

ORDINANCE NO. 2020-O-11

AN ORDINANCE AMENDING ORDINANCE NO. 2020-O-09 WHICH ADOPTED EMERGENCY MEASURES IN RESPONSE TO A LOCAL STATE OF DISASTER DECLARED DUE TO COVID-19 PANDEMIC; PROVIDING FOR THE TEMPORARY SUSPENSION OR MODIFICATION OF CERTAIN ORDINANCES AND REGULATIONS DURING THE DECLARED LOCAL STATE OF DISASTER; AND PROVIDING THAT THIS ORDINANCE SHALL BECOME EFFECTIVE FROM AND AFTER ITS PASSAGE AND ADOPTION.

WHEREAS, the novel coronavirus (COVID-19) has been recognized globally as a contagious respiratory virus and global pandemic; and

WHEREAS, it is critical to take additional steps to prepare for, respond to, and mitigate the spread of COVID-19 to protect the health and welfare of Texans; and

WHEREAS, the Governor of the State of Texas declared a state of disaster on March 13, 2020; and

WHEREAS, the Mayor of the City of Manvel declared a local state of disaster for the City of Manvel on March 18, 2020, and

WHEREAS, on March 19, 2020, the Governor issued Executive Order GA-08 regarding COVID-19 preparedness and mitigation; and

WHEREAS, the conditions necessitating declaration of a state of disaster continue to exist; and

WHEREAS, on March 23, 2020, the City Council extended the local state of disaster for the City of Manvel and additionally declared a state of emergency under section 4.04 of The City Charter; and

WHEREAS, on March 23, 2020, the City Council adopted Ordinance No. 2020-O-09 to adopt emergency measures in response to the pandemic; and

WHEREAS, on March 31, 2020, the Governor issued Executive Order GA-14 regarding continuity of essential services and activities during the COVID-19 disaster; and

WHEREAS, said local state of disaster requires certain amendments to the emergency measures adopted by council, to continue to address the effects of the situation;

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

Section 1: That Ordinance No. 2020-O-09 is amended to read and provide as follows.

The following revised emergency measures shall take effect immediately upon issuance, and shall remain in effect until the local state of disaster is terminated:

A. SOCIAL GATHERINGS:

- (1) Social gatherings are temporarily prohibited within the city limits. Other gatherings that do not meet the threshold for “social gatherings” are allowed only where the persons meeting can practice social distancing and minimize in-person contact with people who are not in the same household.

For the purpose of this ordinance, a “social gathering” shall be defined in accordance with the Guidelines from the President and CDC, and Executive Order GA-08 from Governor Abbott. Generally, it means any indoor or outdoor event or activity that brings together, or is likely to bring together, a group of more than 10 persons together at one time.

- (1) Subsection (a) shall not apply to:

(a) Essential services or engaging in essential daily activities, such as going to the grocery store or gas station, providing or obtaining other essential services, visiting parks, hunting or fishing, or engaging in physical activity like jogging or bicycling, so long as the necessary precautions are maintained to reduce the transmission of COVID- 19 and to minimize in-person contact with people who are not in the same household.

(b) “Essential services” shall consist of everything listed by the U.S. Department of Homeland Security in its Guidance on the Essential Critical Infrastructure Workforce, Version 2.0, plus religious services conducted in churches, congregations, and houses of worship. Other essential services may be added to this list with the approval of the Texas Division of Emergency Management (TDEM). If religious services cannot be conducted from home or through remote services, they shall be conducted consistent with the Guidelines from the President and the CDC by practicing good hygiene, environmental cleanliness, and sanitation, and by implementing social distancing to prevent the spread of COVID-19.

B. MOVEMENT OF PEOPLE AND OCCUPANCY OF PREMISES:

- (1) Bars, restaurants, and food courts. It shall be prohibited to eat or drink on the premises of bars, restaurants, and food courts; provided, however, that the use of drive-thru, pickup, or delivery options is allowed and highly encouraged throughout the limited duration of this ordinance. It shall be prohibited for any bar, restaurant or food court to allow patrons to eat or drink on the premises of the establishment.

