

**PECOS COUNTY, TEXAS  
LIMITED SHELTER IN PLACE ORDER  
DUE TO PUBLIC HEALTH EMERGENCY**

**WHEREAS**, as a result of the COVID-19 pandemic, Pecos County is currently facing exposure of its citizens to this deadly virus, as well as tremendous economic losses; and

**WHEREAS**, pursuant to the Texas Disaster Act of 1975, as amended, Texas Government Code, Chapter 418, (the "Texas Disaster Act"), the County Judge is designated as an Emergency Management Director of Pecos County, and may exercise the powers granted to the Governor on an appropriate local scale; and

**WHEREAS**, on March 23, 2020, pursuant to §418.108 of the Texas Government Code, the County Judge of Pecos County issued a declaration of local disaster due to public health emergency; and

**WHEREAS**, on March 23, 2020, the Commissioners Court of Pecos County unanimously approved a resolution that both ratified and updated the declaration of local disaster due to public health emergency; and

**WHEREAS**, Pecos County has had zero (0) positive cases of the virus at the time of the drafting of this order; and

**WHEREAS**, it is critical for Pecos County to take additional steps to prepare for, respond to, and mitigate the spread of COVID-19 to protect the health and welfare of the citizens of Pecos County and the surrounding area;

NOW, THEREFORE, BE IT PROCLAIMED BY THE COUNTY JUDGE OF PECOS COUNTY, TEXAS:

**Section 1.** That pursuant to §418.108(a) of the Texas Government Code, a local state of disaster and public health emergency is hereby declared for Pecos County and incorporated areas.

**Section 2.** That pursuant to §418.108(b) of the Texas Government Code, the state of disaster and public health emergency shall continue until discontinued by the Commissioners Court.

**Section 3.** That pursuant to §418.108(c) of the Texas Government Code, this declaration of a local state of disaster due to this public health emergency shall be given prompt and general publicity and shall be filed promptly with the County Clerk.

**Section 4.** That pursuant to §418.108(d) of the Texas Government Code, this declaration of a local state of disaster due to this public health emergency activates Pecos County Emergency Management Plan.

**Section 5.** That pursuant to §418.020(d) of the Texas Government Code, this order authorizes the County to: (1) temporarily or permanently acquire by lease, purchase, or other means sites required for

temporary housing units or emergency shelters for disaster victims; and (2) enter into arrangements necessary to prepare or equip the sites for installation and use of temporary housing units or emergency shelters, including arrangements necessary for the setup of temporary housing units or emergency shelters.

**Section 6.** That pursuant to §122.006 of the Texas Health and Safety Code, the County is authorized to take any actions necessary to promote health and suppress disease, including quarantine, examining and regulating hospitals. Pecos County hereby orders that those persons under investigation, persons under management, and quarantined persons remain within the confines of their homes or in safe, secure facilities during the quarantine period following their exposure to the virus.

**Section 7.** That pursuant to the authority granted to the County Judge under the Texas Disaster Act, the use of all available resources of state government and political subdivisions to assist in the County's response to this situation are authorized.

**Section 8.** The County Judge may exercise emergency powers including, but not limited to, implementing a curfew and ordering closures of businesses.

**Section 9.** That pursuant to §418.016 of the Texas Government Code, all rules and regulations that may inhibit or prevent prompt response to this threat are suspended for the duration of the incident.

**Section 10.** That pursuant to §418.108(f) of the Texas Government Code, the County Judge of Pecos County may order the evacuation of all or part of the population from a stricken or threatened area under the jurisdiction and authority of the county judge or County Judge if the county judge or County Judge considers the action necessary for the preservation of life or other disaster mitigation, response, or recovery.

**Section 11.** That pursuant to §418.108(g) of the Texas Government Code, the County Judge of Pecos County may control ingress to and egress from a disaster area within the incorporated limits of Pecos County and control the movement of persons and the occupancy of premises in that area.

