ORDINANCE NO. 2020-4301

CITY OF ARANSAS PASS

STAY AT HOME ORDER, AMENDMENT NO. 2
ARANSAS PASS CITY COUNCIL
ISSUED APRIL 1, 2020 IN RESPONSE TO NOVEL CORONAVIRUS

WHEREAS, on March 13, 2020, the President of the United States of America Donald J. Trump declared a national emergency and the Governor of the State of Texas declared a state of disaster due to a public health emergency Corona Virus Disease (COVID-19); and

WHEREAS, on March 15, 2020, the Center for Disease Control ("CDC") issued revised guidance regarding social distancing and mass gatherings of 50 or more people; and

WHEREAS, on March 16, 2020, President Donald Trump acknowledged the gravity of the COVID-19 pandemic, releasing strict new guidelines to limit people's interactions, including that Americans should avoid groups of more than 10 people;

WHEREAS, on March 16, 2020, pursuant to Texas Government Code Section 418.108, City of Aransas Pass Mayor Ramiro Gomez issued a Declaration of Local Disaster for Public Health Emergency due to a novel coronavirus now designated SARS-CoV2 which causes the disease COVID-19;

WHEREAS, a declaration of local disaster and public health emergency includes the ability to reduce the possibility of exposure to disease, control the risk, promote health, compel persons to undergo additional health measures that prevent or control the spread of the disease, including isolation, surveillance, quarantine, or placement of persons under public health observation, including the provision of temporary housing or emergency shelters for person misplaced or evacuated, request assistance from the Governor of state resources, and access funds available for disaster relief and reimbursement at the state and federal level; and

WHEREAS, on March 23, 2020, the governing body of the City of Aransas Pass, Texas issued an Extension of Declaration of Local Disaster for Public Health Emergency that affirmed the activation of the City of Aransas Pass Emergency Management Plan and extends the Declaration of Local Disaster for 60 calendar days; and

WHEREAS, said disaster requires emergency measures be taken to mitigate and prevent the spread of and control the risk of COVID-19, in order to protect and promote the public health, safety and welfare of City of Aransas Pass, Texas residents; and

WHEREAS, given the ongoing evaluation of circumstances related to the COVID-19 virus, the updated recommendations of the CDC and the Texas Department of State Health Services, and the substantial risks

posed by the COVID-19 virus to the City of Aransas Pass, Texas residents and their property, the following extraordinary and immediate measures must be taken to protect the public's safety.

NOW THEREFORE, UNDER THE AUTHORITY OF TEXAS GOVERNMENT CODE SECTION 418.108, CITY OF ARANSAS PASS MAYOR AND GOVERNING BODY OF THE ARANSAS PASS CITY COUNCIL ORDERS AND ORDAINS:

That the findings and recitations set out in the preamble to this Order are found to be true and correct and they are hereby adopted and made a part hereof for all purposes. This Order is in addition to any previous orders issued by the Mayor or governing body of the City of Aransas Pass, Texas and hereby incorporates all previous orders by reference, including the Orders dated March 16, 2020, and March 23, 2020.

Summary. The virus that causes COVID-19 is easily transmitted through person-to-person contact, especially in group settings, and it is essential that the spread of the virus be slowed to protect the ability of public and private healthcare providers to handle the influx of new patients and safeguard public health and safety. Because of the risk the rapid spread of the virus, and the need to protect the most vulnerable members of the community, this Order requires all individuals anywhere in the City of Aransas Pass, Texas, to shelter at their place of residence, except for certain Essential Activities and Essential Businesses.

1. Effective as of 12:01 a.m. on April 2, 2020, and continuing until 11:59 p.m. on April 30, 2020:

   (a) All individuals currently living within City of Aransas Pass, Texas are ordered to shelter at their place of residence. For the purposes of this Order, residences include homes, condominiums, townhomes, apartments, duplexes, hotels, motels, shared rentals, recreational vehicles, motor homes, and similar facilities. To the extent individuals are using shared or outdoor spaces, they must at all times as reasonable as possible maintain social distancing of at least six (6) feet from any other person when they are outside their residence. All persons may leave their residences or enter or leave the territorial limits of this City only for Essential Activities, or to provide or perform Essential Governmental Functions, or to operate Essential Businesses, all as defined in Section 2.

