEREAS**, on Wednesday March 11, 2020, the World Health Organization (WHO) declared the crisis that is now a pandemic after infecting nearly 229,390 people around the world and killed 8,300. 10,755 cases have been confirmed in the United States according to WHO.

**WHEREAS**, the virus is characterized by mild symptoms including a runny nose, sore throat, cough and fever, similar to the influenza where in severe cases it can lead to pneumonia or breathing difficulties according to WHO; and

**WHEREAS**, those with these symptoms who have traveled to or been in contact with an individual who has traveled to a country that has coronavirus in the last two weeks are urged to see their physician; and

**WHEREAS**, due to pandemic, President Donald J. Trump announced a month-long travel restriction to several countries confirmed to have cases of the coronavirus that went into effect Friday, March 13, 2020; and

**WHEREAS**, on March 13, 2020, President Trump declared a state of emergency due to COVID- 19; and

**WHEREAS**, President Trump is likely to invoke the Stafford Act, which will allow state and local governments to access federal disaster relief funds; and

**WHEREAS**, Governor of Texas, issued a disaster proclamation on March 13, 2020, certifying that COVID-19 poses an imminent threat of disaster for counties in the state of Texas; and

**WHEREAS**, the Texas Department of State Health Services has now determined that, as of March 19, 2020, COVID- 19 represents a public health disaster within the meaning of Chapter 81 of the Texas Health and Safety Code; and

**WHEREAS**, pursuant to the Texas Disaster Act of 1975, the Mayor is designated as the Emergency Management Director of the City of Schertz, and may exercise the powers granted by the governor on an appropriate local scale; and

**WHEREAS**, Section 418.108(a) of the Texas Government Code provides that the presiding officer of the governing body of a political subdivision may declare a state of local disaster; and

**WHEREAS**, a declaration of local disaster and public health emergency includes the ability to reduce the possibility of exposure to disease, control the risk, promote health, compel persons to undergo additional health measures that prevent or control the spread of disease, including the provision of temporary housing or emergency shelters for persons misplaced or evacuated and request assistance from the governor of state resources; and

**WHEREAS**, by this Declaration of Disaster and Public Health Emergency, I declare all rules and regulations that may inhibit or prevent prompt response to this threat suspended for the duration of the incident; and

**WHEREAS**, pursuant to the authority granted to the Mayor under the Texas Disaster Act of 1975, I authorize the use of all available resources of state government and political subdivisions to assist in the City's response to this situation; and

**WHEREAS**, I, Ralph Gutierrez, the Mayor of the City of Schertz have determined that extraordinary and immediate measures must be taken to respond quickly, prevent and alleviate the suffering of people exposed to and those infected with the virus, as well as those that could potentially be impacted by COVID-19;

**WHEREAS**, a declaration of local disaster and public health emergency includes the ability to reduce the possibility of exposure to disease, control the risk, promote health, compel persons to undergo additional health measures that prevent or control the spread of disease, including isolation, surveillance, quarantine, or placement of persons under public health observation, including the provision of temporary housing or emergency shelters for persons misplaced or evacuated and request assistance from the governor of state resources; and

**WHEREAS**, the Mayor has made a Declaration of Public Health Emergency, and further declared all rules and regulations that may inhibit or prevent prompt response to this threat suspended for the duration of the incident; and

**WHEREAS**, the Mayor, under the Texas Disaster Act of 1975, has authorized the use of all available resources of state government and political subdivisions to assist in the City's response to this situation; and

**WHEREAS**, the Mayor has determined that extraordinary and immediate measures must be taken to respond quickly, prevent and alleviate the suffering of people exposed to and those infected with the virus, as well as those that could potentially be infected or impacted by COVID-19;

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SCHERTZ, TEXAS:**

- Section 1. The recitals contained in the preamble hereof are hereby found to be true, and such recitals are hereby made a part of this Ordinance for all purposes and are adopted as a part of the judgment and findings of the City Council.
- Section 2. That the local state of disaster and public health emergency is declared by Mayor Ralph Gutierrez for the City of Schertz, Texas, pursuant to §418.108(a) of the Texas Government Code is hereby renewed and extended to April 14, 2020 at 11:59 p.m., pursuant to §418.108(b) of the Government Code, including all rules and regulation attached hereto as Exhibit A.
- Section 3. Pursuant to §418.108(c) of the Government Code, this declaration of a local state of disaster and public health emergency shall be given prompt and general publicity and shall be filed promptly with the City Secretary.
- Section 4. Pursuant to §418.108(d) of the Government Code, this declaration of a local state of disaster and public health emergency activates the City of Schertz, Texas, emergency management plan.
- Section 5. Pursuant to §418.020(c) of the Government Code, this declaration authorizes the City to commandeer or use any private property, temporarily acquire, by lease or other means, sites required for temporary housing units or emergency shelters for evacuees, subject to compensation requirements.
- Section 6. Pursuant to §122.006 of the Health and Safety Code, this declaration authorizes the City to take any actions necessary to promote health and suppress disease, including quarantine, examining and regulating hospitals, regulating ingress and egress from the City, and fining those who do not comply with the City's rules.
- Section 7. All ordinances or parts thereof, which are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters herein.
- Section 8. This Ordinance shall be construed and enforced in accordance with the laws of the State of Texas and the United States of America.
- Section 9. If any provision of this Ordinance or the application thereof to any person or circumstance shall be held to be invalid, the remainder of this Ordinance and the application of such provision to other persons and circumstances shall nevertheless be valid, and the City Council hereby declares that this Ordinance would have been enacted without such invalid provision.
- Section 10. It is officially found, determined, and declared that the meeting at which this Ordinance is adopted was open to the public and public notice of the time, place, and subject matter of the public business to be considered at such meeting,

including this Ordinance, was given, all as required by Chapter 551, Texas Government Code, as amended.

