

ORDINANCE NO. 20-I

AN ORDINANCE OF THE CITY OF ALVIN, TEXAS, LIMITING THE ACTIVITIES WITHIN THE CITY OF ALVIN TO THOSE THAT ARE ESSENTIAL; ESTABLISHING RULES REGARDING THE MITIGATION OF COVID-19; MAKING FINDINGS OF FACT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY; AND PROVIDING AN EFFECTIVE DATE.

STAY SAFE ORDINANCE

WHEREAS, pursuant to Texas Government Code Section 418.108, the City of Alvin Mayor, Paul A. Horn, issued a Declaration of Local Disaster for Public Health Emergency on March 17, 2020, due to a novel coronavirus now designated SARS-CoV2 which causes the disease COVID-19; and

WHEREAS, on March 16, 2020, President Trump acknowledged the gravity of the COVID-19 pandemic, releasing strict new guidelines to limit people's interactions, including that Americans should avoid groups of more than 10 people;

WHEREAS, Governor Abbott issued an Executive Order on March 19, 2020, issuing orders for Texas to adhere to certain control measures and mitigation strategies;

WHEREAS, the Texas Commissioner of the Texas Department of State Health Services declared a Public Health Disaster for the entire State of Texas on Thursday, March 19, 2020, and outlines certain control measures and mitigation strategies;

WHEREAS, on March 20, 2020, the City Council for the City of Alvin, Texas, approved Ordinance 20-H, following the recommendations of the Governor of the State of Texas, the CDC and the President of the United States;

WHEREAS, the on-going evaluation of circumstances related to the virus and the updated recommendations of the Centers for Disease Control and the Texas Department of State Health Services warrant that the March 20, 2020 City of Alvin, Texas Ordinance 20-H be amended;

WHEREAS, it is necessary to ensure that the maximum number of people self-isolate in their places of residence to the maximum extent feasible, while enabling essential services to continue, to slow the spread of COVID-19 to the maximum extent possible;

WHEREAS, despite the current state of public health crisis, people will need to leave self-isolation to obtain or perform vital services or to otherwise facilitate authorized activities necessary for the continuity of social and commercial life. As such, persons should at all times as reasonably possible comply with Social Distancing Requirements as defined by the Centers of Disease Control and Prevention;

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

Section 1. That all of the above recitations and findings of fact are found to be true and correct and are incorporated into the body of this Ordinance as if copied in their entirety.

Section 2. The virus that causes 2019 Coronavirus Disease (COVID-19) is easily transmitted through person to person contact, 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 the influx of new patients and safeguard public health and safety. Because of the risk of the rapid spread of the virus, and the need to protect the most vulnerable members of the community, this Ordinance requires all individuals anywhere in the City of Alvin, Texas, to stay safe at home or workplace (as absolutely required) to provide essential business and government services, including Essential Critical Infrastructure as defined by the Department of Homeland Security's Cybersecurity & Infrastructure Security Agency, or perform essential public infrastructure and construction, including housing.

Section 3. Effective as of 6:00 p.m. on March 26, 2020, and continuing until 11:59 p.m. on April 3, 2020, unless terminated, modified or extended by another Ordinance or Order of the Mayor, the City Council for the City of Alvin, Texas, deems it in the public interest to order the following:

1. General.

- A. All individuals currently living within Alvin, Texas, are ordered to shelter at their place of residence. For the purposes of this Ordinance, residences include hotels, motels, shared rentals, and similar facilities. To the extent individuals are using shared or outdoor spaces, they must at all times as reasonably as possible maintain social distancing of at least six (6) feet from any other person when they are outside their residence. All persons may leave their residences only for Essential Activities, or to provide or perform Essential Governmental Functions, or to operate Essential Businesses, all as defined in Section 2.
- B. All businesses operating within Alvin, Texas, except Essential Businesses as defined in below in Section 2, are required to cease all activities at facilities located within the City. For clarity, businesses may continue operations consisting exclusively of employees or contractors performing activities at their own residences (i.e. working from home). To the greatest extent possible, all Essential Businesses shall comply with the Social Distancing Guidelines attached, including maintaining six (6) foot social distancing for both employees and the general public.
- C. All public or private gatherings of any number of people occurring outside a single household or living unit are prohibited, except as otherwise provided herein. Nothing in this Ordinance prohibits the gathering of members of a household or living unit.

D. Restaurants with or without drive-in or drive-through services and microbreweries, micro-distilleries, or wineries may only provide take out, delivery, or drive-through services as allowed by law.

2. Definitions.

A. For purposes of this Ordinance, individuals may leave their residence only to perform any of the following “Essential Activities”:

- i. To engage in activities or perform tasks essential to their health and safety, or to the health and safety of their family or household members, including pets (for example, obtaining medical supplies or medication, visiting a health care professional, or obtaining supplies needed to work or participate in or engage in school or study from home).
- ii. To obtain necessary services or supplies for themselves and their family or household members, or to deliver those services or supplies to others (for example, food, pet supply, and any other household consumer products, and products necessary to maintain the safety, sanitation, and essential operation of residences).
- iii. To engage in outdoor activity, provided the individuals comply with social distancing requirements of six (6) feet (for example, walking, biking, hiking, or running).
- iv. To perform work providing essential products and services at an Essential Business or to otherwise carry out activities specifically permitted in this Ordinance.
- v. To care for a family member or pet in another household.

