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MAR 30 2020

TIME 10:40 AM  
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STATE OF TEXAS §

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COUNTY OF NEWTON §

STAY AT HOME

**THIRD AMENDED EMERGENCY ORDER**

I, Kenneth Weeks, duly elected Judge of Newton County, based on most recent information received from the Emergency Management Offices personnel and Public Health Authorities issue this **ORDER REGARDING THE OCCUPANCY OF PREMISES THROUGHOUT THE NEWTON COUNTY, TEXAS, INCLUDING MUNICIPALITIES:**

**Whereas**, on March 17, 2020, Newton County Judge, Kenneth Weeks issued a Declaration of Local Disaster for Public Health Emergency to allow Newton County to take measures to reduce the possibility of exposure to COVID-19 and promote the health and safety of Newton County residents in accordance with Section 418.108 of the Texas Government Code; 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 to protect the health and welfare of Texans; 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; and

**Whereas**, the Newton County Commissioners Court has continued to issue Resolutions approving the extension to May 11, 2020, of the Declaration of Local Disaster for Public Health Emergency declared by County Judge Kenneth Weeks, pursuant to Sec. 418, Texas Government Code and such Declaration of Disaster for Newton County remains in effect; and

**Whereas**, County Judge Kenneth Weeks has issued an Amended Emergency Order which has remained in effect and requiring restaurants and bars to provide only carry-out, delivery or drive-through services as allowed by law, and closing nightclubs, lounges and taverns, and restricting private clubs; and which, among other things, prohibits Texans from gathering in groups of more than 10 people; and

**Whereas**, the COVID-19 virus is contagious and spreads through person-to-person contact, especially in group settings; and

**Whereas**, the COVID-19 virus causes property loss or damage due to its ability to attach to surfaces for prolonged periods of time; and

**Whereas**, the Centers for Disease Control and Prevention ("CDC") recommends an "All of Community" approach focused on slowing the transmission of COVID-19 through social distancing to reduce illness and death, while minimizing social and economic impacts; and

**Whereas**, given the ongoing evaluation of circumstances related to the COVID-19 virus, the updated recommendations of the Centers for Disease Control and the Texas Department of State Health Services, and the substantial risks posed by the COVID-19 virus to Newton County residents and their property, the following extraordinary measures must be taken to protect the public's safety.

**NOW THEREFORE, I, KENNETH WEEKS COUNTY JUDGE FOR NEWTON COUNTY, TEXAS, PURSUANT TO THE AUTHORITY VESTED BY TEXAS GOVERNMENT CODE CHAPTER 418, HEREBY FIND AND ORDER:**

That the findings and recitations set out in the preamble to this ORDER are found to be true and correct and they are hereby adopted by the County Judge and made a part hereof for all purposes. This Order is in addition to any previous orders issued by the Newton County Judge and hereby incorporates all previous orders by reference.

Summary: 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 healthcare 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 Order requires all individuals anywhere in Newton County, to stay at home- except for certain Essential Activities and work to provide Essential Business and Essential Government services or perform essential infrastructure construction, including housing. This Order takes effect at 6:00 p.m. on March 30, 2020, and will continue through 11:59 p.m. on April 10, 2020, subject to the limited exceptions and under the terms and conditions more particularly set forth below.

1. Effective as of 6:00 p.m. on the 30th day of March, 2020, and continuing until 11:59 p.m. on April 10, 2020:
  - a. All individuals currently living within Newton County are ordered to stay at their place of residence except for Essential Activities as defined in this order. All persons may leave their Residences only for Essential Activities, or to provide or perform Essential Governmental Functions, or to operate Essential Businesses, as defined in Section 2. For purposes of this Order, Residence includes homes, 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 feet from any other person when they are outside their residence.

b. All businesses operating within Newton County, except Essential Businesses as defined below in Section 2, are required to cease all activities at facilities located within the County. 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-foot social distancing for both employees and the general public. Financial institution may continue to provide services with drive through operations.

