

**DECLARATION AND 3RD RATIFICATION OF LOCAL DISASTER
FOR PUBLIC HEALTH EMERGENCY
STAY AT HOME/STAY SAFE ORDER
TERRY COUNTY, TEXAS
(COVID-19)**

WHEREAS, a novel coronavirus (COVID-19) has been recognized globally as a contagious respiratory virus; and

WHEREAS, COVID-19 continues to spread and to pose an increasing, imminent threat of disaster throughout **TERRY COUNTY** and beyond; and

WHEREAS, on March 18, 2020, the Honorable J.D. Wagner as County Judge of **TERRY COUNTY** declared a state of disaster for public health emergency pursuant to Section 418.108(a) of the Texas Government Code, based upon the need for extraordinary measures to contain COVID-19 and to prevent its spread throughout **TERRY COUNTY**; and

WHEREAS, the President's Coronavirus Guidelines for America, as promulgated by United States President Donald J. Trump and the Centers for Disease Control and Prevention (CDC) on March 16, 2020, call upon Americans to slow the spread of COVID-19 by avoiding social gatherings in groups of more than ten (10) people, using drive-thru, pick-up or delivery options at restaurants and bars, and avoiding visitation at nursing homes, among other steps; and

WHEREAS, the Executive Order by the Governor of the State of Texas relating to COVID-19 preparedness and mitigation, as promulgated by Texas Governor Greg Abbott on March 19, 2020, issued certain mandates necessary to more effectively contain the spread of COVID-19; and

WHEREAS, the Commissioners Court of **TERRY COUNTY**, on March 23, 2020 renewed and extended the Declaration of Local Disaster until 11:59 p.m. on April 3rd, 2020, unless continued or renewed by the Commissioners Court of **TERRY COUNTY**. On April 3rd, 2020, **TERRY COUNTY** issued its 3rd Declaration of Local Disaster including a Stay at Home/Stay Safe Order; and

WHEREAS, the Commissioners Court of **TERRY COUNTY** has determined that additional measures must be taken to further contain COVID-19 and prevent its spread throughout **TERRY COUNTY**; and

NOW THEREFORE, BE IT PROCLAIMED BY THE COMMISSIONERS COURT OF TERRY COUNTY, TEXAS:

SECTION 1. The recitals outlined above are found to be true and correct and are incorporated as if fully set forth herein.

SECTION 2. All terms and conditions of the Declaration of Local Disaster, which was signed and executed by the County Judge on March 18th, 2020, renewed and extended by the Commissioners Court on March 23rd, 2020 and the additional terms and conditions found in the Declaration, remain in full force and effect and are continued to the extent they do not directly conflict with this Order.

SECTION 3. Pursuant to the authority granted to the County Judge under Texas Government Code Chapter 418, the following is hereby ordered:

a. STAY AT HOME

- i. All persons residing in **TERRY COUNTY** 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) or allowing;

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. SPECIFIC 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 below and considered Essential Services 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.

c. ESSENTIAL SERVICES

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 of 6 feet is maintained:

- i. Grocery Stores, Convenience Stores, Drug Stores, Pharmacies, and Package Stores;
- ii. Pet 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, provided they adhere to the Governor's Executive Order (GA 09) regarding elective procedures;
- iv. Vehicle Fueling, Maintenance, and Repair Facilities;
- v. Banks and Financial Institutions
- vi. Agricultural services including plant and food cultivation, farming, fishing and raising livestock;
- vii. Oil and gas services and production;
- viii. Professional Services, including attorneys, accountants, engineers, title companies, insurance agents, and other licensed professionals;
- ix. Office Buildings, where people work in individual enclosed spaces in groups of 10 or less;
- 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; and
- xix. Critical Infrastructure Businesses which support critical infrastructure or supply chain needs, as described by the Cyber & Infrastructure Security Agency (CISA).

d. FUNERAL SERVICES

Funeral homes, crematoriums and cemeteries may operate but no more than ten (10) non-employees may be present at the same time.

e. CONSTRUCTION, BUILDING SUPPLY BUSINESSES

Residential, Commercial, and 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; and

f. RETAIL ESTABLISHMENTS - OTHER

Retail establishments not specifically described above as "Essential" are closed to customers; however, the use of drive through Pickup, Delivery, and Curb-side Delivery for merchandise is allowed and encouraged, 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 pick up merchandise.

g. PUBLIC PARKS

Playgrounds, basketball courts, tennis courts, baseball fields and 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 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. **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 (people are highly encouraged to only bring those individuals necessary to conduct the activity. Please keep all non-essential additional family members especially children (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; and
- iv. Acting as a caretaker for family members.

h. ADDITIONAL REQUIREMENTS

- i. The appropriate 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. It shall be unlawful for any person who is sixteen (16) years or less to be or remain in or upon any public place or in or upon any establishment within the incorporated or unincorporated areas of **TERRY COUNTY** between the hours of 11:00 p.m. and 6:00 a.m. of the following day, except that Friday nights and Saturday nights the hours shall be from 12:00 p.m. to 6:00 a.m.
- iv. The County Judge 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 Declaration of Local Disaster issued on March 18, 2020 and extended by the Commissioners Court of **TERRY COUNTY**.

SECTION 4. In accordance with §418.108(c) of the Texas Government Code, this Order shall be given prompt and general publicity and shall be filed promptly with the County Clerk of **TERRY COUNTY**, Texas.

SECTION 5. In accordance with Texas Government Code §418.173, this Declaration and Order is being issued in **TERRY COUNTY'S** Emergency Management Plan and any person who knowingly or intentionally violates this resolution 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.

SECTION 6. This Order shall go into effect at 11:59 p.m., Friday, April 3rd, 2020 and continue until renewed, extended, amended or cancelled by the County Judge or Commissioners Court of **TERRY COUNTY**.

SECTION 7. That this Declaration and Order authorizes the County Judge, pursuant to applicable provisions of Texas Government Code Chapter 418, on behalf of **TERRY COUNTY**,

to take any actions necessary to promote health and suppress the virus, including the quarantine of persons and occupied structures, examining and regulating hospitals, regulating ingress and egress from **TERRY COUNTY**, regulating ingress and egress to occupied structures, establishment of quarantine stations, emergency hospitals, and other hospitals, enforcing applicable orders issued by the Terry County Judge, the Governor of the State of Texas or the Texas Department of State Health Services related to suppressing the COVID-19 virus, and insuring compliance for those who do not comply with the COUNTY'S rules and directives.

SECTION 8. That to the extent permitted by law, any local ordinance or administrative rule prescribing the procedures for conduct in the County or any local ordinance or administrative rule that would in any way prevent, hinder, or delay necessary action in coping with this disaster, including any local ordinance or administrative rule regarding contracting or procurement which would impede the County's emergency response necessary to cope with this declared disaster, are hereby suspended, but only for the duration of this declared local disaster and only for that limited purpose.

SECTION 9. That the County Judge is authorized to use all available resources of **TERRY COUNTY** reasonably necessary to comply with this Declaration and Order.

PENALTY. Any person found in violation of any provision of this Order shall be guilty of a misdemeanor and upon conviction thereof shall be fined up to one thousand dollars (\$1,000.00) or confined in jail up to 180 days.

SO DECLARED AND ORDERED THE 2nd DAY OF APRIL, 2020.



J.D. (Butch) Wagner, County Judge
TERRY County, Texas

ATTEST:



Kim Carter, Terry County Clerk

