

## **CITY ORDINANCE NO. 2020-4166**

**WHEREAS**, on March 17, 2020, the Mayor of College Station issued a proclamation declaring a state of disaster for the City of College Station resulting from the threat of a public health emergency resulting from coronavirus disease 2019, now designated SARS-CoV2, (COVID-19); and

**WHEREAS**, on March 18, 2020, the Mayor of College Station issued an order closing all bars, limiting restaurants to only take-out, drive-through, or delivery services and amended the declaration to limit gatherings to less than ten (10) people in the best interest of the public health, safety and welfare to protect life in College Station in response to COVID-19; and

**WHEREAS**; on March 20, 2020, the College Station City Council adopted an Extension of Disaster Ordinance with Ordinance No. 2020-4164 extending the March 17, 2020 Disaster Declaration and extending the Mayor's Order of March 18, 2020; and

**WHEREAS**, on March 23, 2020, the Mayor of College Station issued a Second Mayoral Order mandating the citizens of College Station to shelter in place until Tuesday, April 7, 2020; and

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

**WHEREAS**, said state of disaster requires that certain emergency measures be taken pursuant to the Texas Government Code, Chapter 418; and the following regulations shall take effect immediately upon issuance, and shall remain in effect until the state of disaster is terminated or as stated below; and

**NOW THEREFORE, BE IT ORDERED BY THE CITY COUNCIL OF COLLEGE STATION:**

- 1.** That Order Number Two Under Mayoral Declaration of Local State of Disaster Due to Public Health Emergency proclaimed by the Mayor on March 23, 2020, as set out in **Exhibit A** and as amended below, shall continue until terminated by order of the College Station City Council; and
- 2.** That Order Number Two Under Mayoral Declaration of Local State of Disaster Due to Public Health Emergency Section 9 shall be amended to state "Section 9. In accordance with §418.173 of the Texas Government Code, a person who knowingly or intentionally violates this declaration commits an offense, punishable by a fine up to \$1,000.00 or confinement in jail for a term that does not exceed 180 days."; and
- 3.** This ordinance is passed as an emergency measure and pursuant to local authority for emergency measures and shall become effective on the 30<sup>th</sup> day of March, 2020.

**PASSED AND ADOPTED, this 30<sup>th</sup> day of March, 2020.**

**APPROVED:**

  
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**Mayor**

**ATTEST:**

  
\_\_\_\_\_  
**City Secretary**

**APPROVED:**

  
\_\_\_\_\_  
**City Attorney**

**EXHIBIT A**

**MARCH 23<sup>RD</sup> ORDER NUMBER TWO UNDER MAYORAL DECLARATION OF  
LOCAL STATE OF DISASTER DUE TO PUBLIC HEALTH EMERGENCY**



**ORDER NUMBER TWO**  
**UNDERMAYORAL DECLARATION OF LOCAL STATE OF DISASTER**  
**DUE TO PUBLIC HEALTH EMERGENCY**

**WHEREAS**, beginning in December 2019, a novel coronavirus, now designated SARS-CoV2 which causes the disease COVID-19, has been declared a global pandemic by the World Health Organization; and

**WHEREAS**, the symptoms of COVID-19 can range from mild to severe illness and cause further complications including death; and

**WHEREAS**, COVID-19 virus mainly spreads between people who are in close contact with one another through respiratory droplets produced when an infected person coughs or sneezes; and

**WHEREAS**, on March 13, 2020, the Governor of the State of Texas issued a proclamation certifying that COVID-19 poses an imminent threat of disaster in the state and declaring a state of disaster for all counties in Texas; and

**WHEREAS**, on March 13, 2020, stating that extraordinary measures must be taken to contain COVID-19 and prevent its spread throughout Brazos County, the Judge of Brazos County issued a proclamation declaring a state of disaster for Brazos County, Texas; and

**WHEREAS**, on March 17, 2020, the Mayor of College Station issued a proclamation declaring a state of disaster for the City of College Station resulting from the threat of a public health emergency resulting from coronavirus disease 2019, now designated SARS-CoV2, (COVID-19); and

**WHEREAS**, on March 18, 2020 the Mayor of College Station issued an order closing all bars, limiting restaurants to only take-out, drive-through, or delivery services and limiting gatherings to less than ten (10) people in the best interest of the public health, safety and welfare to protect life in College Station in response to COVID-19; and

