

CITY OF PLAINVIEW, TEXAS
DECLARATION OF LOCAL DISASTER - MAYORAL ORDER NO. 1

WHEREAS, the novel coronavirus (COVID-19) has been recognized as a pandemic by the World Health Organization and is a contagious respiratory virus; and

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

WHEREAS, COVID-19 continues to spread and pose an imminent threat of widespread or severe illness, injury, or loss of life requiring emergency action and represents a public health disaster according to the Texas Department of State Health Services; and

WHEREAS, the City of Plainview has already taken numerous steps to prepare for COVID-19, such as coordinating preparedness efforts with Hale County officials and the local health authority to promote appropriate prevention and mitigation efforts; and

WHEREAS, the Governor of the State of Texas, on March 19, 2020, issued Executive Order GA-08, placing restrictions on social gatherings, visitations to local food and retail establishments where individuals in large numbers gather; and

WHEREAS, Executive Order GA-08 also places additional restrictions on visitations to nursing homes, retirement centers and long-term care facilities as well as temporarily closing schools; and

WHEREAS, on March 19, 2020, pursuant to the authority provided him by Texas Government Code § 418.108, the Mayor of the City of Plainview issued a Declaration of Local Disaster, placing certain restrictions and procedures in place in order to protect and preserve the public health, safety and welfare and consistent with the national and state declarations of emergency; and

WHEREAS, on March 24, 2020, the City Council of the City of Plainview approved Resolution No. 20-470 extending the Mayor's Declaration of Local Disaster and further authorizing the Mayor to use all available resources to enforce the Declaration; and

WHEREAS, it is critical for the City of Plainview 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 Plainview and the surrounding area; and

WHEREAS, the President of the United States and the United States Centers of Disease Control and Prevention (CDC), on March 16, 2020, issued COVID-19 Guidelines for America calling upon Americans to slow the spread of COVID-19 by avoiding social gatherings in groups of more than 10 people, using drive-thru, pickup, or delivery options at restaurants and bars, and avoiding visitation at nursing homes, among other steps; and

WHEREAS, pursuant to Texas Government Code §418.108 an in accordance with the authority granted the Mayor by the City Council in Resolution 20-470, the Mayor hereby orders the following consistent with the Declaration and in order to protect and preserve the public health, safety and welfare;

NOW, THEREFORE, BE IT ORDERED BY THE MAYOR OF THE CITY OF PLAINVIEW, TEXAS:

1. **THAT** the recitals outlined above are found to be true and correct and are incorporated as if fully set forth herein.

2. **THAT** all terms and conditions of the Mayoral Declaration of a Local Disaster, which was signed and executed by the Mayor on March 19, 2020, renewed and extended by City Council Resolution 20-470 and the additional terms and conditions found in Resolution 20-470, remain in full force and effect and are continued to the extent they do not directly conflict with this Order. For purposes of clarification, unless otherwise specifically noted, the provisions in the Mayoral Declaration regarding social gatherings are hereby rescinded and replaced with this Order including its application to religious institutions.

3. **THAT** by the authority granted to the Mayor under Texas Government Code Chapter 418 and by the general authority granted to home-rule municipalities under Texas Health and Safety Code § 122.006, the following is hereby ordered:

A. **STAY AT HOME**

i. All persons residing in the City of Plainview are ordered to STAY AT HOME or at their current place of residence. For purposes of this Order, "residence" includes 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;

ii. All public and private gatherings of any number of people occurring outside of a single household are hereby prohibited, except as otherwise provided in this Order. Nothing in this Order prohibits gatherings of members of a single household or living unit (an apartment for use by one family);

iii. Travel away from a person's regular place of residence should be only for the purpose of obtaining essential goods and services or to the person's place of employment which furnishes essential goods or services unless otherwise provided for in this Order; and

iv. Any person who is sick or currently experiencing common COVID-19 symptoms, including fever, cough, or shortness of breath, is hereby ordered to STAY AT HOME until such time that:

a. He or she has had no fever for at least 72 hours without the use of fever reducing medicine, such as Tylenol; and

b. His or her other symptoms have improved; and

c. At least 14 days have passed since the symptoms first appeared.

v. If any person in a household has tested positive for COVID-19, all persons in the household are hereby ordered to STAY AT HOME and self-quarantine for a period of at least 14 days. Members of the household may not travel to work, school, or anywhere else until cleared by a medical professional.

vi. This order does not prohibit any person from leaving his or her residence to seek necessary medical or emergency care.

