

ORDINANCE NO. 2020- 028- 0325

**AN ORDINANCE BY THE TOWN COUNCIL OF THE TOWN OF ANTHONY, TEXAS
INSTITUTING EMERGENCY MEASURES DUE TO A PUBLIC HEALTH EMERGENCY;
PENALTY AS PROVIDED IN SECTION 8.**

WHEREAS, the Town Council of the Town of Anthony, Texas did hold a duly noticed Public Hearing; and

WHEREAS, the Town Council of the Town of Anthony, Texas did consider testimony from staff and the public before reaching its decision; and

WHEREAS, pursuant to the statutory authority granted to the Town Council of the Town of Anthony, Texas as a municipality under Texas Local Government Code Section 51.001, the Town Council of the Town of Anthony, Texas may adopt, publish, amend, or repeal an ordinance, rule, or police regulation that: (1) is for the good government, peace, or order of the municipality or for the trade and commerce of the municipality; and (2) is necessary or proper for carrying out a power granted by law to the municipality or to an office or department of the municipality; and

WHEREAS, pursuant to the statutory authority granted to the municipality as a Type A General-Law Municipality under Texas Local Government Code Section 51.012, the municipality may adopt an ordinance, act, law, or regulation, not inconsistent with state law, that is necessary for the government, interest, welfare, or good order of the municipality as a body politic; and

WHEREAS, pursuant to Texas Health and Safety Code Section 121.003(a), the governing body of a municipality or the commissioners court of a county may enforce any law that is reasonably necessary to protect the public health; and

WHEREAS, pursuant to Texas Health and Safety Code Section 122.005(a), the Town Council of the Town of Anthony, Texas, as the governing body of a Type A general-law municipality, may take any action necessary or expedient to promote health or suppress disease, including actions to: (1) prevent the introduction of a communicable disease into the municipality, including stopping, detaining, and examining a person coming from a place that is infected or believed to be infected with a communicable disease; (2) establish, maintain, and regulate hospitals in the municipality or in any area within five miles of the municipal limits; or (3) abate any nuisance that is or may become injurious to the public health; and

WHEREAS, pursuant to Texas Health and Safety Code Section 122.005(b), the Town Council of the Town of Anthony, Texas, as the governing body of a Type A general-law municipality, may adopt rules: (1) necessary or expedient to promote health or suppress disease; or (2) to prevent the introduction of a communicable disease into the municipality, including quarantine rules, and may enforce those rules in the municipality and in any area within 10 miles of the municipality; and

WHEREAS, pursuant to Texas Health and Safety Code Section 122.005(c) the Town Council of the Town of Anthony, Texas, as the governing body of a Type A general-law municipality, may fine a person who fails or refuses to observe the orders and rules of the health authority; and

WHEREAS, on March 13, 2020, the Governor of the State of Texas declared that COVID-19 poses an imminent threat of disaster and the President of the United States of America declared a national emergency in relation to COVID-19; and

WHEREAS, on March 13, 2020, the County Judge of El Paso County determined that extraordinary measures must be taken to protect the health and welfare of County residents from the effects of COVID-19; and

WHEREAS, on March 13, 2020, the Mayor of the City of El Paso also determined that extraordinary measures must be taken to protect the health and welfare of City residents from the effects of COVID-19; and

WHEREAS, on March 21, 2020, the Mayor of the Town of Anthony, Texas determined that extraordinary measures must be taken to protect the health and welfare of Town residents from the effects of COVID-19; and

WHEREAS, pursuant to Anthony Municipal Code Section 2.28.010, the Mayor has the express power to declare a local state of disaster and as the emergency management director for the municipality has statutory powers and duties during an emergency; and

WHEREAS, on March 21, 2020, pursuant to Section 418.108(a) of the Texas Government Code, the Mayor signed a *Declaration Of Local Disaster Due To Public Health Emergency* arising from the COVID-19 (coronavirus) pandemic that has now reached El Paso County; and

WHEREAS, as of March 21, 2020, there are several declared cases of COVID-19 in the County of El Paso; and

WHEREAS, the COVID-19 virus is contagious and spreads through person-to-person contact, especially in group settings; and

WHEREAS, the emergence and spread of COVID-19 within El Paso County poses an imminent threat of widespread illness resulting from an epidemic that requires emergency action; and

WHEREAS, said state of disaster requires that certain emergency measures be taken pursuant to Executive Order of the Governor Relating to Emergency Management;

WHEREAS, the Centers on Disease Control and Prevention (“CDC”) recommends an “All of Community” approach focused on slowing the transmission of COVID-19 through social distancing to reduce illness and death, while minimizing social and economic impacts; and

WHEREAS, the Town Council of the Town of Anthony, Texas finds it necessary and appropriate for the health, safety and welfare of the residents of the Town of Anthony, Texas to take this action.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF ANTHONY, TEXAS, THAT THE FOLLOWING REGULATIONS SHALL TAKE EFFECT IMMEDIATELY UPON ISSUANCE, AND SHALL REMAIN IN EFFECT UNTIL THE STATE OF DISASTER IS TERMINATED:

That the following is hereby in effect:

Section 1. STATE AND FEDERAL GUIDANCE

The Town authorizes the Emergency Management Director or designee to update, restrict and promulgate regulations necessary to comply with Federal, State, and Local authorities' guidance in relation to COVID-19.