   (b) All business operating within the City of Aransas Pass, Texas except Essential Businesses as defined below in Section 2, are required to cease all activities at facilities located within the City of Aransas Pass, Texas. For clarity, businesses may continue operations consisting exclusively of employees or contractors performing activities at their own residences (i.e. working from home). To the greatest extent possible, all Essential Businesses shall comply with the Social Distancing Guidelines attached as Exhibit "A" and incorporated in its entirety, including maintaining six (6) feet social distancing for both employees and the general public.

   (c) All public or private gatherings of any number of people occurring outside a single household or living unit are prohibited, except as otherwise provided herein. Nothing in this Order prohibits the gathering of members of a household or living unit.

   (d) Restaurants with or without drive-in or drive-through services and microbreweries, and micro-distilleries may only provide take out, delivery, or drive-through services in such manner consistent with Texas Governor Greg Abbott's waiver.

   (e) Religious and worship services may be provided by video and teleconference. Institutions must limit in-person staff to 10 people or less in the same room when preparing for or conducting video

or teleconference services, and all individuals must follow the Social Distancing Guidelines (including the social distancing guideline of six (6) feet).

(f) All elective medical, surgical, and dental procedures are prohibited anywhere in the City of Aransas Pass, Texas. 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 COVID-19 response. Elective surgeries and procedures that are designed to reduce risk to patients or treat painful or potentially disabling conditions may be continued.

(g) Fishing Guide services, including persons who have a Coast Guard license and a Texas Parks & Wildlife License required for fishing guides, are non-essential activities and non-essential services.

(h) No person may use the City's Conn Brown Harbor boat ramp if the boat he/she is using cannot accommodate the number of people in it and at the same time comply with the social distancing rules that persons must be six (6) feet apart.

2. Definitions:

(a) For purposes of this Order, individuals may leave their residence only to perform any of the following "Essential Activities":

i. 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 (for example, obtaining medical supplies or medication, visiting a health care professional, or obtaining supplies needed to work from home).

ii. To obtain necessary services or supplies for themselves and their family or household members, or to deliver those services or supplies to others (for example, food, pet supply, and any other household consumer products, and products necessary to maintain the safety, sanitation, and essential operation of residences.)

iii. To engage in outdoor activity, provided the individuals comply with the social distancing requirement of six (6) feet (for example, walking, biking, hiking, fishing, running, boating, kayaking, wading, or surfing). All beaches within the geographic boundaries of the City of Aransas Pass are open for regular hours of operation but persons must comply with social distancing requirement of six (6) feet. All city public parks within the geographic boundaries of City of Aransas Pass are open for regular hours of operation provided that individuals comply with social distancing requirement of six (6) feet. Camping of any type is prohibited on the Flats located in the City commonly known as the "Flats of Nueces County".

iv. To perform work providing essential products and services at an Essential Business or to otherwise carry out activities specifically permitted in this Order.

v. To care for a family member(s) or a pet (or pets) in another household.

vi. Nothing in this Order affects judicial orders or agreements regarding child-related visitation or custody arrangements.

(b) For purposes of this Order, "Essential Businesses" means:

i. **Essential Healthcare Operations.** Healthcare operations, including clinics, dentists, pharmacies, pharmaceutical and biotechnology companies, other healthcare facilities, healthcare suppliers, mental health providers, substance abuse service providers, blood banks, medical research, laboratory services, physical therapy, 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 health and welfare services provided to animals. This exemption shall be viewed broadly to avoid any impacts to the delivery of healthcare. Healthcare operations do not include fitness and exercise gyms and similar facilities intended to be used for any type of training, martial arts, sport or recreation. Healthcare operations do not include elective medical, surgical, and dental procedures as established in accordance with Subsection 1 (f) of this Order.

ii. **Essential Government Functions.** All services provided by local governments needed to ensure the continuing operation of the government agencies to provide for the health, safety and welfare of the public, including any local government entities that are required by law to furnish medical and hospital care for the indigent and needy persons residing in the City of Aransas Pass, Texas. Further, nothing in this order shall prohibit any individual from performing or accessing "Essential Government Functions." All Essential Government Functions shall be performed in compliance with social distancing requirements of six (6) feet, to the extent possible.