**Section 12.** Pursuant to §122.006 of the Health & Safety Code, Pecos County may adopt rules to protect the health of persons in the municipality, including quarantine rules to protect the residents against communicable disease.

**Section 13.** No gatherings larger than ten (10) people, public or private, are allowed with the exception of Essential Activities as defined in Section 16 below.

**Section 14.** All businesses or operations located within the incorporated limits of Pecos County, except Essential Businesses and Essential Government Functions, as defined in **Section 16** below, for which social distancing guidelines are impractical or impossible, are hereby prohibited and are ordered to cease operation and close except Minimum Basic Operations as defined in Section 16 below.

- a. Non-essential Personal Services Businesses. Businesses which engage in direct, person-to-person services to the public which are not time-sensitive and which are not required for the immediate health or safety of the recipient, including, but not limited to, hair and nail salons,

barbershops, tattoo parlors, piercing businesses, tanning salons, hair removal waxing businesses, gym facilities and fitness centers, and massage parlors;

- b. Non-essential Retail Establishments. Retail businesses which do not primarily sell or provide the products or services described in 16, below;
- c. Commercial amusement facilities, entertainment venues, game rooms, park equipment and pavilions. Golf courses should restrict to one person per cart, use measures to prevent patrons from having contact with flag and or hole pins, and ensure that patrons follow the social distancing guidelines;
- d. Group Meeting Spaces. Meeting rooms, ballrooms, conference centers, or event spaces operated by multi-family apartment complexes or hotels.

**Section 15.** All Essential Businesses, Essential Government Service, and Critical Infrastructure are strongly encouraged to remain open, especially those that provide the basic necessities for food water, and shelter. To the greatest extent feasible, Essential Businesses shall comply with Social Distancing Requirements as defined in Section 16 below.

This Order shall not be construed to hinder the ability of the industries identified in the U.S. Department of Homeland Security Cyber and Infrastructure Security Agency's ("CISA") Essential Critical Infrastructure Workforce Memorandum dated March 19, 2020, incorporated in this Order by reference as Exhibit A, to continue their operation appropriately modified to account for CDC workforce and consumer protection guidance, and the list of industries identified on that memorandum is incorporated in this Order by reference.

**Section 16.** Definitions and Exemptions.

- a. **Essential Activities.** For purposes of this Order, individuals may leave their residence only to perform any of the following "Essential Activities." But 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.
  - (1) For Health and Safety. Individuals may 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), to work for or obtain services at any "Healthcare Operations," as defined in Section 16 f, below;
  - (2) For Necessary Supplies and Services. Individuals may 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, groceries and food, including pet supplies and food, supplies they need to work from home, household consumer products, and products necessary to maintain the safety, sanitation, and essential operation of residences;
  - (3) For Outdoor Activity. Individuals may engage in outdoor activity, such as, by way of example and without limitation, walking, hiking, bicycling, or running, provided the individuals comply with Social Distancing Requirements as defined in this Section. Individuals shall not use public playground equipment, public picnic tables, public basketball courts, and other public sports and recreational equipment;