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 Order prohibits the gathering of members of a household or living unit. Nothing in this Order affects orders or agreements regarding child-related visitation or custody arrangements.

d. Individuals may go to public parks must maintain six (6) foot spacing and open outdoor recreation areas. However, public playground equipment may increase spread of COVID-19 and, therefore, shall be closed, parades, bingo halls, and arcades shall be closed. Buses and public transportation shall cease operation.

e. Restaurants, bars, micro-breweries, micro-distilleries, wineries and other establishments that serve food, with or without drive-in or drive-through services, are prohibited from serving food for consumption on the premises and may only serve food and/or alcohol by take out, delivery, or drive-through services as allowed by law, and detailed in the Newton County Judge's Order of March 24, 2020, pertaining to restaurants and bars.

f. Gyms, recreational sports and fitness training centers, swimming pools and other facilities that are used or intended to be used for any type of training, martial arts, sports or recreation shall close.

g. Hair and nail salons, spas, licensed massage businesses and tattoo parlors, tanning salons, concert halls, live performance theaters, arenas, stadiums, movie theaters, game rooms, businesses with 8-liners bowling alleys, arcades, indoor and outdoor flea markets and swap meets, and bingo halls shall close. Indoor malls and shopping centers shall close unless the store has an individual exterior entrance.

h. Faith leaders may minister and counsel in individual settings, so long as social

distance protocols are followed. Religious and worship services may only be provided by video and teleconference or drive up services where individuals do not exit their vehicles. Religious institutions must limit in-person staff to those necessary for preparing for or conducting video or teleconference services, and all individuals must follow the Social Distancing Guidelines, including the six-foot social distancing.

Definitions:

- A. For purposes of this Order, 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 (for example, obtaining medical supplies or medication, visiting a healthcare professional, or obtaining supplies needed to work 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 supplies, and any other household consumer products, supplies needed to work from home, 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 feet (for example, walking, biking, hiking, running, or fishing).
  - iv. To perform work providing essential products and services at an Essential Business or to otherwise carry out activities specifically permitted in this Order.
  - v. To care for a family member or pet or livestock in another household.

**2. For purposes of this Order, "Essential Businesses" include:**

- i. **Essential Critical Infrastructure.** Work necessary to the operations and maintenance of the 16 critical infrastructure sectors identified by the U.S. Department of Homeland Security National Cybersecurity and Infrastructure Security Agency (CISA), provided that they carry out those services or that work in compliance with social distancing requirements of six feet to the extent possible. *See Attachment* (CISA's Guidance on Essential Critical Infrastructure

Workforce). Essential Businesses providing essential infrastructure should implement screening precautions to protect employees and all activities shall be performed in compliance with social distancing guidelines.

