

**ORDER OF COUNTY JUDGE OF SCURRY COUNTY, TEXAS FOR
STAY HOME STAY SAFE**

WHEREAS, on **March 16, 2020**, Scurry County Judge Dan R. Hicks, Jr. issued an order declaring a local state of disaster for Scurry County, Texas after making a determination based on statements and information provided to him by the Office of the Texas Governor, Scurry County Emergency Management personnel, Local Health Authority, health professionals and other emergency services agencies serving Scurry County, Texas, and other health agencies serving the State of Texas, that extraordinary measures had to be taken in order to protect the health and safety of the Scurry County residents; and

WHEREAS, the CDC, in accordance with its guidance for large events and mass gatherings, has recommended that for the next eight (8) weeks, organizers (whether groups or individuals) cancel or postpone in-person events that consist of fifty (50) people or more throughout the United States and for events of any size to only be continued if they can be carried out with adherence to guidelines for protecting vulnerable populations, hand hygiene, and social distancing; and the CDC stated that its recommendation does not apply to the day to day operation of organizations such as schools, institutes of higher learning, or businesses; and

WHEREAS, on **March 23, 2020**, the Scurry County Commissioners Court extended the above referenced local state of disaster issued by County Judge Dan R. Hicks, Jr. for Scurry County, Texas; and

WHEREAS, on **March 19, 2020**, Texas Governor Greg Abbott issued Executive Order GA 08 Relating to COVID-19 Preparedness and Mitigation stating people shall avoid social gatherings in groups of more than 10 people and closed all schools until April 3, 2020; and

WHEREAS, the conditions necessitating a declaration of a local state of disaster continue to exist in Scurry County, Texas in relation to the substantial risk to the health and safety of the Scurry County residents; and

WHEREAS, pursuant to Section 418.108(g) of the Texas Government Code, a county judge may control the movement of persons and the occupancy of premises in a disaster area; and

WHEREAS, pursuant to Section 418.108(h) of the Texas Government Code, the jurisdiction and authority of a county judge to control the movement of persons and the occupancy of premises in a disaster area includes the incorporated and unincorporated areas of a county and to the extent of a conflict between decisions of a county judge and a mayor, the decision of the county judge prevails; and

WHEREAS, gatherings of individuals for the health and safety of the people continue to pose a risk for the spread of infectious disease; and

WHEREAS, the Scurry County Local Health Authority, Dr. Bid Cooper, along with the medical staff at Cogdell Hospital, is recommending and directing the entry of an Order to potentially limit the possible contracting and exposure of Scurry County residents to the COVID-19 virus; and

WHEREAS, on March 26, 2020, Scurry County Judge Dan R. Hicks, Jr. Issued this Stay Home Stay Safe order for Scurry County;

WHEREAS, on April 3, 2020, Scurry County Commissioners Court extended this Stay Home Stay Safe order for Scurry County:

NOW, THEREFORE PURSUANT TO AND IN ACCORDANCE WITH THE TEXAS DISASTER ACT OF TEXAS GOVERNMENT CODE CHAPTER 418, BE IT ORDERED BY THE COUNTY JUDGE OF SCURRY COUNTY, TEXAS THAT:

SECTION 1. The findings and recitations set out in the preamble to this **Stay Home Stay Safe Order** are found to be true and correct and they are hereby adopted by the Scurry County Judge and made a part hereof for all purposes.

SECTION 2. The intent of this **Stay Home Stay Safe Order** is to ensure that the maximum number of people self-isolate in their places of Residence to the maximum extent feasible, while enabling essential services to continue, to reduce the risk to the health and safety of the people to the maximum extent possible. When people need to leave their places of Residence, whether to obtain or perform authorized 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 **Section 9**, below. All provisions of this **Stay Home Stay Safe Order** should be interpreted to effectuate this intent. Failure to comply with any of the provisions of this **Stay Home Stay Safe Order** constitutes an imminent threat to public health.