B. **PERMITTED INDIVIDUAL ACTIVITIES**

As guidance and as a non-exclusive list, below are some activities that are permitted under this Order:

i. Getting groceries, household supplies, medicine, gas, work-from-home supplies, pet and livestock supplies. **However, people are highly encouraged**

to only bring those individuals necessary to conduct the activity. Please keep all non-essential additional family members especially children (if properly supervised) and elderly individuals at home;

- ii. Going to the doctor's or healthcare provider's office;
- iii. Participating in individual outdoor activities (hiking, biking, running, fishing, etc.) while maintaining social distance requirements;
- iv. Acting as a caretaker for family members; and
- v. Traveling to and from an "Essential Business or Service" or "Low Risk Business" either as a patron or an employee.

C. NON-ESSENTIAL BUSINESS CLOSURES AND MEETING SPACE CLOSURES

In accordance with the Guidelines from the Governor, the President and the CDC, the following commercial businesses, for which social distancing guidelines are impractical or impossible, are hereby prohibited and are ordered to cease operation and close:

- i. 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, without limitation, hair salons, barbershops, hair stylists, nail salons, tattoo parlors, piercing businesses, tanning salons, and hair removal waxing businesses;
- ii. Non-essential Retail Establishments. Retail businesses which do not primarily sell or provide the products or services described in below and considered an Essential Business or Service unless the retail business meets the definition of a Low Risk Business described in this Order;
- iii. Commercial Amusement and Entertainment Venues;
- iv. Enclosed Shopping Malls. Any premises which include multiple adjacent retail establishments connected by an enclosed common area;
- v. Group Meeting Spaces. Meeting rooms, ballrooms, or event spaces operated by multi-family apartment complexes or hotels.

D. ESSENTIAL BUSINESSES AND SERVICES

The following businesses and services are hereby deemed essential and may continue to operate, provided federal and CDC guidelines are followed, including affirmative steps to ensure that social distancing of 6 feet is maintained:

- i. Grocery stores, convenience stores, drug stores, pharmacies and package stores;
- ii. Pet supply stores, supply stores, veterinary clinics and boarding kennels (but not groomers);
- iii. Healthcare providers and healthcare facilities, including doctor and dental offices, physical therapists, hospitals, and clinics, excluding services for elective medical, surgical, or dental procedures;
- iv. Vehicle fueling, maintenance, and repair facilities;

- v. Banks and financial Institutions;
- vi. Agricultural services including plant and food cultivation, farming, and raising livestock;
- vii. Professional services, including attorneys, accountants, engineers, title companies, insurance agents, and other licensed professionals;
- viii. Office buildings, where people work in individual enclosed spaces in groups of 10 or less;
- ix. News media, newspapers, television, radio, and other media services;
- x. Day care facilities;
- xi. Homeless shelters providing services for people experiencing homelessness;
- xii. Non-profit providers of essential services;
- xiii. Essential government services and facilities;
- xiv. Residential buildings, including hotels and motels (except group meeting and event spaces);
- xv. Transit facilities, where people may be in transit or waiting for transit, such as airports, bus stops, or bus stations;
- xvi. Manufacturing, distribution, and logistics facilities;
- xvii. Laundromats and dry cleaners;
- xviii. Call centers;
- xix. Funeral homes, crematoriums and cemeteries and funeral services provided social distancing of 6 feet is maintained; and
- xx. Critical infrastructure businesses which support critical infrastructure or supply chain needs, as described by the Cyber & Infrastructure Security Agency (CISA).

E. RELIGIOUS INSTITUTIONS, CHURCHES AND PLACES OF WORSHIP

Religious institutions, churches and places of worship are open for the purpose of allowing staff and employees to perform those functions necessary for the production of remote delivery of religious services or necessary to support online, telephone, email and other services but are otherwise closed to the public. All staff and employees are required to adhere to federal and CDC guidelines, including affirmative steps to ensure that social distancing of 6 feet is maintained.

F. CONSTRUCTION, BUILDING SUPPLY BUSINESSES

Residential, commercial, industrial construction sites and building supply and home improvement retailers may remain open, provided federal and CDC guidelines are followed, including affirmative steps to ensure that social distancing of 6 feet is maintained, including for customers waiting to enter the premises of a retail store, and only if occupancy inside the retail premises is limited to no more than 100 persons or ½ of the posted occupancy limit, inclusive of employees, whichever is less.