- (4) For Certain Types of Work. Individuals may perform work providing essential products and services at an Essential Business, Government Service, or Critical Infrastructure, or to otherwise carry out activities specifically permitted in this Order, including Minimum Basic Operations; or
- (5) To Take Care of Others. Individuals may care for a family member or pet in another household.
- b. **Essential Critical Infrastructure.** As defined in Exhibit A, including, but not limited to, public works construction; residential, commercial, and school construction; airlines and airport operations; critical trades such as water, sewer, gas, electrical, plumbing, exterminators, pool cleaners; oil and gas operations; roads and highways, public transportation; solid waste collection and removal; defense and national security-related operations, and essential manufacturing operations; and any other services that are necessary to maintaining the safety, sanitation, and essential operation of residences and businesses.
- c. **Essential Government Functions.** All sworn Police Department, Fire Department, and Emergency Medical Services personnel, emergency management personnel, and emergency dispatchers; essential court personnel, legal personnel; child protection and child welfare personnel; all military personnel; all personnel working for companies (including their subcontractors) who perform under contract to the Department of Defense providing materials and services to the Department of Defense; all personnel working for companies (including their subcontractors) who perform work under contract to State or Federal Governmental Entities for which they are required under state or federal law to remain open; and all law enforcement personnel, housing and shelter personnel, and others working for or to support Essential Businesses or Critical Infrastructure are categorically exempt from this Order. This Order does not apply to the Federal or State Government. For purposes of this Order, "Essential Government Functions" means all services and agencies needed to ensure the continuing operation of the government agencies and provide for the health, safety and welfare of the public. The County Judge shall determine its Essential Government Functions for the City and identify employees and/or contractors necessary to perform those functions. To the extent feasible, all Essential Governmental Functions shall be performed in compliance with Social Distancing Requirements as defined in this Section.
- d. **Businesses Covered by this Order.** 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.
- e. **Essential Businesses.** The following businesses are hereby deemed essential and may continue to operate, provided federal and CDC guidelines are followed, including affirmative steps to ensure that Social Distancing Requirements as defined herein are followed. It is recommended that businesses limit customers to no more than 100 persons or 50% of the posted occupancy limit, whichever is less, and place marks on the floor or in other visible places throughout the business to help customers respect the minimum distance allowed.
- (1) Stores that sell Groceries and Certain Other Essential Supplies. Grocery stores, supermarkets, big-box stores, food banks, convenience stores, liquor stores and other establishments engaged in the retail sale of canned food, dry goods, fresh fruits and vegetables, pet supplies, fresh meats, fish, and poultry, and any other household consumer products (such as cleaning and personal care products). This 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;
- (2) Food Cultivation. Food cultivation, including farming livestock, and fishing;
- (3) Social Services and Charitable Organizations. Businesses that provide food, shelter

- (including homeless), and social services, and other necessities of life for economically disadvantaged or otherwise needy individuals;
- (4) News Media. Newspapers, television, radio, and other news media services;
  - (5) Gas Stations and Businesses Needed for Transportation. Gas stations, auto-manufacturing and assembly, auto mechanics, auto supply, auto-repair, and other related facilities;
  - (6) Financial Institutions. Banks and related financial institutions, consumer lenders, sales and finance lenders, credit unions, appraisers, title companies, pawn shops, entities that issue bonds, insurance companies, underwriters, agents, brokers, and related insurance claims and agents;
  - (7) Hardware and Supply Stores. Hardware stores and businesses that sell electrical, plumbing, and other material necessary to support Essential Businesses, Critical Infrastructure, and Essential Government Functions;
  - (8) Mail and Delivery Services. Businesses providing mailing and shipping services, including post office boxes;
  - (9) Laundry Services. Laundromats, dry cleaners, and laundry service providers;
  - (10) Restaurants for Consumption Off-Premises. Restaurants and other facilities that prepare and serve food or alcohol, but only for delivery, drive-through, or carry out. All individuals who obtain food or beverages from these establishments are required to leave the premises of said establishment within five minutes of receiving their food or beverage. Premises of these establishments includes all indoor and outdoor facilities, including parking lots. Individuals shall not consume food or beverages on the premises of any establishment regulated under this subsection. Truck drivers holding CDL licenses and who are operating a semi-tractor-trailer truck for commercial purposes are exempt from the food requirements of this subsection while they are on the premises of any truck stop or travel center. Said truck drivers are limited to eating only in their semi-trucks while on said premises. Schools and other entities that typically provide free 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 pickup 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;
  - (11) Supplies to Work from Home. Businesses that supply products needed for people to work from home;
  - (12) Supplies for Essential Businesses, Essential Critical Infrastructure and Essential Government Functions. Businesses that supply other Essential Businesses, Essential Critical Infrastructure, and Essential Government Functions with the support, supplies, or components necessary to operate, including but not limited to computers, audio and video electronics, microelectronics, semiconductors, hardware, paint, electrical and plumbing material, sanitary equipment, medical equipment, and food and beverages;
  - (13) Food Delivery Services. Businesses that ship or deliver groceries, food, goods or services directly to residences;
  - (14) Transportation. Aircraft, taxis, and other private transportation providers (such as Uber and Lyft) that provide transportation services necessary for the performance of Essential Activities, Essential Businesses, Essential Critical Infrastructure, Essential Government Functions, or Essential Travel;
  - (15) Home-Based Care and Services. Home-based care for seniors, adults, or children, including caregivers who may travel to provide care;