SECTION 3. All individuals currently living within Scurry County, Texas ("the County") are ordered to shelter and stay at their place of Residence. To the extent individuals are using shared or outdoor spaces as allowed hereunder, they must at all times as reasonably possible maintain social distancing of at least six feet from any other person when they are outside their Residence. All persons may leave their Residences only for Essential Activities or for performing or accessing Essential Governmental Functions, Healthcare Operations, Essential Businesses, and Essential Critical Infrastructure, all as defined in **Section 9**. Individuals experiencing homelessness are exempt from this Section but are strongly urged to obtain shelter and to utilize Social Distancing Requirements.

SECTION 4. Non-essential businesses operating in the county, may now re-open pursuant to Governor Abbott's Executive Order GA-16 as "Retail-To-Go" provided they follow the DSHS guidance. All other non-essential businesses within the County may not operate except Minimum Basic Operations, as defined in **Section 9**. For clarity, businesses may also continue operations consisting exclusively of employees or contractors performing activities at their own Residences (i.e., working from home) without regard to home-owners association restrictions providing otherwise. To the greatest extent feasible, Essential Businesses shall comply with Social Distancing Requirements as defined in **Section 9**, below, including six-foot social distancing for both employees and the general public.

Businesses and activity specifically deemed non-essential that shall cease operations which

engage in direct, person to person services to the public which are not health care related and/or time sensitive and are not required for the immediate health or safety of the recipient include, but not limited to, the following:

- A) Hair Salons
- B) Nail Salons
- C) Tanning Salons (including spray tanning)
- D) Barber Shops
- E) Tattoo Parlors
- F) Piercing Businesses
- G) Hair removal waxing businesses
- H) Massage Businesses
- I) Commercial Amusement and Entertaining Businesses including:
 - 1) Arcades
 - 2) Adult Arcades or Gaming Facilities
 - 3) Game Rooms
 - 4) Indoor Movie Theaters
 - 5) Bars and Lounges
 - 6) Gyms and Fitness Facilities
 - 7) All other locations previously closed by the Order of the Governor.
- J) Meetings of Service Clubs such as the Lions Club, Kiwanis, Rotary, Etc.

SECTION 5. All public and private gatherings of any number of people occurring outside a Residence are prohibited, except for the limited purposes as expressly permitted herein and defined in Section 9. Nothing in this Stay Home Stay Safe Order prohibits the gathering of members of the same Residence at their place of Residence.

SECTION 6. All travel, including, but not limited to, travel on foot, bicycle, scooter, motorcycle, automobile, or public transit, except Essential Travel and Essential Activities as defined below in Section 9, is prohibited. People riding on public transit must comply with Social Distancing Requirements as defined in Section 9, below, to the greatest extent feasible. This Stay Home Stay Safe Order allows travel into or out of the County to perform Essential Activities, operate Essential Businesses, or maintain Essential Governmental Functions.

SECTION 7. This Stay Home Stay Safe Order is issued based on evidence of an increasing risk to the health and safety of the residents within the County, throughout the United States of America and the State of Texas, and scientific evidence and best practices regarding the most effective approaches to address the concerns for the health and safety of the public. The notable risk to the health and safety of the public has resulted in a public health emergency throughout the County.

SECTION 8. This Stay Home Stay Safe Order also is issued based on known risks to the health and safety to the people of Scurry County. This Stay Home Stay Safe Order is necessary to protect the health and safety of the people and to limit the factors creating the risks.

SECTION 9. Definitions and Exemptions:

