

ORDINANCE 01-03-20

AN ORDINANCE OF THE CITY OF COOPER, TEXAS, EXTENDING THE LOCAL STATE OF DISASTER INDEFINITELY; ADOPTING AND APPROVING CERTAIN RULES TO PROTECT THE HEALTH OF PERSONS IN THE CITY DUE TO THE IMPACT OF COVID-19; MAKING VARIOUS FINDINGS AND PROVISIONS RELATED TO THE SUBJECT; AUTHORIZING THE MAYOR TO EXECUTE ALL CONTRACTS AND LEGAL DOCUMENTS NECESSARY FOR CONDUCTING BUSINESS FOR THE DURATION OF THE ORDINANCE OF DISASTER; PROVIDING A PENALTY CLAUSE; PROVIDING A SAVINGS CLAUSE AND A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, beginning in December 2019, a novel coronavirus, now designated SARS-CoV2 which causes the disease COVID-19, has been declared a global pandemic by the World Health Organization; and

WHEREAS, on March 13, 2020, the Governor of the State of Texas issued a proclamation certifying that COVID-19 poses an imminent threat of disaster in the state and declaring a state of disaster for all counties in Texas; and

WHEREAS, extraordinary measures must be taken to contain COVID-19 and prevent its spread, 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 to prevent or control the spread of disease; and

WHEREAS, the City of Cooper, Texas, is taking extraordinary measures to prevent the spread of this potentially devastating disease in our community; and

WHEREAS, said state of disaster requires that certain emergency protective measures be taken pursuant to the Texas Disaster Act of 1975 relating to Emergency Management and Public Health, pursuant to Chapter 418 of the Texas Government Code.

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

SECTION 1. That a local state of disaster for public health emergency has been declared for the City of Cooper, Texas, pursuant to Section 418.108(a) of the Texas Government Code.

SECTION 2. Pursuant to Sections 121.003 and 122.005 of the Texas Health and Safety Code, Section 418.108 of the Texas Government Code, and such other powers the City

may have, the City Council adopts and approves the following to have the force and effect of law and enforceable under the terms of this Ordinance. Regulations promulgated by executive orders of the Office of the Governor of the State of Texas, other governmental bodies, agencies, or authorities having jurisdiction may also apply to those subject to this ordinance. Review all County, State and Federal Orders to determine any necessary compliance.

SECTION 3. The City Council hereby extends indefinitely the local state of disaster declared by the Mayor.

SECTION 4. The provisions of this Ordinance shall become effective at 12:01 a.m. on the day following the meeting at which it is approved, unless otherwise provided by law, and shall remain in effect until terminated by the City Council.

SECTION 5. That this Ordinance authorizes the City to take any actions necessary to promote health and suppress the virus, including the quarantine of persons and occupied structures, regulating ingress and egress from the City, regulating ingress and egress to occupied structures, establishment of quarantine stations, and ensuring compliance for those who do not comply with the City's rules, pursuant to Section 122.005 of the Health and Safety Code.

SECTION 6. That the Mayor is hereby authorized to execute any and all contracts, agreements, regardless of dollar amount, or other legal instruments as they deem necessary to carry out the business of the City for the duration of this Ordinance, as it may be continued, amended or renewed; and, that upon final expiration of the Ordinance of local disaster, the provisions of this section shall automatically be repealed. The Mayor shall provide a weekly report to the City Council regarding the contracts and other legal instruments executed pursuant to the authority granted hereunder, if any. Additionally, any City ordinance or regulation imposing a time requirement for payment, filing or appealing a decision may be extended by the Mayor during the term of the local disaster.

SECTION 7. That this Ordinance hereby limits the size of gatherings to not more than 10 people and mandates the cancellation of more than 10 people until further notice. A "gathering" refers generally to a scheduled event or common non-employment related endeavor where 10 persons are present in a confined space, room, or area, except that a "gathering" shall not include a place of worship or groups who are providing healthcare. This Ordinance does not prohibit gatherings of people in multiple, separate enclosed spaces (including separate cubicles) in a single building such as different floors of a multi-level office building, residential building, hotel, so long as 10 people are not present in any single space at the same time. This Ordinance also does not prohibit the use of enclosed spaces where more than 10 people may be present at different times during the day, so long as more than 10 people are not present in the same space at the same time.

SECTION 8. This Ordinance hereby orders that a restaurant, with or without drive-in or drive-through services, drive in restaurant, drive-through restaurant, sidewalk café, coffee shop, food court, or other eating establishment may only provide take out, delivery, or drive-in or drive-through services as allowed by law.

SECTION 9. This Ordinance hereby orders the closure of bars, taverns, lounges, gyms, private clubs/fraternal organizations, indoor recreation, meeting halls, event centers, arenas, auditoriums, stadiums, and any other entertainment or amusement uses.

SECTION 10. This Ordinance does not apply to government buildings, critical infrastructure such as airport and transit facilities, residential buildings, grocery stores, manufacturing, industrial and warehouse locations, big box stores, warehouse stores, pharmacies, homeless and emergency shelters, day cares, and medical facilities.

SECTION 11. This Ordinance hereby prohibits a person from visiting nursing homes, retirement, or long-term care facilities unless to provide critical assistance.

SECTION 12. In accordance with Texas Government Code §418.173, a person who knowingly or intentionally violates this Ordinance commits an offense, punishable by a fine up to \$1,000.00 or confinement in jail for a term that does not exceed 180 days.

SECTION 13. All of the regulations provided in this ordinance are hereby declared to be governmental and for the health, safety, and welfare of the general public. Any member of the City Council or any City official or employee charged with enforcement of the ordinance, acting for the City of Cooper in the discharge of his/her duties, shall not thereby render himself/herself personally liable; and he/she is hereby relieved from all personal liability for any damage that might accrue to persons or property as a result of any act required or permitted in the discharge of his/her said duties.

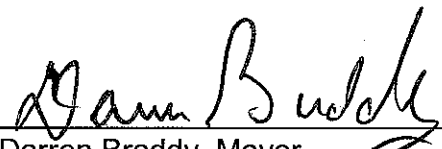
SECTION 14. That if any section, provision, subsection, paragraph, sentence, clause, phrase or word in this ordinance or application thereof to any person or circumstance is held invalid by any court of competent jurisdiction, such holdings shall not affect the validity of the remaining portions of this ordinance, and the City Council of the City of Cooper, Texas hereby declares it would have enacted such remaining portions, despite such invalidity.

SECTION 15. This Ordinance shall be in full force and effect immediately upon its passage in accordance with the provisions of the Tex. Loc. Gov't. Code.

SECTION 16. 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.

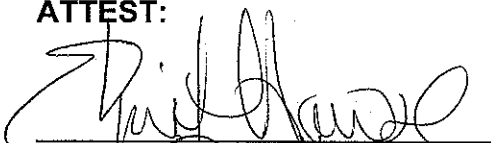
SECTION 17. That this Ordinance shall expire upon the earlier to occur of the termination of the state of emergency declared by the President or by the affirmative vote of the City Council.

PASSED AND APPROVED this 26 day of March, 2020.



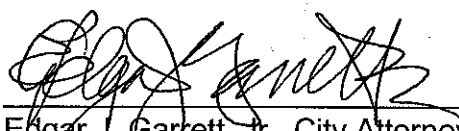
Darren Braddy, Mayor

ATTEST:



Emily Howse, City Secretary

APPROVED AS TO FORM:



Edgar J. Garrett, Jr., City Attorney