- (16) Residential Facilities and Shelters. Residential facilities and shelters for seniors, adults, children, and animals;
  - (17) Professional Services. Professional services, such as legal or accounting services, and insurance services when necessary to assist in compliance with legally mandated activities or to further Essential Businesses, Essential Government functions, or Essential Critical Infrastructure;
  - (18) Real Estate Services. Services related to the marketing, sale, lease, or value of real estate, including but not limited to real estate brokers, title companies, surveyors, and/or appraisers, except that all activities shall be performed in compliance with Social Distancing Requirements as defined herein.
  - (19) Lawn Maintenance Services. Essential lawn maintenance services are limited to the mowing of weeds and grass and to the emergency removal of trees that pose a health and safety hazard.
  - (20) Automobile Dealerships. Car dealerships may provide repairs and parts services. Car dealers may remain open only for individuals who need to purchase vehicles to perform Essential Functions and Essential Travel and for businesses that need vehicles for Essential Business and Essential Government Functions. Showrooms are to be open to such individuals by appointment only.
  - (21) Information Technology Services. IT and IT services and their essential services vendors, including the provision of essential global, national, and local infrastructure for computing services, business infrastructure, communications, web-based services, and critical manufacturing, as well as telecommunications services, internet access, and broadband/communications services;
  - (22) Moving Supply Services. Businesses that provide rental and/or commercial moving services and necessary moving supplies;
  - (23) Hotels and Motels. Hotels and motels, to the extent used for lodging or delivery or carry-out food services;
  - (24) Funeral, mortuary, cremation, burial, cemetery, related services, and weddings, provided that social distancing of six feet per person is maintained to the greatest extent possible and no more than ten (10) persons are present during the activity;
  - (25) Educational Institutions. Educational institutions-including public and private K-12 schools, colleges, and universities for purposes of facilitating distance learning, performing critical research, or performing other essential functions, provided that social distancing of six-feet per person is maintained to the greatest extent possible; and,
  - (26) Childcare Facilities. Childcare facilities providing services that enable individuals exempted in this Order to work as permitted. To the extent possible, childcare facilities must operate under the following mandatory conditions;
    - i. Childcare must be carried out in stable groups of 10 or fewer ("stable" means that the same 10 or fewer children are in the same group each day);
    - ii. Children shall not change from one group to another;
    - iii. If more than one group of children is cared for at one facility, each group shall be in a separate room. Groups shall not mix with each other.
    - iv. Childcare providers shall remain solely with one group of children.
- f. **Healthcare Operations.** Healthcare Operations and Critical Infrastructure, including but not limited to caregivers, hospital and laboratory personnel, and pharmacy employees, including hospitals, clinics, dentists, pharmacies, pharmaceutical and biotechnology companies, other healthcare facilities, healthcare suppliers, home healthcare services providers, mental health providers, and related retail sales or any related and/or ancillary healthcare services.