- ii. **Essential Government Functions.** All services provided by local governments and municipalities located in Newton County needed to ensure their continuing operation to provide for the health, safety and welfare of the public, including law enforcement, jail operations and other services. Further, nothing in this Order shall prohibit any individual from performing "Essential Government Functions". All Essential Government Functions shall be performed in compliance with social distancing requirements of six feet to the extent possible.
- iii. **Essential Healthcare Operations.** Healthcare operations, including hospitals, clinics, dentists, 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 include 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.
- iv. **Essential Retail.** Food producers and service providers, including grocery stores, warehouse stores, furniture suppliers, big box stores, liquor stores, gas stations and convenience stores, farmers' markets that sell food products and household staples. Food cultivation, including farming, forestry, ranching, fishing, and livestock. Food production, including the production of canned goods, bottled beverages and other grocery items. 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, drive-thru 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, auto supply, auto and bicycle repair, hardware stores, and related facilities. Businesses that supply products needed for people to work from home.
- v. **Providers of Basic Necessities to Economically Disadvantaged Populations.** Businesses and nonprofit organizations that provide food, shelter, and social services, and other necessities of life for economically disadvantaged or otherwise needed 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, crematoriums and cemeteries. Plumbers, electricians, exterminators, yard and maintenance crews, housekeepers, janitorial staff, pool cleaners 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 or accounting services, when necessary to assist in compliance with legally mandated activities. Businesses that supply other Essential Businesses with support or utilities needed to operate. Caregivers and helpers who provide services to seniors and disabled individuals.
- vii. **News Media.** Newspapers, television, radio, and other media services.
- viii. **Childcare and Adult Care Services.** Childcare and adult care facilities providing services that enable employees exempted in this Order to work as permitted.
- ix. **Infrastructure, Development, Operation and Construction.** For example,
  - public works construction, construction of housing or other types of construction including commercial, manufacturing, airport operations and aircraft manufacturing, maintenance or repair, 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).
- x. **Transportation.** Businesses related to the operation, maintenance, construction, and manufacture of transportation services. For example, (a) vehicle manufacturers, automotive suppliers and parts departments, car dealerships, parts distributors, maintenance and repair facilities; (b) businesses supporting airport operation; (c) street and highway maintenance and construction; (d) gas stations and other fuel distribution businesses. Public transportation by taxicab, buses, Uber, Lyft and similar modes of transportation shall cease.
- xi. **Labor union functions.** Critical labor union functions, including the maintenance of health and welfare funds and checking on the well-being and safety of members.
- xii. **Airports and related operations.** Airport and airline activities, operations, maintenance and repairs, and the hotels that serve these Essential Businesses.
- xiii. **Professional services.** Professional services, such as legal or accounting services, insurance services, and "real estate services" when necessary to assist in compliance with legally mandated activities or to further Essential Businesses, Essential Government functions, or Critical Infrastructure. Provided however, that support staff, such as paralegals, shall

be allowed to work from home electronically.

- 3 These infection control precautions apply to all Essential Businesses: (1) practice social distancing by requiring patrons, visitors, and employees to be separated by six (6) feet, to the extent feasible (2) provide access to hand washing facilities with soap and water or hand sanitizer that contains at least 60 percent alcohol; (3) post a sign in a conspicuous place at the public entrance to the venue instructing members of the public not to enter if they are experiencing symptoms of respiratory illness, including fever or cough; and (4) adhere to other general communicable disease control recommendations by public health authorities.
- 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 Order 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 or equipment in Newton County for the next sixty (60) days.
  - Only one member of a household can enter the following retail/wholesale establishments at one time, unless an individual is handicapped and requires assistance, or is a parent of a child for whom there is no alternative care. This applies to the following retailers: Grocery stores, warehouse stores, big-box stores, any store within a strip center or mall, bodegas, liquor stores, gas stations and convenience stores, and farmers' markets.
  - All retailers, wholesalers and customers of the above listed retail/wholesale outlets are immediately put on notice: Pursuant to Texas Government Code, Section 418.173, Peace officers are hereby authorized to enforce the current Order and Addendum. Any retailer, wholesaler or customer who violates any provision of these regulations, upon conviction, is punishable by a fine of not more than One Thousand (\$1,000.00) dollars, or up to 180 days confinement in jail.
- 5 If someone in a household has tested positive for COVID-19, all residents of the household are ordered to isolate at home until cleared by a public health authority or medical provider.
- 6 Nursing homes, retirement, and long-term care facilities are instructed by this Order to prohibit nonessential visitors from accessing their facilities unless to provide critical assistance or for end-of-life visitation.

- 7 This Order shall be effective until 11:59 p.m. on April 10, 2020 or until it is either rescinded, superseded, or amended pursuant to applicable law.
- 8 In accordance with Tex. Gov't Code § 418.173, any law enforcement agency based in Newton County is hereby authorized to enforce this order and the failure to comply with this Order is an offense under this Order and is punishable by a fine that does not exceed \$1,000.00 or confinement in jail for a term that does not exceed 180 days.
- 9 Newton County will post this Order on the Internet. 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. 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.