- (2) Gyms and massage establishments. Visiting gyms and massage establishments is prohibited. It shall be prohibited for any such gym or massage establishment to allow patrons to visit the establishment.
- (3) Nursing homes, retirement homes and long-term care facilities. In accordance with the Guidelines from the President and CDC, and Executive Order GA-08 from Governor Abbott, it shall be prohibited for any person to visit a nursing home, retirement home, or long-term care facility, unless to provide critical assistance.
- (4) Schools. In accordance with the Guidelines from the President and CDC, and Executive Order GA-08 from Governor Abbott, schools shall temporarily close.
- (5) Game Rooms. Visiting game room establishments is prohibited. It shall be prohibited for any game room to allow patrons to visit the establishment.
- (6) Tattoo studios, piercing studios, and cosmetology salons. In accordance with Executive Order GA-14 from Governor Abbott, it shall be prohibited for any person to visit a tattoo studio, piercing studio, or cosmetology salon. It shall be prohibited for any such business to allow patrons to visit the establishment.

C. PRICE CONTROLS:

It shall be unlawful for any vendor, merchant, or other person selling or offering to sell, whether retail or wholesale, any of the following goods or services at an exorbitant or excessive price:

- (1) groceries, beverages, toiletry articles, ice;
- (2) gasoline, diesel oil, motor oil, kerosene, grease, and automotive lubricants;
- (3) restaurant, cafeteria, and boarding-house meals; and
- (4) medicine, pharmaceutical, and medical equipment and supplies.

Determination of an exorbitant or excessive price shall be as determined with §17.46(b) of the Texas Deceptive Trade Practices-Consumer Protection Act.

Section 2: That the following city ordinances and regulations are hereby suspended or modified, and said changes shall remain in effect until the local state of disaster is terminated:

SUSPENSION AND MODIFICATION OF ORDINANCES:

- (1) suspend- the requirement of disconnection of city water utility service for non-payment (City Code, Sec. 71-9(a));
- (2) suspend- the offense of operation of alarm system without permit (City Code, Sec. 5-2(c));

(3) suspend- the offense of failure to register dog or cat older than 3 months (City Code, Sec.8-9));

(4) suspend- City Procurement Policies and Procedures [*note- state procurement laws still apply]

Section 3: As required by section 4.11 of The City Charter, the City Council hereby finds that an emergency exists. This ordinance is enacted as an emergency measure in response to the novel coronavirus (COVID-19) which has been recognized globally as a contagious respiratory virus and global pandemic. The goal is to reduce public contact.

Section 4: All ordinances or parts of ordinances inconsistent or in conflict herewith are, to the extent of such inconsistency or conflict, hereby repealed.

Section 5: In the event any clause, phrase, provision, sentence, or part of this Ordinance or the application of the same to any person or circumstance shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part or provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of the City of Manvel, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, whether there be one or more parts.

Section 6. Any person who shall intentionally, knowingly, recklessly or with criminal negligence violate any provision of this Ordinance shall be deemed guilty of a misdemeanor and upon conviction, shall be fined in an amount not to exceed \$2,000.00. Each day of violation shall constitute a separate offense.

Section 7: During this period of local state of disaster, any business establishment that allows patrons to visit the establishment in contravention of section 1 (A) or (B), shall be deemed to have created a serious health, safety and welfare risk. In such case, the city manager, or his designee, is authorized to revoke the certificate of occupancy of the establishment for the duration of the earlier of: (1) thirty (30) days, (2) end of the local state of disaster, or (3) until such sooner time as the city manager is satisfied that the serious health, safety and welfare risk no longer exists and is not likely to re-occur during this local state of disaster.

Section 8: This ordinance is an emergency ordinance adopted pursuant to section 4.11 of The City Charter and shall become effective immediately upon adoption on this the 6th day of April, 2020. The procedural requirement of two readings is expressly dispensed with.

PASSED, APPROVED, AND ADOPTED on first and final reading this 6th day of April, 2020.


Debra Davison, Mayor

ATTEST:

Tammy Bell, City Secretary