B. For purposes of this Ordinance, “Essential Businesses” means:

- i. **Essential Healthcare Operations.** Healthcare operations, including hospitals, clinics, dentists, chiropractic, orthopedic, occupational and physical therapy, pharmacies, pharmaceutical and biotechnology companies, other healthcare facilities, healthcare suppliers, mental health providers, substance abuse service providers, blood banks, medical research, laboratory services, or any related and/or ancillary healthcare services. Home-based and residential-based care for seniors, adults, or children are also considered healthcare operations. Healthcare operations also includes veterinary care and all health and welfare services provided to animals. This exemption shall be viewed broadly to avoid any impacts to the delivery of healthcare. Healthcare operations do not include fitness and exercise gyms and similar facilities.
- ii. **Essential Government Functions.** All services provided by local governments needed to ensure the continuing operation of the government agencies to provide for the health, safety and welfare of the public. Further, nothing in this Ordinance shall prohibit any individual from performing or accessing “Essential

Government Functions.” All Essential Government Functions shall be performed in compliance with social distancing requirements of six (6) feet, to the extent possible.

- iii. **Essential Critical Infrastructure.** Work necessary to the operations and maintenance of the critical infrastructure sectors as identified by the National Cybersecurity and Infrastructure Agency (CISA) including public works construction, residential and commercial construction, airport operations, water, sewer, gas, electrical, oil refining, industrial and chemical plants, roads and highways, public transportation, solid waste collection and removal, internet, and telecommunications systems (including the provision of essential global, national, and local infrastructure for computing services, business infrastructure, communications, and web-based services), financial institutions, defense and national security-related operations, essential manufacturing operations provided that they carry out those services or that work in compliance with social distancing requirements of six feet, to the extent possible. Essential Businesses providing essential infrastructure should implement screening precautions to protect employees and all activity shall be performed, to the extent possible, in compliance with social distancing guidelines attached.
- iv. **Essential Retail.** Food service providers, including grocery stores, warehouse stores, big-box stores, bodegas, liquor stores, gas stations and convenience stores, farmers’ markets that sell food products and household staples. School supply store. Food cultivation, including farming, fishing, and livestock. Businesses that ship or deliver groceries, food, goods or services directly to residences. Restaurants and other facilities that prepare and serve food, but only for delivery or carry out. Schools and other entities that typically provide free services to students or members of the public on a pick-up and take-away basis only. The restriction of delivery or carry out does not apply to cafes and restaurants located within hospital and medical facilities. Laundromats, dry cleaners, and laundry service providers. Gas stations, automobile sales, auto-supply, auto and bicycle repair, hardware stores, construction supply stores and related facilities. Vehicles for hire including taxis and rideshare. Businesses that supply products needed for people to work or attend school from home.
- v. **Providers of Basic Necessities to Economically Disadvantaged Populations.** Businesses that provide food, shelter, social services, and other necessities of life for economically disadvantaged or otherwise needy individuals.
- vi. **Essential Services Necessary to Maintain Essential Operations of Residences or Other Essential Businesses.** Trash and recycling collection, processing and disposal, mail and shipping services, building cleaning, maintenance and security, warehouse/distribution and fulfillment, storage for essential businesses, funeral homes (limited to a maximum of ten (10) people), crematoriums and cemeteries. Plumbers, electricians, air conditioner maintenance and repair persons, exterminators, and other service providers who provide services that are necessary to maintaining the safety, sanitation, and essential operations of residences and Essential Businesses. Professional services, such as legal, accounting services, insurance, real estate services (including appraisal,

surveying, and title services) when necessary to assist in compliance with legally mandated activities. Businesses that supply other essential businesses with support or supplies needed to operate.

vii. **News Media.** Newspapers, television, radio, and other media services.

viii. **Childcare Services.** Childcare facilities providing services that enable employees exempted in this Ordinance to work as permitted. However, to the extent possible, it is recommended that groups consist of no more than 10 and be kept separate.

