

**CITY OF PELICAN BAY AMENDED DECLARATION OF LOCAL DISASTER
FOR PUBLIC HEALTH EMERGENCY**

WHEREAS, beginning in 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, extraordinary measures must be taken to contain COVID-19 and prevent its spread throughout the City of Pelican Bay, including the quarantine of individuals, groups of individuals and property and, additionally, including compelling individuals, groups of individuals, or property to undergo additional health measures that prevent or control the spread of disease; and

WHEREAS, Tarrant County has declared a local disaster for public health emergency and issued an accompanying order relating to community gatherings; and

WHEREAS, the Centers for Disease Control and Prevention (CDC) has advised that person-to-person contact heightens the risk of COVID-19 transmission; and

WHEREAS, the President's Coronavirus Guidelines for America, as promulgated by President Donald J. Trump 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, among other steps; and

WHEREAS, on March 19, 2020, the Governor of the State of Texas issued Executive Order GA 08, mandating the avoidance of social gatherings in groups of more than 10 people, the avoidance of eating or drinking at bars, restaurants, and food courts, or visiting gyms or massage parlors, the avoidance of visiting nursing homes or retirement or long-term care facilities unless to provide critical assistance, and closing schools throughout the State of Texas for a period of time.

NOW, THEREFORE, BE IT PROCLAIMED BY THE MAYOR OF THE CITY OF PELICAN BAY, TEXAS:

SECTION 1. That a local state of disaster for public health emergency is hereby declared for the City of Pelican Bay, Texas, pursuant to section 418.108(a) of the Texas Government Code. Effective 11:59 p.m. on March 27, 2020, and continuing until the expiration or termination of this declaration at 11:59 p.m. on April 3, 2020, or on such other date as determined by the City Council of the City of Pelican Bay, Texas, subject to extension based on the status of COVID-19 in the City of Pelican Bay and the recommendations of the CDC, the following is hereby ordered:

All persons currently residing within the incorporated territory of Pelican Bay shall stay at their place of residence, except as allowed by this Order. All persons may

leave their residences only for Essential Travel and Essential Activities, to work in Essential Businesses, Government Service, or Essential Critical Infrastructure, or to perform Minimum Basic Operations, as defined below.

To the extent individuals are using shared or outdoor spaces, they must always, as reasonably as possible maintain Social Distancing, defined below.

1. All businesses operating in Pelican Bay, except Essential Businesses as defined below, are required to close to the public. Non-essential businesses may continue Minimum Basic Operations consisting exclusively of the following as long as Social Distancing is maintained between all employees and contractors during the activities:

- a. Operations necessary to maintain security, upkeep, and maintenance of premises, equipment or inventory, including but not limited to the care and maintenance of livestock or animals;
- b. IT or other operations that facilitate employees working from home;
- c. Facilitate online or call-in sales performed by employees in a store or facility closed to the public;
- d. In-store repair services performed by employees in a store or facility closed to the public.

2. It is ordered that a restaurant with or without drive-in or drive-through services; drive-in restaurant; drive-through restaurant; liquor stores; or microbrewery, micro-distillery, or winery may only provide take out, delivery, or drive-in or drive-through services as allowed by law. Social Distancing is required.

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

4. If someone in a household has tested positive for COVID-19, the household is ordered to isolate at home. Members of the household cannot go to work, school, or any other community function until cleared by a medical professional but may seek medical services as needed from medical personnel and facilities.

5. That no person shall sell any of the following goods or services for more than the price the person charged for the goods or services on March 16, 2020 and continuing during the pendency of this Executive Order:

- a. groceries, beverages toilet articles, ice;
- b. restaurant, cafeteria, and boarding-house meals; and
- c. medicine, pharmaceutical and medical equipment and supplies.