Section 11. This Ordinance shall be in force and effect from its first and final passage, and any publication required by law.

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SCHERTZ TEXAS THIS ORDINANCE WAS PASSED, ON FIRST AND FINAL READING, THE 24th DAY OF MARCH 2020.**

CITY OF SCHERTZ, TEXAS

By:   
Ralph Gutierrez, Mayor

ATTEST:

  
Brenda Dennis, City Secretary



## EXHIBIT A

### **Declaration Regarding Public and Private Gatherings**

1. The virus that causes COVID-19 is easily transmitted, especially in group settings, and it is essential that the spread of the virus be slowed to protect the ability of public and private health care providers to handle an influx of patients and safeguard public health and safety.
2. Because of the risk of the rapid spread of the virus, and the need to protect the most vulnerable members of the community, this Declaration in accordance with United States Centers for Disease Control and Prevention (CDC) recommendations prohibits all indoor public and private gatherings and outdoor gatherings within an enclosed space of 10 persons or more anywhere in the City of Schertz beginning at 11:59 PM on March 20, 2020 and continuing for seven (7) days, unless extended consistent with requirements of state law.
3. For all other gatherings, it is strongly recommended that social distancing protocols established by the United States Centers for Disease Control and Prevention (CDC) and found within the "Implementation of Mitigation Strategies for Communities with Local COVID-19 Transmission" issued by the United States Centers for Disease Control and Prevention ("CDC") on or around March 15, 2020 (available online at <https://www.cdc.gov/coronavirus/2019-ncov/downloads/community-mitigation-strategy.pdf>, including canceling, rescheduling, or not attending events with more than 10 persons).
4. Further, organizations should follow recommendations of the CDC to especially include those that serve high-risk populations (defined below) should follow CDC guidance for social distancing.
5. Definitions and further guidance:
  - a. For purposes of this Declaration, a "Mass Gathering" is any event or convening, subject to the exceptions and clarifications below, that brings together or is likely to bring together ten (10) or more persons at the same time in a single room or other single confined or enclosed space, such as, by way of example and without limitation, an auditorium, theatre, stadium (indoor or outdoor), arena or event center, meeting hall, conference center, large cafeteria, or any other confined indoor or confined outdoor space.
  - b. Bars, restaurants, food courts, gyms, theaters and massage parlors shall close.
  - c. A food establishment, as defined below, may only provide take out, delivery, drive-in, room service, or drive-through services consistent with state and local laws. Any food establishment that provides services under this section must adhere to social distancing requires for any waiting area or queue.
  - d. This Declaration also does not prohibit gatherings of people in multiple, separate enclosed spaces in a single building, so long as 10 people are not present in any

single space at the same time. This Declaration also does not prohibit use of enclosed spaces where 10 or more people may be present at different times during the day, so long as 10 or more people are not present in the space at the same time. For any gathering covered by this subsection c., compliance with Social Distancing Recommendations, including providing hand sanitizer and tissues and increasing cleaning of commonly touched surfaces is strongly encouraged.

- e. For purposes of clarity, a "Mass Gathering" does not include the following: (i) places of worship; (ii) office space, banks or financial institutions, hotels, or residential buildings; (iii) grocery stores, gas stations, or places of employment that provide critical infrastructure or essential services where large numbers of people are present but it is unusual for them to be within 6 feet of one another for extended periods; (iv) jails, and transit facilities (v) hospitals, medical facilities and shelters; (vi) government buildings providing essential services. In all such settings, it is recommended that the public follow social distancing recommendations, and harm reduction measures such as hand sanitizer and tissues should be provided when possible.
  - f. People shall not visit nursing homes or retirement or long-term care facilities unless to provide critical assistance.
6. Any person, firm, corporation or agent who shall violate a provision of this ordinance, or fail to comply therewith, or with any other requirements thereof, shall be guilty of a Class C misdemeanor. Such person shall be considered guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this article is committed or continued, and upon conviction of any such violation, such person shall be punished by a fine not to exceed \$2,000.00.

Any peace officer or other person with lawful authority is further authorized to enforce the provisions of the Ordinance in accordance with the authority granted under the Texas Disaster Act of 1975, as applicable, which allows a fine not to exceed \$1000.00 and confinement not to exceed 180 days pursuant to Government Code 418.173.

7. The Mayor, Local Health Authority and Director of Health may update restrictions set out in this Exhibit as necessary to respond to the evolving circumstances of this outbreak during the duration of the Mayor's Declaration of Public Health Emergency and any extension by the Schertz City Council.