- a. **Residence.** For purposes of this Stay Home Stay Safe Order, the term "Residence" means the physical place where a person, group or family resides, including single family houses, apartment units, townhomes, condos, multi-family homes, such as duplexes, triplexes, and quadplexes, manufactured homes and recreational vehicles (RVs), and hotels, motels, shared rentals, and other related facilities.
- b. **Covered Businesses and Covered Entities.** For the purposes of this Stay Home Stay Safe 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.
- c. **Essential Activities.** For purposes of this Stay Home Stay Safe Order, individuals may leave their Residence only to perform any of the following "Essential Activities":
1. 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, and visiting a health care professional.
 2. To obtain necessary services or supplies for themselves and their family or household members, or to deliver those services or supplies to others and to food banks and food bank depositories, 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, and obtaining supplies they need to work from home.
 3. To engage in outdoor activity, provided the individuals comply with Social Distancing Requirements as defined in this Section, such as, by way of example and without limitation, walking, hiking, or running.
 4. To perform work providing essential products and services at an Essential Business or to otherwise carry out activities specifically permitted in this Stay Home Stay Safe Order, including Minimum Basic Operations.
 5. To care for a family member or pet in another household.
 6. To exchange children between parents, guardians, or managing conservators pursuant to a child custody order or agreement between the parties.
- d. **Healthcare Operations.** For purposes of this Stay Home Stay Safe Order, individuals may leave their Residence to work for or obtain services at any "Healthcare Operations" including hospitals, clinics, dentists, pharmacies, optometry, pharmaceutical and biotechnology companies, other healthcare facilities, healthcare suppliers, home healthcare services providers, mental health providers, substance abuse service providers, blood banks, medical research, laboratory services, or any related and/or ancillary healthcare services. Home-based and residential-based care for seniors, adults, or children are also considered Healthcare Operations. Healthcare Operations also includes veterinary care and all healthcare and welfare 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

facilities, athletic gyms, exercise gyms and similar facilities. Healthcare operations do not include elective medical, surgical, and dental procedures. Hospitals, ambulatory surgery centers, dental offices, and other medical facilities are directed to identify procedures that are deemed "elective" by assessing which procedures can be postponed or cancelled based on patient risk considering the emergency need for redirection of resources to the current public health and safety concerns.

- e. **Essential Critical Infrastructure.** For purposes of this **Stay Home Stay Safe Order**, individuals may leave their Residence to provide any services or perform any work necessary to the operations and maintenance of "**Essential Critical Infrastructure**," including, but not limited to, work necessary to the operations and maintenance of the 16 critical infrastructure sectors as identified by the National Cybersecurity and Infrastructure Agency (CISA) and as outlined at <https://www.cisa.gov/critical-infrastructure-sectors>, including public works construction, residential and commercial 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), financial institutions, defense and national security-related operations, and essential manufacturing operations, provided that they carry out those services or that work in compliance with the Social Distancing Requirements as defined in this Section, including the six foot social distancing, to the extent possible. Essential Businesses providing Essential Critical Infrastructure should implement screening precautions to protect employees and all activity shall be performed in compliance with Social Distancing Requirements.

- f. **Essential Governmental Functions.** For purposes of this **Stay Home Stay Safe Order**, all services provided by governmental entities needed to ensure the continuing operation of the governmental entities to provide for the health, safety, and welfare of the public are categorically exempt from this **Stay Home Stay Safe Order**. Further, nothing in this **Stay Home Stay Safe Order** shall prohibit any individual from performing or accessing "**Essential Governmental Functions**," as determined by the governmental entity performing those functions. All Essential Governmental Functions shall be performed in compliance with Social Distancing Requirements as defined in this Section, including the six-foot social distancing, to the extent possible.

- g. **Essential Businesses.** For purposes of this **Stay Home Stay Safe Order**, "**Essential Businesses**" means:
 - 1. Healthcare Operations, Essential Critical Infrastructure, and Essential Government Functions;
 - 2. 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). This includes stores that sell groceries and other non-grocery products, and products necessary to maintaining the safety, sanitation, and essential operation of residences;