6. Definitions:

a. Social Distancing means maintaining at least 6 feet distance from other individuals, frequently washing hands with soap and water for at least 20 seconds, using hand sanitizer, covering coughs or sneezes (into the sleeve or elbow, not the hands), regularly

disinfecting high touch surfaces, and not shaking hands.

b. Minimum Basic Operations include the following, provided that employees comply with Social Distancing:

- i. The minimum necessary activities to maintain the value of the business's inventory, ensure security, process payroll and employee benefits, or for related functions.
- ii. The minimum necessary activities to facilitate employees of the business being able to continue to work remotely from their residences.

c. Essential Activities includes any of the following:

- 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 need 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 and livestock supplies, and any other household consumer products, and products necessary to maintain the safety, sanitation, and essential operation of residences). It is strongly recommended that households, to the greatest extent possible, send only one person to businesses for the purpose of picking up food or other essential items.
- iii. To engage in outdoor activity, provided the individuals comply with social distancing requirements of 6 feet (for example, walking, biking, hiking, golfing, or running).
- iv. To perform work providing essential products and services at an Essential Business or to otherwise carry out activities specifically permitted in this Executive Order.
- v. To care for a family member or pet in another household.

d. Essential Businesses means:

- i. Essential Health Care Services. Healthcare operations, including hospitals, clinics, doctors, dentists, pharmacies, pharmaceutical and biotechnology companies, other healthcare facilities, healthcare suppliers, home healthcare services providers, mental health providers, substance abuse providers, blood banks, medical research, or any related and/or ancillary healthcare services, veterinary care provided to animals. Home-based care for seniors, adults, or children. Residential facilities and shelters for seniors, adults, and children. Healthcare operations do not include fitness and exercise gyms and similar facilities. Healthcare operations do not include elective medical, surgical, and dental procedures as established in accordance with this Executive Order.
- ii. Essential Government Functions. All services provided by local, state and federal governments needed to ensure the continuing operation of the government agencies to provide for the health, safety and welfare of the public. All Essential Government Functions shall be performed in compliance with social distancing requirements of 6 feet, to the extent possible.

iii. Essential Critical Infrastructure Work necessary to the operations and maintenance of the 16 critical infrastructure sectors as identified by the National Cybersecurity and Infrastructure Agency (CISA) including public works construction, residential and commercial construction, airport operations, water, sewer, gas, electrical, oil refining, roads and highways, public transportation and other transportation network companies, and ride-sharing services that provide transportation services necessary for the performance of essential activities, essential businesses, essential infrastructure, and essential government function, 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, defense and national security-related operations, essential manufacturing operations.

iv. Essential Retail. Food service providers, including grocery stores, warehouse stores, liquor stores, bodegas, gas stations, convenience stores, and farmers' markets and other retail stores that sell food products and household staples, pet and feed stores. Businesses not open to the public that ship or deliver groceries, food, goods or services directly to residences. Restaurants and other facilities that prepare and serve food, but only for delivery, take out, drive-in, drive-through or carry out. Schools and other entities that typically provide free services to students or members 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 hospital and medical facilities. Laundromats, dry cleaners, and laundry service providers. Businesses that provide for the delivery of, or preparation of vehicles. Businesses that supply products needed for people to work from home, including businesses providing mail and shipping and post office box. Businesses that supply products necessary for essential repairs and maintenance of a home or business. Hotel, motels, and shared rental units, except that all bars, cafes, or restaurants in hotels, motels, and shared rental units are closed except for pick-up and room service.

v. Providers of Basic Necessities to Economically Disadvantaged Populations. Social services and charitable organizations that provide food, shelter, and social services, and other necessities of life for economically disadvantaged or otherwise needy individuals; that provide food, shelter, and social services, and other necessities of life for economically disadvantaged or otherwise vulnerable individuals.

vi. 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 and maintenance, auto repair, warehouse/distribution and fulfillment, and storage for essential businesses. Plumbers, pool services, security services, electricians, exterminators, and other service providers who provide services that are necessary to maintaining the safety, sanitation, and essential operations of residences, Essential Activities, and Essential Businesses. Professional services, such as legal or accounting services, when necessary to assist in compliance with legally mandated activities.

