

**ORDINANCE NO. 2020-06**

**AN ORDINANCE OF THE CITY OF JERSEY VILLAGE, TEXAS CONTINUING A MAYORAL DECLARATION OF LOCAL DISASTER DUE TO PUBLIC HEALTH EMERGENCY; WAIVING CERTAIN FEES DURING THE PUBLIC HEALTH EMERGENCY; WAIVING PENALTIES ON CERTAIN SIGNS DURING THE PUBLIC HEALTH EMERGENCY; SUSPENDING THE DISCONNECTION OF WATER SERVICES DURING THE PUBLIC HEALTH EMERGENCY; PROVIDING RESTRICTIONS ON COMMUNITY GATHERINGS; PROVIDING FOR SEVERABILITY; PROVIDING FOR A FINE IN AN AMOUNT NOT TO EXCEED TWO THOUSAND DOLLARS (\$2,000) FOR EACH OFFENSE; AND, PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, in December 2019, a novel respiratory disease named "SARS-CoV-2" that causes what is now named "coronavirus disease 2019" ("COVID-19") was detected in Wuhan City, Hubei Province, China; and

**WHEREAS**, symptoms of COVID-19 include fever, cough, and shortness of breath that may result in mild to severe illness, and in some cases death; and

**WHEREAS**, on January 30, 2020, the World Health Organization Director General declared the outbreak of COVID-19 as a Public Health Emergency of International Concern and advised countries to prepare for the containment of COVID-19, with such containment including active surveillance, early detection, isolation management, case management, contact tracing, and prevention of onward spread of COVID-19; and

**WHEREAS**, on January 31, 2020, the U.S. Health and Human Services Secretary declared a public health emergency for the United States to aid the nation's healthcare community in responding to COVID-19; and

**WHEREAS**, the identification of "community spread" cases of COVID-19 in the United States could potentially signal that transmission of COVID-19 may no longer be limited to travel to outbreak areas or contact with travelers who have visited outbreak areas; and

**WHEREAS**, according to the Center for Disease Control ("CDC"), it is likely that, at some point, widespread transmission of COVID-19 in the United States will occur; and

**WHEREAS**, the CDC warns that widespread transmission of COVID-19 would translate into large numbers of people needing medical care at the same time; and

**WHEREAS**, the CDC also warns that COVID-19 could cause: schools, childcare centers, workplaces, and other places for mass gatherings to experience more absenteeism; public health and healthcare systems to become overloaded with elevated rates of hospitalizations and deaths; other critical public service infrastructure, such as law enforcement, emergency medical services, and transportation, to be affected; and, health care providers and hospitals to become overwhelmed; and

**WHEREAS**, given the CDC's guidance, among other things, there is an ongoing risk and likelihood of COVID-19-positive persons being identified in the City of Jersey Village; and

**WHEREAS**, the City of Jersey Village, local health agencies, and political subdivisions within the region have been working diligently to implement the CDC’s guidelines, but now require additional tools and resources to protect the public health given the current state of COVID-19 and the need for a sustained response; and

**WHEREAS**, the CDC has determined that large events and mass gatherings can contribute to the spread of COVID-19 in the United States by travelers who attend these events and introduce COVID-19 to new communities; and

**WHEREAS**, the CDC, in accordance with its guidance for large events and mass gatherings, has recommended that event organizers, whether groups or individuals, cancel or postpone in-person events that consist of ten (10) people or more throughout the United States beginning March 17, 2020 and continuing through March 31, 2020; and

**WHEREAS**, the CDC, in accordance with its guidance for large events and mass gatherings, has recommended that event organizers, whether groups or individuals, cancel or postpone in-person events that consist of fifty (50) people or more throughout the United States beginning April 1, 2020 and continuing until such time as the CDC determines that such restrictions are not necessary; and

**WHEREAS**, on March 17, 2020, the Mayor of the City of Jersey Village provided a Declaration of Local Disaster Due to Public Health Emergency for the City of Jersey Village, with such declaration activating the City of Jersey Village Emergency Management Plan and authorizing: 1. the temporary or permanent acquiring, by lease, purchase, or other means, sites required for temporary housing units or emergency shelters for disaster victims; and, 2. the entering into of arrangements necessary to prepare or equip such sites for installation and use of temporary housing units or emergency shelters, including arrangements necessary for the transportation and purchase of temporary housing units or emergency shelters; and **NOW THEREFORE**,

**BE IT ORDAINED BY THE CITY COUNCIL OF JERSEY VILLAGE, TEXAS:**

**Section 1.** Pursuant to Texas Health and Safety Code 408.108(b), the City Council of the City of Jersey Village (the “Council”) hereby continues the Mayor’s Declaration of Local Disaster Due to Public Health Emergency for the City of Jersey Village, until May 12, 2020.

**Section 2.** Pursuant to §122.006(1) of the Texas Health and Safety Code, the Council is authorized take any actions necessary to promote health and suppress disease, including quarantine and examination requirements of citizens and the regulating of hospitals.

**Section 3.** Pursuant to §122.006(2) of the Texas Health and Safety Code, the Council hereby declares that those persons under investigation, persons under management, and quarantined persons remain within the confines of their homes or in safe, secure facilities during the quarantine period following their exposure to the COVID-19.