3. Food cultivation, including farming, livestock, fishing, and garden centers;
4. Residential, transportation and commercial construction;
5. Businesses that provide food, shelter, and social services, and other necessities of life for economically disadvantaged or otherwise needy individuals;
6. Newspapers, television, radio, and other media services;
7. Gas stations and fuel suppliers;
8. Auto-supply, auto-repair, auto parts, auto-maintenance, vehicle manufacturing, vehicle sales and related facilities;
9. Banks and related financial institutions;
10. Hardware stores;
11. Trash and recycling collection, processing and disposal;
12. Cleaning, maintenance and security for facilities;
13. Warehouse distribution and fulfillment;
14. Storage for Essential Businesses;
15. Funeral homes, crematoriums, cemeteries, burial, and related services, provided that Social Distancing Requirements are maintained to the greatest extent possible;
16. 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, in addition to emergency repairs for facilities of non-essential businesses;
17. Certain real estate functions limited to real estate property management, including scheduling necessary repairs that effect the safety and wellbeing of residents, executing and managing leases (commercial and residential), renewal and adjustments of leases (commercial and residential); showings, closings, real estate recordings and transfers, including the execution and documentation of real estate transfers; and real property related services such as permitting, inspections, construction, procurement, representation and title searches;
18. Businesses and providers providing mailing and shipping services, including post office boxes;
19. Educational institutions-including public and private pre-K establishments, K-12 schools, colleges, and universities-for purposes of facilitating distance learning or performing essential functions, provided that social distancing of six-feet per person is maintained to the greatest extent possible;
20. Laundromats, drycleaners, and laundry service providers;
21. Restaurants and other facilities that prepare and serve food, but only for delivery 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 **Stay Home Stay Safe 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; additionally all dining rooms and in-facility ordering counters shall remain closed to the public with the ordering of food product taking place via phone, electronic messaging, drive through window or curb side ordering only. Businesses that supply products needed for people to work from home;
22. Businesses that provide Information Technology (IT) services that are necessary to maintain internet and telecommunications systems, including the provision of essential global, national and local infrastructure for computing services, business infrastructure, communications and web-based services;
23. Businesses that provide residential and/or commercial moving services and necessary moving supplies;

24. Businesses that supply other Essential Businesses with the support or supplies necessary to operate;
25. Businesses that ship or deliver groceries, food, goods or services directly to residences;
26. Any business or manufacturer who retools so that a substantial part of their business is for the purpose of manufacturing and producing products intended to be directly utilized for the COVID-19 response;
27. Airlines, taxis, and other private transportation providers providing transportation services necessary for Essential Activities and other purposes expressly authorized in this **Stay Home Stay Safe Order**
28. Professional services, such as legal or accounting services;
29. Childcare, daycare and child watch facilities and providers providing services that enable employees exempted in this **Stay Home Stay Safe Order** to work as permitted. To the extent possible, childcare, daycare and child watch facilities and providers must operate under the following mandatory conditions:
 - a. Childcare, daycare and child watch 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).
 - b. Children should not change from one group to another.
 - c. If more than one group of children is cared for at one facility, each group should be in a separate room. Groups should not mix with each other.
 - d. Childcare providers should remain solely with one group of children.
30. Retail clothing stores or businesses that supply clothing, safety clothing or gear to the public or essential personnel.
31. Package stores and tobacco stores on the condition that product is provided through a curb side or drive through basis only and that the retail floor of the business is closed to commercial traffic.
32. Businesses engaged in energy production or the support thereof, or the manufacture or sale of equipment, products or materials used thereby or necessary and/or essential for those businesses to keep the county, region, state and United States supplied with fuel and electricity.
33. Weddings and wedding venues, while a wedding is being conducted but not otherwise.

h. **Minimum Basic Operations.** For purposes of this **Stay Home Stay Safe Order**, "**Minimum Basic Operations**" include the following, provided that employees comply with Social Distancing Requirements as defined 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.
2. The minimum necessary activities to facilitate employees of the business being able to continue to work remotely from their Residences.

i. **Essential Travel.** For purposes of this **Stay Home Stay Safe Order**, "**Essential Travel**" includes travel for any of the following purposes:

1. Any travel related to the provision of or access to Essential Activities, Healthcare Operations, Essential Governmental Functions, Essential Businesses, 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, and any other related services.
4. Travel to return to a place of Residence from outside the jurisdiction.
5. Travel required by law enforcement or court order.
6. Travel required for non-residents to return to their place of Residence outside the County. Individuals are strongly encouraged to verify that their transportation out of the County remains available and functional prior to commencing such travel.

Individuals engaged in any Essential Travel must comply with all Social Distancing Requirements as defined in this Section.

- j. **Social Distancing Requirements.** For purposes of this **Stay Home Stay Safe Order**, "Social Distancing Requirements" includes maintaining at least six-foot social distancing from other individuals, washing hands with soap and water for at least twenty 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.