vii. News Media. Newspapers, television, radio, and other media services.

viii. Financial Institutions. Banks and related financial institutions, consumer lenders, alternative financial services companies, sales and finance lenders, credit unions, appraisers, and title companies. As much business as possible shall be conducted with web-based technology to limit in-person contact.

ix. Real Estate Transactions: Services related to current real estate transactions. As much business as possible shall be conducted with web-based technology to limit in-person contact.

x. Childcare Services. Childcare facilities providing services that enable employees who perform Essential Activities or work for an Essential Business to work as permitted.

xi. Animal Shelters, Zoos, and Other Businesses that Maintain Live Animals. Businesses that maintain and care for live animals are not permitted to allow any visitors or patrons but may continue to operate to the extent necessary to provide the necessary care for the animals. Nothing in this section shall prohibit a nonemployee from entering the premises to perform a health care services or another Essential Business service.

xii. Construction. Construction under a valid permit issued by a governmental entity.

xiii. Funeral Services. Funeral homes, crematoriums and cemeteries may operate but no more than ten non-employees may be present at the same time. Social Distancing is required.

xiv. Wedding Services. Weddings may be held, but not more than ten persons may be present at any one time. Social Distancing is required. Weddings may not be held inside a County building.

xv. Worship Services. No in-person worship services are permitted. Needed staff can attend to produce audio/video or conduct services for transmission.

xvi. Moving Services and Supply. Businesses that provide residential and/or commercial moving services and necessary moving supplies. e. Essential Travel. For the purposes of this Executive Order, Essential Travel includes travel for any of the following purposes.

i. Any travel related to the provision of or access to Essential Activities, Essential Governmental Functions, and Essential Businesses Essential Critical Infrastructure, Minimum Basic Operation;

ii. Travel to care for elderly, minors, dependents, persons with disabilities, or other vulnerable persons;

- iii. Travel to or from educational institutions for purposes of receiving materials for distance learning, for receiving meals, and any other related services;
- iv. Travel to return to a place of residence from outside the jurisdiction;
- v. Travel required by law enforcement or court order;
- vi. Travel by church staff or clergy for the purpose of production of remote delivery of religious services and other ministries requiring travel;
- vii. Travel related to attending a funeral service; or
- viii. Travel required for non-residents to return to their place of residence outside the County. Individuals are strongly encouraged to verify that their transportation out of the County remains available and functional prior to commencing such travel.

7. That any certified peace officer or other person with lawful authority is hereby authorized to enforce the provisions of this Executive Order in accordance with the authority granted under the Texas Disaster Act of 1975. Any person who violates this Executive Order may be subject to a fine not exceeding \$1,000.

SECTION 2. Pursuant to section 418.108(b) of the Texas Government Code, the state of disaster for public health emergency shall continue for a period of not more than seven days from the date of this declaration unless continued or renewed by the City Council of the City of Pelican Bay, Texas.

SECTION 3. Pursuant to section 418.108(c) of the Texas Government Code, this declaration of a local state of disaster for public health emergency shall be given prompt and general publicity and shall be filed promptly with the City Secretary.

SECTION 4. Pursuant to section 418.108(d) of the Government Code, this declaration of a local state of disaster activates the City of Pelican Bay's Emergency Management Plan.

SECTION 5. That this declaration authorizes the City to take any actions necessary to promote health and suppress disease, including quarantine, examining and regulating hospitals, regulating ingress and egress from the City, and fining those who do not comply with the City's rules, pursuant to section 122.005 of the Health and Safety Code and section 418.108(g) of the Texas Government Code.

SECTION 6. That this declaration hereby authorizes the use of all lawfully available enforcement tools.

SECTION 7. That this proclamation shall take effect immediately from and after its issuance.

SO DECLARED AND ORDERED this ^{26th} 27th day of March 2020.



Bill Morley, Mayor

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