iii. **Essential Critical Infrastructure.** Work necessary to the operations and maintenance of any of the sixteen (16) critical infrastructure sectors, including suppliers and distributors, as identified by the National Cybersecurity and Infrastructure Agency (including, but not limited to the following sectors: chemical, commercial facilities, communications, critical manufacturing, dams, industrial base, emergency services, energy, financial services, food & agriculture, government facilities, healthcare & public health, information technology, nuclear reactors, materials & waste, transportation systems, water & wastewater systems) City of Aransas Pass, Texas' industries and related support businesses, public works construction, residential and commercial construction, airport operations, water, sewer, gas, electrical, oil and gas industry, crude oil storage and transport facilities, refining processes, oil and gas/industry disposal facilities, roads and highways, public transportation, automobile repair, 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, bail bond sureties, defense and national security-related operations, warehouses, essential manufacturing operations, provided that they carry out those services or that work in compliance with social distancing requirement of six (6) feet, to the extent possible. Essential Businesses providing essential infrastructure should implement screening precautions to protect employees and all activity shall be performed in compliance with the Social Distancing Guidelines attached. Essential Businesses also include businesses that supply Essential Businesses with the services, support, storage, repairs, equipment or supplies necessary or useful to operate or function effectively;

iv. **Education and Research.** Educators, teachers, or other personnel supporting public and private K-12 schools, colleges, and universities for purposes of facilitating distance learning or performing other functions in support of Essential Activities or Essential Businesses.

v. **Transportation Providers.** Airlines, taxis, and other private transportation providers providing transportation services necessary for Essential Activities and other purposes expressly authorized in this Order;

vi. **Essential Retail.** Food service providers, including grocery stores, warehouse stores, big-box stores, bodegas, liquor stores, gas stations and convenience stores, farmers' markets that sell food products and household staples. Food cultivation, including farming, fishing, and livestock. Businesses that ship or deliver groceries, food, goods or services directly to residences. Restaurants and other facilities and conveyances that prepare and serve food, but only for delivery or carry out. Schools and other entities that typically provide free services to students or member of the public on a pick-up and take-away basis only. The restriction of delivery or carry out does not apply to cafes and restaurants located within

medical facilities. Laundromats, dry cleaners, and laundry service providers. Gas Stations, auto-supply, auto and bicycle repair, hardware stores, landscaping, and related facilities. Businesses that supply products needed for people to work from home.

vii. **Providers of Basic Necessities to Economically Disadvantaged Populations.** Business that provide food shelter, and social services, and other necessities of life for economically disadvantaged or otherwise needy individuals.

viii. **Essential Services Necessary to Maintain Essential Operations of Residences or Other Essential Businesses.** Trash and recycling collection, processing and disposal, mail and shipping services, building cleaning, maintenance and security, warehouse/distribution and fulfillment, storage for essential businesses, funeral homes, crematoriums and cemeteries, hotels and motels, recreational vehicles, motor homes, and public storage facilities. Plumbers, electricians, roofers, exterminators, air conditioner repair, appliance repair, equipment repair, and other service providers who provide services that are necessary to maintaining the safety, sanitation, and essential operations of residences and Essential Businesses. Professional services, such as insurance, title, real estate, legal or accounting services when necessary to assist in compliance with legally mandated, prohibited, or necessary activities, including the entry of contracts for Essential Businesses or support thereof. Automobile, large truck, and RV dealerships (sales and services centers) in support of transportation. Businesses that supply other essential businesses with support or supplies needed to operate.

ix. **News Media.** Newspapers, television, radio, and other media services.

x. **Childcare and Adult Care Services.** License childcare or adult care facilities, organizations, or individuals providing services.

3. If someone in a household has tested positive for coronavirus, the household is ordered to isolate at home for a period of at least 14 days after the person has tested negative for coronavirus or left the household or such longer period as determined by the Health Department. Members of the household cannot go to work, school, or any other community function.

4. 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.

5. Additionally, the Office of the City of Aransas Pass Mayor instructs all employees to remain at home if sick, and to promptly communicate with an appropriate health care professional.

6. This Order shall be effective until 11:59 p.m. on April 30, 2020, or until it is either rescinded, superseded, or amended pursuant to applicable law.

7. The City of Aransas Pass must promptly provide copies of this Order by posting on the City's website. In addition, the owner, manager, or operator of any facility that is likely to be impacted by this Order is strongly encouraged to post a copy of this Order onsite and to provide a copy to any member of the public asking for a copy. If any subsection, sentence, clause, phrase, or word of this Order 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 the remaining portions or applications of this Order.

8. All typical routes of ingress and egress (roads and streets, county roads, state and other highways, Interstate highways) throughout City of Aransas Pass, Texas shall remain open and accessible, except to the extent specifically limited by Section 2.a.iii of this Order to Stay At Home.

