

ORDINANCE 2020-08

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GONZALES AMENDING AND SUPERSEDING THE PRIOR DECLARATION OF LOCAL DISASTER; ESTABLISHING RULES AND REGULATIONS FOR THE DURATION OF THE DISASTER; ESTABLISHING ECONOMIC DEVELOPMENT PROGRAMS; RESTRICTING CERTAIN ACTIVITIES; ESTABLISHING PENALTIES FOR VIOLATIONS.

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 30, 2020, the World Health Organization 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, on March 5, 2020, the World Health Organization Director General urged aggressive preparedness and activation of emergency plans to aggressively change the trajectory of this epidemic; and

WHEREAS, on March 11, 2020, the World Health Organization declared that the COVID-19 outbreak should be characterized as pandemic; and

WHEREAS, the Center for Disease Control and Prevention is closely monitoring the growing number of COVID-19 cases that have spread into the United States; and

WHEREAS, over 55,330 cases of COVID-19 have been reported in the United States, including 804 deaths; and

WHEREAS, President Trump declared a national emergency on March 13, 2020; and

WHEREAS, Governor Greg Abbott declared a public health disaster on March 13, 2020; and

WHEREAS, reports received as of March 24, 2020, report more than 803 cases in Texas, and 9 fatalities; and

WHEREAS, Covid-19 is more contagious than seasonal influenza once symptoms appear, it may be possible to control by testing widely and quickly isolating those who have the disease; and

WHEREAS, DSHS, the Texas Division of Emergency Management, and other state agencies continue their ongoing preparations so that all of state government is working together to limit the spread of the virus and protect Texans; and

WHEREAS, the Center for Disease Control recommends the use of videoconferencing for meetings when possible, and adjusting or postponing large meetings or gatherings; and

WHEREAS, the Center for Disease Control recommends citizens stay home if they are feeling sick or when they have a sick family member in their home; and

WHEREAS, households with vulnerable seniors and those with underlying health conditions should conduct themselves as if they were a significant risk to the person with underlying conditions; and

WHEREAS, pursuant to the Texas Disaster Act of 1975, the mayor is designated as the emergency management director of the City of Gonzales, and may exercise the powers granted to the governor on an appropriate local scale; 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 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 COVID-19 virus spreads between people who are in close contact with one another through respiratory droplets produced when an infected person coughs or sneezes; and

WHEREAS, the continued worldwide spread of COVID-19 presents an imminent threat of widespread illness, which requires emergency action; and

WHEREAS, a declaration of local disaster includes the ability to take measures to reduce the possibility of exposure to disease, control the risk, and promote the health and safety of Gonzales residents; and

WHEREAS, the City of Gonzales will work collaboratively with Gonzales County to ensure that all appropriate and necessary measures are taken to limit the development, contraction and spread of COVID-19; and

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

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

WHEREAS, Connie Kacir, the Mayor of the City of Gonzales, Texas has determined, and the City Council has affirmed, 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 GONZALES, 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 declared by Mayor Kacir for the City of Gonzales pursuant to §418.108(a) of the Texas Government Code and as renewed and extended for a period of 24 days until the April 9th meeting of the City Council by the Gonzales City Council through the adoption of Ordinance 20-06 pursuant to §418.108(b) of the Government Code, is hereby superseded and amended, including all rules and regulation, as 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 Clerk.
- 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 Gonzales's participation in any city, county or state 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, 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. The City Manager is authorized to postpone utility cut-offs during this emergency and to make necessary payment plans for those needing extensions of time for payments.

Section 12. The Mayor of the City of Gonzales is authorized to update restrictions set out in this Exhibit as necessary and upon the advice of Dr. Commie Hisey as the designated Director of Health for the City of Gonzales, to respond to the evolving circumstances of this outbreak during the duration.

Section 13. Because of the economic impact on local businesses as a direct result of the public health emergency related to COVID-19, the City Council DIRECTS the Gonzales Economic Development Corporation and Gonzales Main Street to review all unencumbered funds and develop economic development programs for immediate approval of the City Council. The focus of these programs shall be for the retention and diversification of the existing local businesses impacted by this crisis. Said programs must retain existing employees and shall be in the form of grants and/or low interest loans of varying amounts and shall be on the City Council agenda on April 9th for final approval.

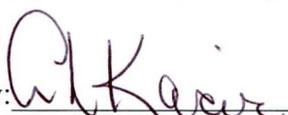
Section 14. Any person, firm, corporation or agent who shall violate a provision of this ordinance, or fail to comply therewith, or with any other requirements thereof, shall be guilty of a Class C misdemeanor. Such person shall be considered guilty of a separate offense for each and every day or portion 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 \$1,000.00.

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 as set forth in Texas Government Code §418.173.

Section 15. This Ordinance shall be in force and effect from and after its final passage, and any publication required by law.

PASSED, ADOPTED, APPROVED, AND EFFECTIVE THE 25th DAY of MARCH, 2020.

CITY OF GONZALES, TEXAS

By:  _____
Connie Kadir, Mayor

ATTEST:



Kristi Gilbert, Interim City Secretary

EXHIBIT A
PUBLIC HEALTH EMERGENCY RULES AND REGULATIONS

I. All public places:

- a. Requested to provide sanitation outside of their business and post notice to the public:
All persons are required to sanitize prior to entry and exit of their building
- b. Public places are to sanitize all public areas every hour
- c. All public and private gatherings and public spaces are limited to an occupancy of 10 persons maximum effectively immediately, as set forth in more detail below.

II. City Facilities:

- a. All municipal buildings shall be disinfected daily.
- b. In person payments shall not be accepted. Online, drop box, drive-thru and mail-in payments ONLY at City Hall.
- c. Municipal Court settings for the next 30 days shall be continued and reset, and no in person pleas will be accepted.
- d. Playground equipment and splash pad in the city parks are closed until further notice.
- e. All events scheduled to be held at J.B. Wells within the next 30 days shall be rescheduled.

III. Rules Regarding Public and Private Gatherings:

- a. This Exhibit "A" incorporates and adopts, except as where noted below, the Centers for Disease Control ("CDC") Interim Guidance for Coronavirus Disease 2019 (COVID-19) dated March 15, 2019 and any Orders of the Texas Governor.
- b. 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.
- c. Because of the risk of the rapid spread of the virus, and the need to protect the most vulnerable members of the community, **ALL INDOOR PUBLIC AND PRIVATE GATHERINGS AND OUTDOOR GATHERINGS OF TEN (10) PERSONS OR MORE ANYWHERE IN THE CITY OF GONZALES BEGINNING AT 11:59 P.M. ON MARCH 26, 2020 AND CONTINUING TO APRIL 9, 2020 UNLESS FURTHER EXTENDED AND RENEWED CITY COUNCIL ON OR PRIOR TO THIS DATE, ARE PROHIBITED.**