3. Any manufacturer who retools so that a substantial part of their business is for the purpose of manufacturing and producing ventilators may apply for an “essential business” exemption under this Ordinance.
4. Grocery stores, supermarkets, warehouse stores, hospitals, and medical facilities are experiencing high levels of demand for a large number of products, requiring more deliveries from manufacturers and distribution centers to serve their customers. A number of Texas cities and local associations have implemented restrictions on delivery hours to stores to mitigate truck noise and traffic. Due to the need to deliver products as quickly and efficiently as possible during this critical timeframe, this Ordinance hereby suspends all delivery hour restrictions for transport to or from any entity involved in the selling or distribution of food products, medicine, or medical supplies in the City of Alvin, Texas.
5. Real estate services related to current real estate transactions are recommended to be conducted as much as possible utilizing web-based technology to limit in person contact.
6. To the extent possible, residents of the City of Alvin should conduct essential City business online or via regular mail to avoid visiting any City Facilities unless absolutely necessary.
7. If someone in a household in the City of Alvin has tested positive for coronavirus, the household is ordered to isolate at home for 14 days until or unless otherwise directed by the Local Health Authority. Members of the household cannot go to work, school, or any other community function.
8. Individuals experiencing homelessness are strongly urged to obtain shelter and maintain social distancing of six (6) feet when feasible. If a homeless person is sheltered and exhibits symptoms or is diagnosed, the shelter’s isolation center shall be deemed the residence of the homeless person solely for the purpose of complying with the requirements of this Ordinance. Medical personnel shall make the decision whether any other shelter residents shall be required to isolate based on potential exposure. Available shelters, to the maximum extent practicable, must use COVID-19 risk mitigation practices in their operations.

9. Nursing homes, retirement, and long-term care facilities are instructed by this Ordinance to prohibit non-essential visitors from accessing their facilities unless to provide critical assistance or for end-of-life visitation.
10. For individuals who are 65 and older and individuals with compromised immune systems or underlying health conditions, the following recommendations are in order:
 - a. Remain indoors;
 - b. Outdoor exercise activities should be done solitarily;
 - c. Prescreen all essential visitors;
 - d. Do not visit homes or places with more than one person;
 - e. Ask all visitors to wear masks;
 - f. Follow social distancing guidelines; and
 - g. Do not use public transit except in an emergency.
11. Indoor recreational facilities, including a gym or health studio, indoor amusement facility, bowling alley, pool hall and/or theater (theatre) shall close until further notice.
12. Animal shelters, and other businesses that maintain and care for live animals are not permitted to allow any visitors or patrons but may continue to operate to the extent necessary to provide the necessary care for the animals. Nothing in this section shall prohibit a non-employee from entering the premises to perform health care services or other Essential Business services.
13. “Community Gathering” does not include the following, or other similar uses, so long as the persons involved are generally not within six (6) feet of one another for extended periods:
 - a. Spaces where ten (10) or more persons may be in transit or waiting for transit such as airports, bus stations, or terminals;
 - b. Office space, child-care facilities, residential buildings, or any type of temporary sheltering or housing;
 - c. Grocery stores, shopping centers or malls or other retail establishments where large numbers of people are present, but it is unusual for them to be within six (6) feet of one another for extended periods; or
 - d. Hospitals and medical facilities.
14. This Ordinance is issued in accordance with, and incorporates by reference, the National Emergency Declaration, Governor Abbott’s Declarations of Disaster, the Brazoria County Disaster Declaration, the City of Alvin’s Disaster Declaration and ordinances, and all subsequent related orders and guidance from these authorities. This Ordinance is a supplement to all previous orders and ordinances and not in place of such. In the event of a conflict or apparent conflict between the orders, this Ordinance shall control.
15. This Ordinance comes after the release of substantial guidance from the Brazoria County Health Authority, Brazoria County Health Director, the Texas Department of

Health Services, the Centers for Disease Control and Prevention, and other public health officials throughout the United States and around the world, including a variety of prior orders to combat the spread and harms of COVID-19. This Ordinance is enacted in consultation and communication with the elected officials and Local Health Authorities, other local elected leaders, will continue to be monitored and evaluated and the Mayor and/or City Council may modify or extend this Ordinance, or issue additional Orders or Ordinances, related to COVID-19 as may be necessary.

Section 4. Penalty. Failure to comply with any provisions of this Ordinance constitutes an imminent threat to public health. City of Alvin police officers or the City of Alvin Fire Marshal are hereby authorized to enforce this Ordinance and shall require immediate compliance and are authorized to issue the appropriate citation(s). A person, business owner or lessee of any premises found in violation of this Ordinance shall be guilty of a misdemeanor, punishable by a fine not to exceed two thousand dollars (\$2,000.00).

Section 5. Publication. The City of Alvin will post this Ordinance on its website and will maintain a copy with the City Secretary. In addition, the owner, manager, or operator of any facility that is likely to be impacted by this Ordinance is strongly encouraged to post and copy of this Ordinance onsite and to provide a copy to any member of the public asking for a copy.

Section 6. Severability. If any subsection, sentence, clause, phrase, or word of this Ordinance or any application of it to any person, structure, gathering, or circumstance is held to be invalid or unconstitutional by a decision of a court of competent jurisdiction, then such decision will not affect the validity of other provisions or applications of this Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared to be severable.

Section 7. That this Ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the Texas Local Government Code.

Section 8. That it is hereby officially found and determined that the meeting at which this Ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551.044 of the Texas Government Code.

PASSED and APPROVED on the ____ day of March 2020.

THE CITY OF ALVIN, TEXAS

ATTEST

By: _____
Paul A. Horn, Mayor

By: _____
Dixie Roberts, City Secretary