**Section 4.** The Council hereby waives all processing and convenience fees for credit card payments required in Section 2-171 and Section 2-142(f)(16) of the City of Jersey Village Code of Ordinances throughout the duration of the Mayor’s Declaration as continued by this Ordinance.

**Section 5.** The Council hereby waives late fees on unpaid balances of water and wastewater bills

as required by Section 70-77 of the City of Jersey Village Code of Ordinances throughout the duration of the Mayor's Declaration as continued by this Ordinance.

**Section 6.** Throughout the duration of the Mayor's Declaration as continued by this Ordinance, the Council hereby waives any penalty of Chapter 14, Article X, of the City of Jersey Village Code of Ordinances that would otherwise be applied to a sign modified or erected without a permit, if such sign is necessary, in any way, to mitigate the effects of the public health emergency caused by COVID-19, or to assist the citizens of the City of Jersey Village during the public health emergency caused by COVID-19.

**Section 7.** The Council suspends the disconnection of water services provided in Section 70-77 of the City of Jersey Village Code of Ordinances throughout the duration of the Mayor's Declaration as continued by this Ordinance.

**Section 8.** The Council prohibits Community Gatherings within the City of Jersey Village, as such term is defined herein.

Upon the execution of this Ordinance, the following regulations regarding Community Gatherings shall apply:

**PROHIBITED GATHERINGS.**

Public or private Community Gatherings are prohibited anywhere in the City of Jersey Village.

- a) For purposes of this Ordinance, a "Community Gathering" is any indoor or outdoor event or convening, subject to the exceptions and clarifications below, that brings together or is likely to bring together ten (10) or more persons at the same time in a single room or other single confined or enclosed space, such as an auditorium, theatre, stadium (indoor or outdoor), arena or event center, meeting hall, conference center, large cafeteria, or any other confined indoor or confined outdoor space.
- b) An outdoor "Community Gathering" under these regulations is limited to events in confined outdoor spaces, which means an outdoor space that:
  - i. is enclosed by a fence, physical barrier, or other structure; and
  - ii. where people are present, and they are within arm's length of one another for extended periods.
- c) These regulations do not prohibit gatherings of people in multiple, separate enclosed spaces in a single building such as a multiplex movie theater, school or office tower, so long as ten (10) people are not present in any single space at the same time. These regulations also do not prohibit the use of enclosed spaces where ten (10) or more people may be present at different times during the day, so long as ten (10) or more people are not present in the space at the same time.
- d) For purposes of clarity, a "Community Gathering" does not include the following so long as visitors are generally not within arm's length of one another for extended periods;
  - i. spaces where ten (10) or more persons may be in transit or waiting for transit such as airports, bus stations, or terminals;

- ii. office space or residential buildings;
- iii. grocery stores, shopping malls, 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;
- iv. hospitals and medical facilities; and
- v. Childcare Services.

Beginning April 1, 2020, the following regulations regarding Community Gatherings shall apply unless otherwise preempted by a Federal, State, or County regulation:

**PROHIBITED GATHERINGS.**

Public or private Community Gatherings are prohibited anywhere in the City of Jersey Village.

- a) For purposes of these regulations, a “Community Gathering” is any indoor or outdoor event or convening, subject to the exceptions and clarifications below, that brings together or is likely to bring together fifty (50) or more persons at the same time in a single room or other single confined or enclosed space, such as an auditorium, theatre, stadium (indoor or outdoor), arena or event center, meeting hall, conference center, large cafeteria, or any other confined indoor or confined outdoor space.
- b) An outdoor “Community Gathering” under these regulations is limited to events in confined outdoor spaces, which means an outdoor space that
  - i. is enclosed by a fence, physical barrier, or other structure; and
  - ii. where people are present, and they are within arm's length of one another for extended periods.
- c) These regulations do not prohibit gatherings of people in multiple, separate enclosed spaces in a single building such as a multiplex movie theater, school or office tower, so long as fifty (50) people are not present in any single space at the same time. These regulations also do not prohibit the use of enclosed spaces where fifty (50) or more people may be present at different times during the day, so long as fifty (50) or more people are not present in the space at the same time.
- d) For purposes of clarity, a “Community Gathering” does not include the following so long as visitors are generally not within arm's length of one another for extended periods:
  - i. spaces where fifty (50) or more persons may be in transit or waiting for transit such as airports, bus stations, or terminals;
  - ii. office space or residential buildings;
  - iii. grocery stores, shopping malls, 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;
  - iv. hospitals and medical facilities; and

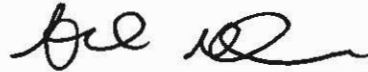
v. Childcare Services.

**Section 9.** In the event any clause phrase, provision, sentence, or part of this Ordinance or the application of the same to any person or circumstances shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part or provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of the City of Jersey Village, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, whether there be one or more parts.

**Section 10.** Any person who shall violate any provision of this Ordinance shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined in an amount not to exceed two thousand (\$2,000), with each day of violation constituting a separate offense.

**Section 11.** This Ordinance shall take effect immediately upon its approval.

**APPROVED AND ADOPTED THIS 23<sup>RD</sup> DAY OF MARCH, 2020.**



**ANDREW MITCHAM, MAYOR**

**ATTEST:**



**Lori Coody, City Secretary**