9. All provisions of the executive orders of Governor Greg Abbott either existing or as, if and when issued and as amended, shall be automatically incorporated into and constitute terms of this Order enforceable as if set forth herein without necessity for the issuance of any further orders. To the extend that there is a conflict between this Executive Order and any executive order of the Governor, the strictest order shall prevail.

DECLARED, ORDERED AND ORDAINED this 6th day of April, 2020.

Ramiro Gomez, Mayor
City of Aransas Pass, Texas

ATTEST TO:

Mary Juarez, City Secretary
City of Aransas Pass, Texas

EXHIBIT "A"

Social Distancing and Travel Recommendations

1) **Avoid traveling to other jurisdictions unless essential for work or health.**

2) **Vulnerable Populations: Limit Outings**
   - Vulnerable populations include people who are:
     - 60 years old and older.
     - People with certain health conditions such as heart disease, lung disease, diabetes, kidney disease and weakened immune systems.
   - For vulnerable populations, do not go to gatherings unless it is essential. Stay home. Avoid people who are sick.

3) **Workplace and Businesses: Minimize Exposure**
   - Suspend nonessential employee travel
   - Ensure employees practice social distancing and do not work within six (6) feet of one another.
   - Urge essential employees to stay home when they are sick and maximize flexibility in sick leave benefits.
   - Do not require a doctor's note for employees who are sick.
   - Maximize telecommuting options.
   - Persons who need to be at work to provide essential services of great benefit to the community must take steps in their workplace to minimize risk.

4) **Cancel Non-essential events**
   - Cancel non-essential events.
   - Do not attend any events or gatherings if sick.
   - For events that aren't cancelled, we recommend:
     - Provide hand washing, hand sanitizers stations and make tissues available.
     - Frequently clean high-touch surface areas like counter tops and hand rails.
     - Finding ways to implement social distancing.

5) **Schools Safety First**
   - Do not have your child attend school if sick.
   - If you have a child with chronic health conditions, consult the child's doctor about school attendance.
   - Schools should equip all classrooms with hand sanitizers and tissues.
   - Recommend rescheduling or cancelling events that are not essential.
   - Explore remote teaching and online options to continue learning.
   - Schools should develop a plan for citywide school closures, and families should prepare for further closures.

6) **Transit: Cleaning and Protection**
   - Increase cleaning of vehicle and high touch surface areas.
   - Provide hand washing/hand sanitizers and tissues in stations and on vehicles.
   - Ensure social distancing practices are implemented to the full extent possible.

7) **Health Care Setting: Avoid as possible, protect the vulnerable.**
   - Long-term care facilities should have a COVID-19 plan in accordance with CDC or state guidelines.
   - Long-term care facilities should restrict all visitation except for certain compassionate care situations, such as end of life situations.
   - The general public should avoid going to medical settings such as hospitals, nursing homes and long-term care facilities, even if you are not ill.
   - If you are ill, call your health care provider ahead of time, and you may be able to be served by phone.
   - Do not visit emergency rooms unless it is essential.
   - Follow guidance and directions of all facilities.

8) **Everyone: Do your part**

   The best way for all City of Aransas Pass, Texas residents to reduce their risk of getting sick, as with seasonal colds or the flu, still applies to prevent COVID-19:
   - Wash hands with soap and water for at least twenty (20) seconds.
   - Cough or sneeze into your elbow or a tissue. Throw the tissue in the trash.
   - Stay home if you are sick.
   - Avoid touching your face.
   - Try alternatives to shaking hands, like an elbow bump or wave.
   - If you have recently returned from a country, state or region with ongoing COVID-19 infections, monitor your health and follow the instructions of public health officials and CDC guidelines.
   - There is no recommendation to wear masks at this time to prevent yourself from getting sick.

   You can also prepare for the disruption caused by an outbreak. Preparedness actions include:
   - Prepare to work from home if that is possible for your job, and your employer.
   - Make sure you have a supply of all essential medications for your family.
   - Prepare a childcare plan if you or a caregiver are sick.
   - Make arrangements about how your family will manage school closures.
   - Plan for how you can care for as sick family member without getting sick yourself.
   - Take care of each other and check in by phone with friends, family and neighbors that are vulnerable to serious illness or death if they get COVID-19.
   - Keep common spaces clean to help maintain a healthy environment for you and others. Frequently touched surfaces should be cleaned regularly with disinfecting sprays, wipes or common household cleaning products.