**WHEREAS**, the City of College Station on the 23<sup>rd</sup> day of March, 2020 adopted an ordinance extending a Declaration of Local Disaster and Order, attached and incorporated into this Order, identifying an imminent threat of a public health emergency resulting from coronavirus disease 2019, now designated SARS-CoV2, (COVID-19); and

**WHEREAS**, the Governor has acknowledged that cities may need to enact more stringent measures to address this public health emergency; and

**WHEREAS**, the number of confirmed cases of COVID-19 in Brazos County and Texas continues to grow; and

**WHEREAS**, said state of disaster requires that certain emergency protective measures be taken pursuant to the Texas Disaster Act of 1975 relating to Emergency Management and Public Health, pursuant to Chapter 418 of the Texas Government Code;

**NOW THEREFORE, BE IT ORDERED BY THE MAYOR OF THE CITY OF COLLEGE STATION:**

**SECTION 1.** That this Order Number Two Under Mayoral Declaration of Local State of Disaster Due to Public Health Emergency shall be given prompt and general publicity and filed with City Secretary.

**SECTION 2.** That I, Karl Mooney, Mayor of the City of College Station, have determined that extraordinary and immediate measures must be taken to respond quickly to prevent and slow down community spread of COVID-19;

**SECTION 3.** That all individuals currently living in the City of College Station, Texas (the "City"), are ordered to shelter at their place of residence. To the extent individuals are using shared or outdoor spaces, they must at all times as reasonably possible maintain social distancing of at least six-feet from any other person when outside their residence. All persons may leave their residences only for Essential Activities, Essential Government Functions, or to operate Essential Businesses, all as defined below. Individuals experiencing homelessness are exempt from this Section, but are strongly urged to obtain shelter, and entities are strongly urged to make such shelter available as soon as possible and to the maximum extent practicable, and to utilize Social Distancing Requirements in their operations.

**SECTION 4.** That all businesses with a facility in the City, except Essential Businesses as defined below, are required to cease all activities at facilities located within the City except Minimum Basic Operations, as defined below. For clarity, businesses may also continue operations consisting exclusively of employees or contractors performing activities at their own residences (i.e., working from home). All Essential Businesses are encouraged to determine essential staff necessary to operate and send non-essential staff home. To the greatest extent feasible, Essential Businesses shall comply with Social Distancing Requirements as defined below, including but not limited to when any customers are standing in line.

**SECTION 5.** All public and private gatherings of any number of people occurring outside a household or living unit are prohibited, except for the limited purposes as expressly permitted in below. Nothing in this Order prohibits the gathering of members of a household or living unit.

**SECTION 6.** All travel, except Essential Travel and Essential Activities as defined below, is prohibited. People must use public transit only for purposes of performing Essential Activities or to travel to and from work to operate Essential Businesses or maintain Essential Governmental Functions. People riding on public transit must comply with Social Distancing Requirements as defined below, to the greatest extent feasible. This Order allows travel into or out of the City to

perform Essential Activities, operate Essential Businesses, or maintain Essential Governmental Functions.

## **SECTION 7. Definitions and Exemptions.**

### **Essential Activities.**

For purposes of this Order, individuals may leave their residence only to perform any of the following "**Essential Activities**:"

- 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, but not limited to, pets), such as, by way of example only and without limitation, obtaining medical supplies or medication, visiting a health care professional, or obtaining supplies they need to work from home;
- To obtain necessary services or supplies for themselves and their family or household members, or to deliver those services or supplies to others, such as, by way of example only and without limitation, canned food, dry goods, fresh fruits and vegetables, pet supply, fresh meats, fish, and poultry, and any other household consumer products and products necessary to maintain the safety, sanitation, and essential operation of residences;
- To engage in outdoor activity, provided the individuals comply with Social Distancing Requirements as defined below, such as, by way of example and without limitation, walking, hiking, running or riding a bicycle;
- To perform work providing essential products and services at an Essential Business or to otherwise carry out activities specifically permitted in this Order, including Minimum Basic Operations; and
- To care for a family member or pet in another household.

However, people at high risk of severe illness from COVID-19 and people who are sick are urged to stay in their residence to the extent possible, except as necessary to seek medical care.

### **Healthcare Operations**

For purposes of this Order, individuals may leave their residence to work for or obtain services at any "**Healthcare Operations**" including hospitals, clinics, dentists, pharmacies, pharmaceutical, and biotechnology companies, other healthcare facilities, healthcare suppliers, home healthcare services providers, mental health providers, or any related and/or ancillary healthcare services.