The Newton County Courthouse will remain open with flexible staffing, however access to the Courthouse by the public will be significantly limited. Most services can be accessed by the public electronically or by mail. Therefore, in order to gain access to the Courthouse, it must be because of exigent circumstances and you must call the department head or elected official, whose department you wish to visit prior to coming, and, if granted entry, you must be escorted from the security screening area by someone from that department.

It is hereby ORDERED that a twenty-four (24) hour curfew shall be in place immediately throughout Newton County for all individuals under the age of 18, who

- a) are not in school,
- b) are not accompanied by school personnel, a parent or guardian, or
- c) are not going directly to their place of employment or going directly home from that place of employment.

This Order does not apply to special needs students during the times local school districts are required by federal law to provide those students services.

WHEREAS, this state of disaster requires that certain emergency measures be taken pursuant to the Texas Disaster Act of 1975 relating to Emergency Management; Every hospital, physician, health care provider, public health authority, or other individual or entity shall, immediately, but no less than within 4 hours of learning of a suspected or positive case of Coronavirus disease 2019, report same to the

Newton County Office of Emergency Management via email to [olen.bean@co.newton.tx.us](mailto:olen.bean@co.newton.tx.us). Such report shall include the individual's name, address, age, current location, and information relating to whether such individual had recently traveled outside the six counties of Newton County, Hardin, Orange, Jasper, Newton, or Tyler County.

For additional information, please refer to the Executive Orders issued by Greg Abbott, Governor of the State of Texas, effective on 11:59 p.m. on March 24, 2020.

<https://gov.texas.gov/news/post/governor-abbott-issues-executive-order-to-strengthen-reporting-capabilities>

Failure to comply with such reporting requirement shall be a violation of this order punishable by a fine not to exceed One Thousand Dollars (\$1,000.00) or confinement in jail for a period not to exceed 180 days.

This information is required in accordance with guidance from the US Department of Health and Human Services, Office of Civil Rights and 45 CFR 164.512.

It is therefore Ordered that the following regulations shall take effect immediately upon execution of this Order and shall remain in effect until the state of disaster is terminated or this Order may be amended:

### **PRICE CONTROLS**

A person shall not sell any of the following goods or services for more than the price the person charged for the goods or services before March 12, 2020:

- a) groceries, beverages, toilet articles, ice;
- b) construction and building materials and supplies and earthmoving equipment and machinery;
- c) electrical and gas generating and transmission equipment, parts and accessories;
- d) charcoal briquettes, matches, candles, lamp illumination and heat unit carbides, dry batteries, light bulbs, flashlights, and hand lanterns;

- e) hand tools (manual and power), hardware and household supplies, and equipment rental;
- f) automotive parts, supplies and accessories;
- g) plumbing and electrical tools and supplies;
- h) apartment, duplex, multi-family dwelling, rooming house, hotel and motel rental;
- i) gasoline, diesel oil, motor oil, kerosene, grease, and automotive lubricants;
- j) restaurant, cafeteria and boarding house meals;
- k) services of roofing and building contractors, plumbers, electricians, mechanics, tree surgeons, and automobile wrecker companies;
- l) medicine, pharmaceuticals, medical equipment and supplies;
- m) blankets, quilts, bedspreads, bed liners, mattresses, bedsprings, bedsheets, bedsteads, towels and toilet paper; and
- n) furniture and clothing.

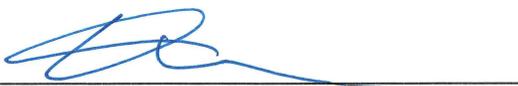
#### **PENALTIES**

These price control regulations shall have the effect of ordinances when duly filed with the County Clerk.

This order does **NOT** extend to law enforcement activities, emergency response operations, court operations, including jury operations, and to all school districts of Newton County.