SECTION 10. Religious and worship services may only be provided by video and teleconference. Religious institutions must limit in-person staff to ten (10) people or less when preparing for or conducting video or teleconference services, and all individuals must follow the Social Distancing Requirements, including the six-foot social distancing.

SECTION 11. 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 time frame, this **Stay Home Stay Safe 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 in Scurry County for the next 60 days.

SECTION 12. Nursing homes, retirement, and long-term care facilities are instructed by this order to prohibit non-essential visitors from accessing their facilities unless to provide critical assistance or for end-of-life visitation.

SECTION 13. This **Stay Home Stay Safe Order** is issued pursuant to and in accordance with the local state of disaster issued by County Judge Dan R. Hicks, Jr. for Scurry County, Texas on **March 16, 2020**, which was thereafter extended on **March 23, 2020** by the Scurry County Commissioners Court pursuant to Section 418.108(b) of the Texas Government Code.

SECTION 14. Pursuant to Section 418.108(h) of the Texas Government Code, this **Stay Home Stay Safe Order** shall control the movement of persons and the occupancy of premises in Scurry County, Texas and includes the incorporated and unincorporated areas

of Scurry County, Texas; and to the extent of a conflict between this **Stay Home Stay Safe Order** and any decisions of a Mayor of municipality in Scurry County, Texas, the orders set out herein of the Scurry County Judge shall prevail.

SECTION 15. AS AUTHORIZED BY SECTION 418.173 OF THE TEXAS GOVERNMENT CODE A FAILURE TO COMPLY WITH THE SCURRY COUNTY EMERGENCY MANAGEMENT PLAN OR WITH ANY RULE, ORDER OR ORDINANCE ADOPTED UNDER SAID PLAN, INCLUDING, BUT NOT LIMITED TO THIS STAY HOME STAY SAFE ORDER, SHALL BE A CRIMINAL OFFENSE PUNISHABLE BY A FINE THAT DOES NOT EXCEED \$1,000.00 OR CONFINEMENT IN JAIL FOR A TERM NOT TO EXCEED 180 DAYS. ANY LICENSED PEACE OFFICERS ARE HEREBY AUTHORIZED TO ENFORCE THIS ORDER AND ORDERS REFERENCED HEREIN.

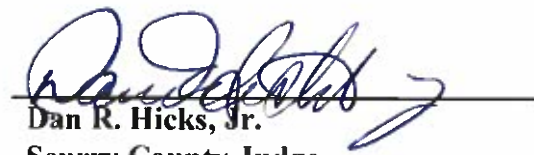
SECTION 16. If any provision of this **Stay Home Stay Safe Order** or its application to any person or circumstance is held to be invalid, the reminder of the **Stay Home Stay Safe Order**, including the application of such part or provision to other persons or circumstances, shall not be affected and shall continue in full force and effect. To this end, the provisions of this **Stay Home Stay Safe Order** are severable.

SECTION 17. This **Stay Home Stay Safe Order** will be posted on Scurry County's website at www.co.scurry.tx.us and filed with the Scurry County Clerk. In addition, the owner, manager, or operator of any facility that is likely to be impacted by this **Stay Home Stay Safe Order** is strongly encouraged to post a copy of this **Stay Home Stay Safe Order** onsite and to provide a copy to any member of the public asking for a copy.

SECTION 18. This **Stay Home Stay Safe Order** shall become effective at **11:59 p.m. on April 21, 2020** and will continue to be in effect until **11:59 p.m. on April 28, 2020**, or until it is extended, rescinded, superseded, or amended in writing by the Scurry County Judge or Scurry County Commissioner's Court.

SECTION 19. All provisions of the executed orders of Governor Gregg Abbott, or the Mayor of the City Of Snyder, either existing or as, if and when issued, shall be automatically incorporated into and constitute terms of this Executive Order enforceable as if set forth herein, without necessity for the issuance of any further orders. To the extent that there is a conflict between this Executive Order and any executive order of the Governor or Mayor, the strictest order shall prevail.

DECLARED this 21st day of April, 2020


Dan R. Hicks, Jr.
Scurry County Judge