- "Healthcare Operations" also includes veterinary care and all healthcare and life-saving services provided to animals. This shall be construed broadly to avoid any impacts to the delivery of healthcare, broadly defined. "Healthcare Operations" does not include fitness and exercise gyms or other similar facilities and does not include retail outlets that specialize in the selling of electronic cigarette products or cannabidiol products;
- g. **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 in this Section, to the extent possible, while carrying out such operations:
- (1) The minimum necessary activities to maintain the value of the business's inventory, ensure security, process payroll and employee benefits, or for related functions; or
  - (2) The minimum necessary activities to facilitate employees of the business being able to continue to work remotely from their residences.
- h. **Essential Travel.** For the purposes of this Order, "Essential Travel" includes travel for any of the following purposes. Individuals engaged in any Essential Travel must comply with all Social Distancing Requirements as defined in this Section.
- (1) Any travel related to the provision of or access to Essential Activities, essential Governmental Functions, Essential Businesses, Essential Critical Infrastructure, or Minimum Basic Operations;
  - (2) Travel to care for elderly, minors, dependents, persons with disabilities, or other vulnerable persons;
  - (3) Travel to or from educational institutions for purposes of receiving materials for distance learning, for receiving meals, or any other related services;
  - (4) Travel to return from or to a place of residence from outside the jurisdiction (e.g., returning home from a closing university);
  - (5) Travel required by law enforcement or court order;
  - (6) Travel by church staff/clergy for the purpose of producing or remote delivery of religious services or other ministries requiring travel; or,
  - (7) 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.
- i. **Residences.** For purposes of this Order, residences include single family homes, multiple family homes, hotels, motels, shared rental units, and similar facilities. Homeless citizens should seek local shelter.
- j. **Social Distancing Requirements.** For purposes of this Order, Social Distancing Requirements include only leave home if you absolutely have to, maintain at least a six-foot distance from other individuals, washing hands with soap and water for at least 20 seconds as frequently as possible or using hand sanitizer, covering coughs or sneezes into the sleeve or elbow (not hands) or with a tissue, then throw the tissue away, regularly cleaning high touch surfaces, avoid touching your face with unwashed hands, and not shaking hands.

**Section 17.** The Pecos County Health Department may require additional sanitation and social distancing practices for any business which remains open.

**Section 18.** The County Judge may update the restrictions set out in this order as necessary to respond to the evolving circumstances of this outbreak.

**Section 19.** The duties and powers of the county sheriff, chief of police, the chief of the fire

department and the fire marshal are hereby amended such that if the owner or person responsible for the condition of a building or structure or premises, whether a resident or nonresident of the city, fails to comply with the order of the chief of police, the chief of the fire department and the fire marshal, to limit social gatherings in compliance with this order in or on the building or structure or on the lot, tract or parcel of land or premises where such health hazard exists, as directed by the chief of police, the chief of the fire department and the fire marshal, the chief of police, the chief of the fire department and the fire marshal may abate the use of nonresidential buildings or structures, and to that end the chief of police, the chief of the fire department and the fire marshal shall have authority to close said nonresidential building or structure and to prevent its use or occupancy until the order of the chief of police, the chief of the fire department and the fire marshal has been complied with.

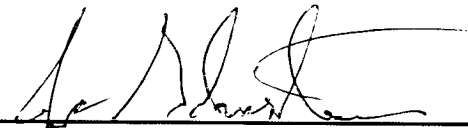
**Section 20.** It shall be unlawful for any person willfully to obstruct, hinder, or delay any member of the emergency management organization in the enforcement of any rule or regulation issued pursuant to this article, or to do any act forbidden by any rule or regulation issued pursuant to the authority contained in this order.

**Section 21.** Pursuant to §418.173 of the Government Code, failure to comply with an emergency management plan or with a rule, order, or ordinance adopted under the plan is an offense, punishable by a fine not to exceed \$1,000 or confinement in jail for a term not to exceed 180 days.


**Section 22.** Peace officers, of Pecos County and the City of Fort Stockton, are hereby authorized to enforce this order.

**Section 23.** To the extent this proclamation is inconsistent with the prior declaration, this proclamation shall supersede the declaration of local disaster due to public health emergency issued on March 23, 2020 and shall take effect at 11:59 p.m. Thursday, April 2, 2020.

**ORDERED** this 2nd day of April, 2020.

  
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Joe Shuster, County Judge

ATTEST:

  
\_\_\_\_\_  
Liz Chapman, County Clerk