"Healthcare Operations" also includes veterinary care and all healthcare services provided to animals. This exemption shall be construed broadly to avoid any impacts to the delivery of healthcare, broadly defined. "Healthcare Operations" does not include fitness and exercise gyms and similar facilities.

## **Essential Infrastructure**

For purposes of this Order, individuals may leave their residence to provide any services or perform any work necessary to the operations and maintenance of "**Essential Infrastructure**," including, but not limited to, construction, airport operations, water, sewer, gas, electrical, oil refining, 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), provided that they carry out those services or they work in compliance with Social Distancing Requirements as defined below, to the extent possible.

For purposes of this Order, all first responders, emergency management personnel, emergency dispatchers, court personnel, and law enforcement personnel, and others who need to perform essential services are categorically exempt from this Order.

## **Essential Governmental Functions**

Nothing in this Order shall prohibit any individual from performing or accessing "**Essential Governmental Functions**," as determined by the governmental entity performing those functions. Each governmental entity shall identify and designate appropriate employees or contractors to continue providing and carrying out any Essential Governmental Functions. All Essential Governmental Functions shall be performed in compliance with Social Distancing Requirements as defined in this Order, to the extent possible.

For the purposes of this Order, covered businesses include any for-profit, non-profit, or educational entities, regardless of the nature of the service, the function they perform, or its corporate or entity structure.

## **Essential Businesses**

For the purposes of this Order, "**Essential Businesses**" means:

Healthcare Operations and Essential Infrastructure;

Grocery stores, certified farmers' markets, farm and produce stands, supermarkets, food banks, convenience stores, and other establishments engaged in the retail sale of canned food, dry goods, fresh fruits and vegetables, pet supply, fresh meats, fish, and poultry, and any other household consumer products (such as cleaning and personal care products), and liquor stores. This definition includes stores that sell groceries and also sell other non-grocery products, and products necessary to maintaining the safety, sanitation, and essential operation of residences;

Food cultivation, including farming, livestock, and fishing;

Businesses that provide food, shelter, and social services, and other necessities of life for economically disadvantaged or otherwise needy individuals;

Newspapers, television, radio, and other media services;

Gas stations and auto-supply, auto-repair, and related facilities;

Banks and related financial institutions;

Hardware and construction supply stores;

Plumbers, electricians, exterminators, and other service providers who provide services that are necessary to maintaining the safety, sanitation, and essential operation of residences, Essential Activities, and Essential Businesses;

Businesses providing mailing and shipping services, including post office boxes;

Laundromats, drycleaners, and laundry service providers;

Restaurants and other facilities that prepare and serve food, but only for delivery, drive through or carry out. Schools and other entities that typically provide food services to students or members of the public may continue to do so under this Order on the condition that the food is provided to students or members of the public on a pick-up and take-away basis only. Schools and other entities that provide food services under this exemption shall not permit the food to be eaten at the site where it is provided, or at any other gathering site.

**Note:** Patrons may not wait inside a restaurant for their food orders. If there is a line or gathering of persons (outside of their vehicles) waiting to be served, such places puts everyone in the line or gathering at a higher risk of transmission of COVID-19. Restaurants are urged to create a system that does not involve such lines or gatherings of people waiting to order or waiting to receive their order. For example, a system where the customers call in their order and stay in or at their vehicles until notified that their order is ready---with only one customer at the transaction point at a time, or other methods that assure that the purposes of this Order are served. Stressing the need for call ahead or internet ordering also will cut down on waiting time and could be used in conjunction with the customer calling in or texting when he or she has arrived to allow for straight to vehicle service. If lines cannot be avoided it shall be the restaurant management's responsibility to assure that safe Social Distancing is practiced. This rule also applies to food trucks;

Businesses that supply products needed for people to work from home;

Businesses that supply other essential businesses with the support or supplies necessary to operate;

Businesses that ship or deliver groceries, food, goods or services directly to residences;

Airlines, taxis, and other private transportation providers providing transportation services necessary for Essential Activities and other purposes expressly authorized in this Order;

Home-based care for seniors, adults, or children;



Residential facilities and shelters for seniors, adults, and children;

Professional services: legal, accounting, insurance, real estate services (including appraisal, survey, and title services);

Childcare facilities providing services that enable employees exempted in this Order to work as permitted. To the extent possible, childcare facilities must operate under the following mandatory conditions:

- Childcare must be carried out in stable groups of 12 or fewer ("stable" means that the same 12 or fewer children are in the same group each day);
- Children shall not change from one group to another;
- If more than one group of children is cared for at one facility, each group shall be in a separate area and shall not mix with each other; and
- Childcare providers shall remain solely with one group of children;

Utilities, telecommunications, trash collection and disposal, law enforcement, EMS/ambulance, corrections, dispatch, animal shelters, and governmental employees who have not been specifically deemed non-essential and sent home by the government entity;

Janitorial and maintenance services, funeral industry, defense industry, space and technology industry, technology support, and scientific research; and

Religious services provided in residences, healthcare operations, at funerals, or provided online while being broadcast from a religious facility.

