

STATE OF TEXAS

**ORDINANCE ON EMERGENCY BY THE CITY COUNCIL OF SEGUIN, TEXAS
DECLARING A CITY-WIDE EMERGENCY IN RESPONSE TO THE NOVEL
COVID-19 PANDEMIC; RATIFYING THE MAYOR'S SECOND DECLARATION
OF DISASTER; ESTABLISHING RULES FOR THE PROTECTION OF CITIZENS
AND VISITORS; ESTABLISHING PENALTIES FOR VIOLATION OF THESE
RULES; PROVIDING FOR A SEVERABILITY CLAUSE; AND DECLARING THE
EFFECTIVE DATES**

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

WHEREAS, COVID-19 infection has spread worldwide such that on March 11, 2020, the World Health Organization declared COVID-19 infection as a pandemic; and

WHEREAS, on March 13, 2020, a Declaration of State of Disaster was issued by Governor Abbott to take additional steps to prepare for, respond to, and mitigate the spread of COVID-19 for the protection of the health and safety of Texans; and

WHEREAS, on March 17, 2020 the Mayor of Seguin, Texas signed a Declaration of Local Disaster that strongly recommended limiting the movement of people such that more than 50 persons were gathered in one place; and

WHEREAS, confirmed cases of COVID-19 infection have continued to rise through out the United States and in Texas necessitating further action; and

WHEREAS, on March 19, 2020, the Governor of the State of Texas issued Executive Order GA-08 ratifying the determination the Center for Disease Control and the Texas Department of State Health Services determining that the spread of COVID-19 represents a public health disaster within the meaning of Chapter 81 of the Texas Health and Safety Code; and

WHEREAS, the control measures, among others, set out in the Governor's Executive Order GA-08 are necessary for the protection of the public during the time of this public health disaster; and

WHEREAS, since March 19, 2020 four people in Guadalupe County has tested positive for COVID-19; and

WHEREAS, on March 23, 2020, the Mayor signed a second Declaration of Disaster.

NOW THEREFORE BE IT ORDAINED by the City Council of Seguin, Texas:

SECTION ONE. The above factual recitals are hereby adopted, in full, as a part of this Ordinance.

SECTION TWO. This Ordinance ratifies the Second Declaration of Disaster signed by the Mayor of the City of Seguin on March 23, 2020, in full, subject to the additional, superseding, provisions set forth herein.

SECTION THREE. The City Manager is hereby authorized to implement measures necessary to carry out this Ordinance, including adopting temporary rules consistent with Section 418.108(a) through (d) of the Texas Government Code.

SECTION FOUR. Pursuant to section 418.108(b) of the Government Code, and in line with the factual assertions set forth herein the City Council hereby finds the COVID 19 pandemic meets the requirements of a local disaster thereby enabling the authority of the City to adopt additional rules for the protection of its Citizens as allowed under Section 122.006 of the Texas Health and Safety Code.

SECTION FIVE. Effective immediately upon adoption of this Ordinance the movement of people in such a manner to create a social gathering of more than ten persons is hereby prohibited.

SECTION SIX. In accordance with the Guidelines from the Center for Disease Control as adopted the Governor of the State of Texas the following business types that are generally unable to meet the distance and size limitations set out by the Center for Disease Control must close for the duration of this Ordinance:

- a. bars, wineries, breweries;
- b. restaurant dining rooms (take-out and delivery will remain permitted);
- c. gyms, health clubs, fitness clubs, yoga studios, martial arts studios and other similar businesses;
- d. movie theaters;
- e. bowling alleys;
- f. game rooms and other indoor amusement facilities;
- g. private clubs;
- h. nail salons, hair salons, barber shops, beauty salons and hair removal services;
- i. spas and massage parlors;
- j. tattoo and piercing shops, and;
- k. other social gatherings, including churches, whether indoor or outdoor, where 10 or more persons congregate and where the business is not providing an essential service.

SECTION SEVEN. A violation of the gathering limits set out in this Ordinance is considered unlawful and a violation of a City Public Health and Safety Ordinance as well as a violation of Texas law regarding failure to adhere to emergency orders. The penalties for a violation of this Ordinance are set out in Section 1-14 of the Seguin Code of Ordinances for which a knowing or willing violation thereof is subject to a fine not exceeding \$2,000.00 per violation, per day.

SECTION EIGHT. If any clause or provision of this Ordinance shall be deemed to be unenforceable for any reason, such unenforceable clause or provision shall be severed from the remaining portions of the Ordinance, which shall continue to have full force and effect.

SECTION NINE. Given the gravity of this disaster and in accordance with Section 3.10(c) of the Seguin Charter the City Council hereby finds that an emergency exists and this Ordinance need only be read a single time at a single meeting for passage and adoption.

SECTION TEN. Give the breadth of disaster declared by the Governor and under the rules set forth in Chapter 418 of the Texas Government Code this Ordinance is effective immediately after its adoption.

SECTION ELEVEN. This Ordinance will remain in effect until (a) its repeal by the City Council; or (b) the date that the Governor lifts the State Declaration of Disaster.

READ, PASSED AND ADOPTED ON EMERGENCY, this 24th day of March 2020.



Don Keil, Mayor

Attest:

Naomi Manski, City Secretary