All Newton County Employees must report for work as required by their supervisors. All work related travel of County employees shall cease.

Signed at 10:45am March 30, 2020.



Kenneth Weeks, County Judge



## What does the Stay Home, Work Safe Order mean for my Community?

Our communities play a vital part in helping us stem the spread of COVID-19. This overview is not intended to be a complete list of business types that are impacted. Please note that this order is intended to be narrowly interpreted. Violations are subject to fines and up to 180 days in jail. Please seek legal counsel if you are unsure if a certain business, service, or function is considered essential. Other than Health Care services, all physical contact between providers and customers should be completely avoided.

### What is Open?

- Essential Government Functions
- Essential Businesses (see below)
- Restaurants that serve food by take out, delivery or drive-through
- Bars that serve food by take out, delivery or drive-through
- Micro-Breweries that serve food by take out, delivery or drive-through
- Micro-Distilleries that serve food by take out, delivery or drive-through
- Wineries that serve food by take out, delivery or drive-through
- Public Parks but not Playground Equipment
- Open Outdoor Recreation Areas
- Laundromats / Washaterias (while observing social distancing)
- Religious and Worship Services by Video, Teleconference, and Drive-In Type Services

### What is closed, for now? (list is not exhaustive)

- Playground Equipment
- Gyms / Cross-Fit Facilities / Martial Arts Facilities
- Fitness Centers / Sports Training Facilities
- Public Swimming Pools and Splash Pads
- Sports and Recreation Training Facilities and Studios
- Hair and Nail Salons
- Spas
- Licensed Massage Businesses
- Tattoo Parlors
- Concert Halls
- Live Performance Theaters
- Arenas
- Stadiums

- Movie Theaters
- Game Rooms / Pool Halls
- Bowling Alleys
- Arcades
- Indoor and Outdoor Flea Markets and Swap Meets
- Indoor Malls, Unless the Individual Store has an Outside Entrance
- Bingo Halls
- Tanning Salons
- Buses and any Other Forms of Public Transportation, including Worksite Busing
- Picnics, Barbeques, Sand-Bar/Beach Parties or any Social Gatherings including more than 10 people

**Essential Activities are:**

- Performing tasks essential to health and safety, including: obtaining medication or visiting a healthcare professional
- Obtaining supplies or services or delivery of those to others, including: food, pet supplies, household products, work from home supplies, farming supplies
- Engaging in outdoor activity, while keeping social distancing
- Performing work providing essential products and services to an essential business
- Caring for a family member or pet in another household.

**Essential Businesses include:**

- Critical Infrastructure as identified by the US Department of Homeland Security National Cybersecurity and Infrastructure Security Agency
- Essential Government Functions including law enforcement, and other services for the health, safety and welfare of the public
- Essential Healthcare Operations including hospitals, dentists, pharmacies, pharmaceutical and biotechnology companies, mental health providers, blood banks, home and residential based care for seniors, adults and children, veterinary and animal welfare operations, transportation for healthcare patients
- Essential Retail including grocery stores, warehouse stores, gas stations, convenience stores, food producers and service providers
- Providers of Basic Necessities to Economically Disadvantaged Populations
- Essential Services Necessary to Maintain Essential Operations of Residences or Other Essential Businesses including: trash and recycling collection, mail and shipping services, building maintenance and security, and funeral homes
- News Media including Newspaper delivery services

- Childcare and Adult Care Services
- Infrastructure, Development, Operation and Construction Services including public works construction, housing construction, commercial, manufacturing, oil refining, roads and highways, and telecommunications systems
- Transportation Businesses including car dealerships, parts distributors, maintenance and repair facilities, gas stations
- Labor Union Functions
- All Marine Ports
- Airports and related operations
- Professional services including legal, banking and financial institutions, accounting, insurance, and real estate services.
- Other businesses that are not listed but either are or support critical industries or services.
- Pawn Shops
- Florists
- Farming & Forestry