### **Minimum Basic Operations**

For the purposes of this Order, "**Minimum Basic Operations**" include the following, provided that employees comply with Social Distancing Requirements as defined below, to the extent possible, while carrying out such operations:

The minimum necessary activities to maintain the value of the business' inventory, ensure security, process payroll and employee benefits, or for related functions; and

The minimum necessary activities to facilitate employees of the business being able to continue to work remotely from their residences.

### **Essential Travel**

For the purposes of this Order, "Essential Travel" includes travel for any of the following purposes:

Any travel related to the provision of or access to Essential Activities, Essential Governmental Functions, Essential Businesses, or Minimum Basic Operations;

Travel to care for elderly, minors, dependents, persons with disabilities, or other vulnerable persons;

Travel to or from educational institutions for purposes of receiving materials for distance learning, for receiving meals, and any other related services;

Travel to return to a place of residence from outside the jurisdiction;

Travel required by law enforcement or court order; or

Travel required for non-residents to return to their place of residence outside the City. Individuals are strongly encouraged to verify that their transportation out of the City remains available and functional prior to commencing such travel. Individuals engaged in any Essential Travel must comply with all Social Distancing Requirements as defined below.

For purposes of this Order, residences include hotels, motels, shared rental units, and similar facilities.

### **Social Distancing Requirements**

For purposes of this Order, "**Social Distancing Requirements**" includes maintaining at least six (6) foot social distancing from other individuals, washing hands with soap and water for at least twenty (20) seconds as frequently as possible or using hand sanitizer, covering coughs or sneezes (into the sleeve or elbow, not hands), regularly cleaning high-touch surfaces, and not shaking hands.

Non-essential businesses shall shut down except for maintaining Minimum Basic Operations as defined herein. Essential Businesses exempted from shut-down are encouraged to determine staff who are essential to operations and to send non-essential staff home

When people need to leave their places of residence, whether to obtain or perform vital services, or to otherwise facilitate authorized activities necessary for continuity of social and commercial life, they should at all times reasonably possible comply with Social Distancing Requirements as defined in this Order.

All public, private, and commercial laboratories operating within the City of College Station and performing COVID-19 testing shall report by 5:00 p.m. each day for the prior 24-hour period to the Brazos County Health Department:

- the number of COVID-19 tests performed; and
- the number of positive COVID-19 tests.

Such laboratories shall not provide names or other individually identifiable health information that could be used to identify an individual patient. This information will be used solely for public health purposes to monitor the testing conducted in the City and mitigate and contain the spread of COVID-19.

All provisions of this Order should be interpreted to effectuate this intent.

**SECTION 8.** Failure to comply with any of the provisions of this Order constitutes an imminent threat to public health.

**SECTION 9.** That a violation of this order shall be a Class C misdemeanor and the penalty for violating this order shall be a fine of not less than one dollar (\$1.00) and no more than one thousand dollars (\$1,000.00), and each day a violation exists shall be a separate offense; or confinement in jail for a term up to 180 days. This Order also authorizes the use of any other lawfully available enforcement tools.

**SECTION 10.** The City of College Station must promptly provide copies of this Order by posting it on the City of College Station website. In addition, the owner, manager, or operator of any facility that is likely to be impacted by this Order is strongly encouraged to post a copy of this Order onsite and to provide a copy to any member of the public asking for a copy.

**SECTION 11.** If any subsection, sentence, clause, phrase, or word of this Order 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 the remaining portions or applications of this Order.

**SECTION 12.** That this order remains in effect from 9:00 p.m., Tuesday, March 24, 2020, for a period of two (2) weeks, ending at 11:59 p.m., Tuesday, April 7, 2020.

**SECTION 13.** That this order shall take effect immediately from and after its issuance.

**ORDERED this 23rd day of March, 2020.**

**APPROVED:**

  
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**Mayor**

**ATTEST:**

  
\_\_\_\_\_  
**City Secretary**

**APPROVED:**

  
\_\_\_\_\_  
**City Attorney**