

## **ORDINANCE NO. 20-H**

**AN ORDINANCE OF THE CITY OF ALVIN, TEXAS, DECLARING A DISASTER IN THE CITY OF ALVIN, TEXAS; ESTABLISHING RULES REGARDING THE PREPAREDNESS AND MITIGATION OF COVID-19; MAKING FINDINGS OF FACT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, on March 13, 2020, a Declaration of State of Disaster was issued by Texas Governor Greg 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 17, 2020, the Mayor of the City of Alvin, Texas, declared a Local State of Disaster to take measures necessary to reduce the possibility of exposure to COVID-19 and to promote the health and safety of Alvin residents; and

**WHEREAS**, COVID-19 has been recognized globally as a contagious respiratory virus, and spreads through person-to-person contact, especially in group settings; and

**WHEREAS**, the COVID-19 virus continues to spread and to pose an increasing, imminent threat of disaster throughout Alvin, Brazoria County, and the State of Texas; and

**WHEREAS**, the President's Coronavirus Guidelines For America, as promulgated by the President and the CDC on March 16, 2020, call 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; and

**WHEREAS**, on March 19, 2020, Governor Abbott issued Executive Order GA08, in accordance with the President's Coronavirus Guidelines For America, 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; and

**WHEREAS**, it is in the best interest of the City of Alvin, Texas, and its residents, to follow the guidelines established by the Governor of the State of Texas, the CDC, and the President of the United States;

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ALVIN, TEXAS:**

**Section 1.** That all of the above premises and findings of fact are found to be true and correct and are incorporated into the body of this Ordinance as if copied in their entirety.

**Section 2.** Effective as of 11:59 p.m. on Friday, March 20, 2020, and continuing until 11:59 p.m. on April 3, 2020 or modified by another Ordinance, and subject to extension by the City Council of the City of Alvin, Texas, finds that it in the public interest to prohibit the following:

- a. Every person in the City of Alvin, Texas, shall avoid social gatherings in groups of more than ten (10) people. This shall not include:
  - (i) Office spaces or residential buildings, so long as Social Distancing Guidelines are maintained to reduce the transmission of COVID-19;
  - (ii) Grocery stores, banks, gas stations, parks, state licensed daycare centers, shopping malls, or other retail establishments, so long as Social Distancing Guidelines are maintained to reduce the transmission of COVID-19; or
  - (iii) Hospitals and medical offices and facilities.
- b. The City of Alvin, Texas, shall prohibit eating or drinking in bars or restaurants, including outdoor seating, or visiting gyms or massage parlors. Restaurants and bars may only provide take-out, delivery, or drive-thru services as allowed by law. However, the use of drive-thru, pickup, or delivery options is allowed and highly encouraged.
- c. No person in the City of Alvin, Texas, shall visit, nor shall nursing homes, retirement homes, or long-term care facilities allow visitors, unless providing critical assistance and authorized by the facility staff

**Section 3.** In every setting as described above, and for businesses and workplaces that remain open, the City Council for the City of Alvin, Texas, recommends following practices of good hygiene, including providing hand sanitizer and facial tissues, and increasing the cleaning of commonly and frequently touched surfaces.

**Section 4. Penalty.** Peace officers, City of Alvin Code Department inspectors, and the Office of the Alvin Fire Marshal, are hereby authorized to enforce this Ordinance. It shall be unlawful for any business owner or lessee of premises in the City of Alvin to allow a social gathering of more than ten (10) people as described herein, and any person so described shall be guilty of a misdemeanor, punishable by a fine not to exceed two thousand dollars (\$2,000.00).

The peace officer, Code Enforcement officer, or Fire Marshal who observes the violation shall require immediate compliance with the Ordinance and is hereby authorized to issue the appropriate citation(s).

**Section 5. Publication.** The City of Alvin will post this Ordinance on its website. In addition, the owner, manager, or operator of any facility that is likely to be impacted by this Ordinance is strongly encouraged to post and copy of this Ordinance onsite and to provide a copy to any member of the public asking for a copy.

**Section 6. Severability.** If any subsection, sentence, clause, phrase, or word of this Ordinance 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 other provisions or applications of this Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of

this ordinance are declared to be severable.

**Section 7.** That this Ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the Texas Local Government Code.

**Section 8.** That it is hereby officially found and determined that the meeting at which this Ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551.044 of the Texas Government Code.

**PASSED and APPROVED** on this 20<sup>th</sup> day of March 2020.

**CITY OF ALVIN, TEXAS:**

By: \_\_\_\_\_

Paul A. Horn, Mayor

**ATTEST:**

By: \_\_\_\_\_

Dixie Roberts, City Secretary

