

ORDINANCE NO. 2020-05

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MINERAL WELLS, TEXAS, AMENDING ORDINANCE NO. 2020-03 CONSENTING TO THE EXTENSION OF THE DECLARATION OF LOCAL DISASTER EXECUTED BY MAYOR TAMMY UNDERWOOD ON MARCH 19, 2020 UNTIL THE DECLARATION OF LOCAL DISASTER IS RESCINDED BY THE MAYOR, OR THIS ORDINANCE IS RESCINDED OR AMENDED BY THE CITY COUNCIL; AMENDING SAID ORDINANCE IN ACCORDANCE WITH GOVERNOR ABBOTT'S EXECUTIVE ORDER GA-14 IN ORDER TO PREVENT OR LIMIT THE SPREAD OF COVID-19; MAKING OTHER FINDINGS AND PROVISIONS RELATED TO THE SUBJECT; PROVIDING A PENALTY, AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Mineral Wells is a Home Rule municipality acting pursuant to Chapter 9 of the Local Government Code; and

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 March 11, 2020 the World Health Organization (WHO) declared COVID-19 as a pandemic; and

WHEREAS, on March 13, 2020, Texas Governor Greg Abbot issued a proclamation declaring a state of disaster for all counties within the State of Texas in response to the spread of COVID-19; and

WHEREAS, on March 19, 2020, Mayor Tammy Underwood executed a Declaration of Local Disaster, for the City of Mineral Wells pursuant to section 418.108(a) of the Texas Government Code; and

WHEREAS, on March 19, 2020, Palo Pinto County Judge Shane Long executed a Declaration of Local Disaster, for Palo Pinto County; and

WHEREAS, on March 20, 2020, as amended on March 23, 2020, Parker County Judge Pat Deen executed a Declaration of Local Disaster, for Parker County; and

WHEREAS, on March 26, 2020, the City Council adopted Ordinance 2020-03 extending Mayor Underwood's Declaration of a Local Disaster for a period longer than seven days pursuant 418.108(b) of the Texas Government Code; and

WHEREAS, on March 31, 2020, Governor Abbot issued Executive Order GA-14 implementing an essential services and activities protocols for the entire State of Texas; superseding any conflicting order issued by local officials in response to the COVID-19 disaster, but only to the extent that such a local order restricts essential services allowed by this executive order or allows gatherings prohibited by this executive order, and further provided that local officials may

enforce the executive order as well as local restrictions that are consistent with the executive order; starting effective 12:01 a.m. on April 2, 2020, and continuing through April 30, 2020, subject to extension based on the status of COVLD-19 in Texas and the recommendations of the CDC and the White House Coronavirus Task Force; and

WHEREAS, the City Council has investigated and determined that it is advantageous, beneficial and in the best interest of the citizens of Mineral Wells to amend Ordinance No. 2020-03.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MINERAL WELLS, TEXAS:

SECTION ONE. That the findings set out in the preamble to this Ordinance are in all things approved and adopted.

SECTION TWO. Section Two of Ordinance No. 2020-03 is hereby amended in its entirety as follows:

That, in accordance with Section 418.108(b) of the Texas Government Code, the City Council hereby consents to allow the Declaration of Local Disaster to be extended indefinitely, until the Declaration of Local Disaster is rescinded by the Mayor, or this Ordinance is rescinded or amended by the City Council. Incorporated into this Ordinance are the provisions of Governor Greg Abbott’s Executive Order GA-14, which supersede any conflicting order issued by local officials in response to the disaster, but only to the extent that such local order restricts essential services allowed by the Order or allows gatherings prohibited by the Order.

SECTION THREE. Section Three of Ordinance No. 2020-03 is hereby amended in its entirety as follows:

Mayor Underwood, or the City Manager, may temporarily close non-essential business that do not provide an “essential service” as defined by the U.S. Department of Homeland Security in its Guidance on the Essential Critical Infrastructure Workforce, Version 2.0. By Executive Order GA-14, “essential service” includes religious services conducted in churches, congregations, and houses of worship, and other essential services as may be added to this list with the approval of the Texas Division of Emergency Management (TDEM) and found at www.tdem.texas.gov/essentialservices. In providing or obtaining essential services, people and businesses shall follow the Guidelines from the President and the CDC by practicing good hygiene, environmental cleanliness, and sanitation, implementing social distancing of at least 6 feet, and working from home if possible.

SECTION FOUR. Section Four of Ordinance No. 2020-03 is hereby amended in its entirety as follows:

Pursuant to the City’s Emergency Management Plan, as such plan may amended, Article 1.02, Emergency Management, of the Code of Ordinances, and Ch. 418 of the Texas Government Code, the Mayor, or City Manager, in consultation with the County Emergency Management Coordinator(s) and in response to changes in the spread of COVID-19, may adopt additional Orders, as needed to prevent the spread of COVID-19

that are not in conflict with any federal orders, proclamations or rulings or executive orders issued by Governor Abbott.

SECTION FIVE. Section 5 of Ordinance No. 2020-03 is hereby repealed in its entirety.

~~The restrictions set out in the attached table may be updated as allowed by law, as necessary to respond to the evolving circumstances of this outbreak during the duration of this declaration and any extension without the issuance of a new declaration.~~

SECTION SIX. This Emergency Proclamation is issued pursuant to the City's Emergency Management Plan. Pursuant to Section 38-37 of the Mineral Wells City Code of Ordinances, it shall be an offense for any person, firm, corporation, or association to fail to comply with any provision of this Ordinance or of the City's Emergency Management Plan. A violation of this Ordinance or of the City's Emergency Management Plan shall be punishable as provided in section 1-14 of the Mineral Wells City Code of Ordinances. Each day a violation occurs shall constitute a separate offense.

SECTION SEVEN. All other provisions of Ordinance No. 2020-03 not amended by this Ordinance shall remain in effect and are incorporated herein for all purposes. All ordinances, or parts thereof, which are in conflict or inconsistent with any provision of this Ordinance are hereby temporarily suspended to the extent of such conflict, and the provision of this Ordinance shall be and remain controlling as to the matters resolved herein.

SECTION EIGHT. This Ordinance shall be effective immediately from and after its passage and publication as required by law.

PASSED AND APPROVED by the City Council of the City of Mineral Wells, Texas this the 7th day of April 2020.

CITY OF MINERAL WELLS:

ATTEST:



Mayor Tammy Underwood



Peggy Clifton, City Clerk