G. **LOW RISK BUSINESSES**

For any retail establishment that is not listed above as an “Essential Business or Service” and not listed specifically for closure in subsection (b) above, may remain open provided the following conditions are followed and adhered to:

- i. Federal and CDC guidelines are followed, including affirmative steps to ensure that social distancing of 6 feet is maintained between all customers and employees, including for customers waiting to enter the premises of a retail store;
- ii. There are never more than ten (10) people inclusive of employees in the place of business;
- iii. The retail establishment takes extra, verifiable measures, to sanitize and disinfect common surfaces such as counter tops, carts, faucets, doorknobs, etc.;
- iv. Employees and customers maintain enhanced hygiene practices; and
- v. Complete and submit to the City a “Low Risk Business” form requesting to be classified as a “Low Risk Business”, that provides the following:
 - a. confirmation that they meet the criteria listed above;
 - b. detailing how the business will sanitize and disinfect common areas;
 - c. detailing how the business will enforce the federal and CDC guidelines including ensuring that social distancing of 6 feet is maintained between all customers and employees.

H. **RETAIL ESTABLISHMENTS – OTHER BUSINESSES**

Retail Establishments and other businesses not specifically described above as “Essential” and who fail to qualify as a “Low Risk Business” are closed to the public. However, all businesses may continue operations consisting exclusively of the following activities, and are encouraged to do so, provided federal and CDC guidelines are followed, including affirmative steps to ensure that social distancing of 6 feet is maintained between all employees and members of the public:

- i. The use of drive through pickup, delivery, and curbside delivery for merchandise;
- ii. Working remotely from home;
- iii. Operations necessary to maintain security, payroll, upkeep, and maintenance of premises, equipment or inventory, including but not limited to the care and maintenance of livestock or animals;
- iv. IT or other operations that facilitate employees working remotely from home;
- v. Facilitate online or call-in sales performed by employees in a store or facility closed to the public;
- vi. In-store repair services performed by employees in a store or facility closed to the public.

I. PUBLIC PARKS

Park amenities such as playgrounds, basketball courts, tennis courts, baseball fields, athletic fields for group sports, skate parks, group pavilions or any area in a public park that is either entirely or partially enclosed and designed to concentrate people participating in an activity to one specific defined or delineated area or by their inherent nature do not allow for social distancing are hereby CLOSED. The remaining areas of public parks including walking trails and bike paths and other open areas are open to the public and may be used by the public so long as patrons follow federal and CDC guidelines including ensuring that social distancing of 6 feet is maintained. The Plainview Country Club golf course remains open so long as individuals either walk the course or ride in a golf cart without any riding companions and so long as patrons follow federal and CDC guidelines including ensuring that social distancing of 6 feet is maintained.

J. ADDITIONAL REQUIREMENTS

i. The Plainview-Hale County Health Department may require additional sanitation, signage, and social distancing practices for any business which remains open.

ii. For any workplace that remains open, management of the business should facilitate and encourage practicing social distancing and good hygiene and, where feasible, require employees to work from home in order to achieve optimum isolation from COVID-19; and

iii. The Mayor may update the restrictions set out in this order as necessary to respond to the evolving circumstances of this outbreak during the duration of the Mayoral Declaration of Local Disaster issued on March 19, 2020 and extended by the City Council of the City of Plainview.

4. **THAT** pursuant to §418.108(c) of the Texas Government Code, this Order shall be given prompt and general publicity and shall be filed promptly with the City Secretary.

5. **THAT** pursuant to § 418.173 of the Texas Government Code, any person who knowingly or intentionally violates this Order 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.

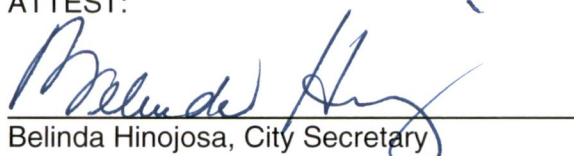
6. **THAT** this Order shall go into effect at 11:59 p.m., Tuesday, March 31, 2020 and continue until 11:59 p.m., Monday, April 6, 2020 unless renewed, extended, amended or cancelled by the Mayor or City Council of the City of Plainview.

SO ORDERED this the 31st day of March, 2020.

CITY OF PLAINVIEW, TEXAS


Wendell Dunlap, Mayor

ATTEST:


Belinda Hinojosa, City Secretary