

CITY OF WAXAHACHIE, TEXAS

ORDINANCE NO. 3191

THE SECOND ORDINANCE OF THE CITY OF WAXAHACHIE, TEXAS, DECLARING A LOCAL STATE OF DISASTER DUE TO A PUBLIC HEALTH EMERGENCY AND ENACTING REGULATIONS RELATED THERETO; MAKING FINDINGS; PROVIDING FOR SEVERABILITY, SAVINGS AND REPEALING CLAUSES; PROVIDING FOR PENALTIES; PROVIDING AN EFFECTIVE DATE; AND PROVIDING FOR THE PUBLICATION OF THE CAPTION HEREOF.

WHEREAS, beginning in or about December 2019, a novel coronavirus, now designated COVID-19, has spread through the world and has now been declared a global pandemic by the World Health Organization; and

WHEREAS, symptoms of COVID-19 include fever, coughing, and shortness of breath and, in some cases, the virus has caused death; and

WHEREAS, the City of Waxahachie, Texas ("**City**" or "**Waxahachie**"), is taking extraordinary measures to prevent the spread of this potentially devastating disease in our community; and

WHEREAS, Waxahachie has established emergency protective measures, mitigation procedures, and emergency response plans for this type of health emergency in its Emergency Management provisions of Chapter 11^{1/2} of the City's Code of Ordinances; and

WHEREAS, on March 13, 2020, Texas Governor Greg Abbott declared a state of disaster in all Texas counties; and

WHEREAS, on March 16, 2020, Waxahachie Mayor David Hill issued a Declaration of Local State of Disaster Due to Public Health Emergency for the City; and

WHEREAS, on March 17, 2020, Ellis County Judge Todd Little declared a local state of disaster due to a public health emergency for all of Ellis County; and

WHEREAS, on Thursday, March 19, 2020, Governor Abbott issued Executive Order GA-08 providing further guidance in addressing COVID-19 preparedness and mitigation; and

WHEREAS, on March 24, 2020, the Ellis County Commissioners Court issued an amended proclamation declaring a local state of disaster; and

WHEREAS, on March 25, 2020, Mayor Hill issued an amended emergency declaration of local state of disaster; and

WHEREAS, on March 31, 2020, Governor Abbott issued Executive Order GA-14, repealing Executive Order GA-08, and addressing and providing further for the continuity of essential services and activities during the COVID-19 disaster; and

WHEREAS, on April 6, 2020, the Waxahachie City Council enacted Ordinance No. 3182, which extended the local disaster declaration until the end of April, 2020, and which expressly repealed all prior Mayoral local disaster declarations and incorporated by reference the provisions of any Executive Order or similar directive issued by the President of the United States, the Governor of the State of Texas, or the County Judge and/or Commissioners Court of Ellis County, Texas; and

WHEREAS, on April 12, 2020, Governor Abbott issued a proclamation renewing the disaster declaration for all counties in Texas; and

WHEREAS, on April 17, 2020, Governor Abbott issued Executive Order No. GA-16 superseding GA-14 and relating to statewide reopening of certain aspects of the Texas economy during the COVID-19 disaster; and

WHEREAS, on April 27, 2020, Governor Abbott issued Executive Order No. GA-18 superseding GA-16 and relating to the expanded reopening of services as part of the safe, strategic plan to open Texas in response to the COVID-19 disaster; and

WHEREAS, this Ordinance is adopted pursuant to the authority contained in the Texas Disaster Act of 1975, Section 122.006 of the Texas Health and Safety Code, and the home-rule authority contained in Article XI, Section 5 of the Texas Constitution; and

WHEREAS, nothing in this Ordinance shall prohibit the Mayor from issuing subsequent declarations in the event matters not addressed by this Ordinance arise and require immediate action.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WAXAHACHIE, TEXAS, THAT:

SECTION 1. All of the above premises are hereby found to be true and correct and are hereby approved and incorporated into the body of this Ordinance as if copied in their entirety.

SECTION 2. A local state of disaster due to public health emergency is hereby declared for the City pursuant to Section 418.108(a) of the Texas Government Code.

SECTION 3. Pursuant to Section 418.108(b) of the Texas Government Code, this state of disaster due to public health emergency shall continue as of the date as of the passage of this Ordinance and shall expire on the date in which Texas Governor Greg Abbott repeals or otherwise concludes the state of disaster for the State of Texas, as same may relate to Ellis County, unless the Waxahachie City Council repeals or otherwise amends this Ordinance prior thereto.

SECTION 4. Pursuant to Section 418.108(c) of the Texas Government Code, this Ordinance declaring a local state of disaster due to public health emergency shall be given prompt and general publicity and shall be filed promptly with the City Secretary's Office.

SECTION 5. This Ordinance hereby authorizes the City 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 the City, regulating ingress and egress to occupied structures, and insuring compliance for those who do not comply with the City's rules, pursuant to Section 122.006 of the Texas Health and Safety Code.

SECTION 6. This Ordinance expressly repeals all prior Mayoral local disaster declarations and Ordinance 3182, and hereby incorporates by reference the provisions of any Executive Order or similar directive issued by the President of the United States, the Governor of the State of Texas, or the County Judge and/or Commissioners Court of Ellis County, Texas. This Ordinance hereby incorporates the Governor's Executive Order No. GA-18 relating to the expanded reopening of services as part of the safe, strategic plan to open Texas in response to the COVID-19 disaster. Notwithstanding the foregoing and in accordance with GA-18 (on page 5 thereof), this Ordinance authorizes the Mayor to issue additional declarations that provide additional local restrictions that are consistent with GA-18.

SECTION 7. This Ordinance hereby authorizes the use of all lawfully available enforcement tools.

SECTION 8. Should any section, subsection, sentence, clause or phrase of this Ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, it is expressly provided that any and all remaining portions of this Ordinance shall remain in full force and effect. The City Council hereby declares that it would have passed this Ordinance, and each section, subsection, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional or invalid.

SECTION 9. All provisions of any ordinance in conflict with this Ordinance are hereby repealed to the extent they are in conflict; but such repeal shall not abate any pending prosecution for violation of the repealed ordinance, nor shall the repeal prevent a prosecution from being commenced for any violation if occurring prior to the repeal of the ordinance. Any remaining portions of said ordinances shall remain in full force and effect.

SECTION 10. Any person, firm or corporation violating any of the provisions of this Ordinance commits an offense, punishable by a fine up to \$1,000.00, and each and every day such violation shall continue shall be deemed to constitute a separate offense.

SECTION 11. This Ordinance shall become effective, and be in full force and effect, from and after the date of its passage and shall expire on the date in which Texas Governor Greg Abbott repeals or otherwise concludes the state of disaster for the State of Texas, as same may relate to Ellis County, unless the Waxahachie City Council repeals or otherwise amends this Ordinance prior thereto.

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF WAXAHACHIE, TEXAS, ON THIS THE 4th DAY OF MAY, 2020.



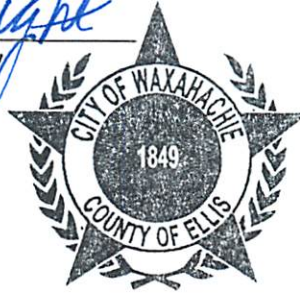
David Hill, Mayor

ATTEST:



Lori Cartwright, City Secretary

[SEAL]



APPROVED AS TO FORM:



Robert F. Brown, City Attorney