Section 2. TOWN BOARDS AND COMMISSIONS

- a. Unless required by State law or as otherwise determined by the Mayor, all Town boards and commission meetings are suspended while this ordinance is in effect.
- b. Any boards and commissions that must meet pursuant to State law or as otherwise determined by the Mayor should meet pursuant to the Texas Open Meetings Act as provided by the suspension of the Open Meetings Act provisions approved by the Texas Governor and institute best practices in an effort to reduce in person meetings.

Section 3. PRICE CONTROLS

A person shall not sell any of the following goods or services for more than the price the person charged for the goods or services on March 13, 2020:

- a. groceries, beverages, toiletry articles, ice;
- b. construction and building materials and supplies, and earthmoving equipment and machinery;
- c. electrical and gas generating and transmission equipment, parts and accessories;
- d. charcoal briquettes, matches, candles, lamp illumination and heat unit carbides, dry batteries, light bulbs, flashlights, and hand lanterns;
- e. hand tools (manual and power), hardware and household supplies, and equipment rental;
- f. automotive parts, supplies, and accessories;
- g. plumbing and electrical tools and supplies;
- h. apartment, duplex, multi-family dwelling, rooming house, hotel and motel rental;
- i. gasoline, diesel oil, motor oil, kerosene, grease, and automotive lubricants;
- j. restaurant, cafeteria, and boarding-house meals;
- k. services of roofing and building contractors, plumbers, electricians, mechanics, tree surgeons, and automobile wrecker companies;
- l. medicine, pharmaceutical, and medical equipment and supplies;
- m. blankets, quilts, bedspreads, bed linens, mattresses, bedsprings, bedsteads, towels, toilet paper, paper towels; and
- n. furniture and clothing.

Section 4. SUSPENSION AND MODIFICATION OF ORDINANCES

- a. The following ordinances are hereby suspended or modified as indicated:
 - i. Any ordinance or regulation that imposes an obligation upon the Town to deliver in less than five (5) business days any non-essential good or service, as determined by the Mayor, is hereby suspended.
- b. The suspension or modification of the ordinances and regulations listed in Subsection (a) above shall remain in effect until the state of disaster is terminated by further ordinance of the Town Council.

Section 5. MOVEMENT OF PEOPLE AND OCCUPANCY OF PREMISES

- a. Individuals shall limit the size of public or private gatherings to no more than ten (10) people in a single space.
 - i. For purposes of clarity, a gathering does not include the following spaces:
 - 1. Spaces where persons may be in transit or waiting for transit such as airports and bus terminals;
 - 2. Office space or residential buildings;
 - 3. Grocery stores, hotels or other retail establishments where large numbers of people are present, but it is unusual for them to be within arm's length of one another for extended periods; and
 - 4. Hospitals and medical facilities.
- b. Bars, lounges, taverns, arcades and private clubs shall close.
- c. Restaurants may remain open pursuant to the following:
 - i. Restaurants shall limit the amount of people on their premises at one time to half of their designated seating maximum occupancy and ensure that tables are at least six (6) feet apart from each other.
 - ii. Restaurants shall disinfect and sanitize commonly touched surfaces and non-food contact surfaces at least once every hour.
 - iii. Restaurants shall not allow parties of more than 6 people at one table.
 - iv. Restaurants must adopt and implement a screening policy for food handlers and all employees, and establish protocols for employees exclusion if they develop the following symptoms:
 - 1. Fever greater than 100°F
 - 2. Cough and shortness of breath
 - v. Make available and visible COVID-19 prevent print materials within the restaurant.

Section 6. TEMPORARY ASSISTANCE

The Town urges all businesses to provide two (2) weeks of paid sick leave to employees that succumb to COVID-19, are carrying for someone with COVID-19, or are subject to quarantine. The Town further urges businesses to apply for any available federal funding for the provision of paid sick leave.

Section 7. UTILITIES & RESIDENCE

- a. No local utility shall discontinue the provision of cable, internet, water, gas, waste removal and electric utility services to a local resident for lack of payment while this ordinance is in effect.
- b. To the extent allowed by law, no landlord shall evict a tenant for lack of payment while this ordinance is in effect.

Section 8. PENALTIES

- a. These regulations shall have the effect of ordinances when duly filed with the Town Clerk.
- b. A person who violates any provision of these regulations, upon conviction, is guilty of a misdemeanor punishable by a fine of not more than five hundred dollars (\$500.00).

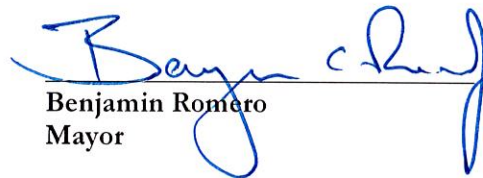
Section 9. SEVERABILITY CLAUSE

It is hereby declared to be the intention of the Town Council that the phrases, sentences, paragraphs and sections of this ordinance are severable. If any part of this ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect the remaining phrases, sentences, paragraphs and sections.

Section 10. This ordinance shall be effective immediately upon passage and approval.

PASSED, ADOPTED AND APPROVED THIS 25 DAY OF MARCH, 2020.

APPROVED:


Benjamin Romero
Mayor

ATTEST:


Norma Gonzalez
Town Clerk



ROLL CALL VOTE:

Mayor Pro-Tem Shawn Weeks	<u>YES</u>
Councilor Jose Garcia	<u>YES</u>
Councilor Eddie Chavez	<u>YES</u>
Councilor Louie Alfaro	<u>YES</u>