

ORDINANCE NO. 2020-16

AN ORDINANCE OF THE CITY COUNCIL 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; SUSPENDING THE DISCONNECTION OF WATER SERVICES DURING THE PUBLIC HEALTH EMERGENCY; PROVIDING RESTRICTIONS ON COMMUNITY GATHERINGS; ACCOUNTING FOR ANY POTENTIAL CONFLICT OF LAWS; PROVIDING FOR A FINE IN AN AMOUNT NOT TO EXCEED FIVE HUNDRED DOLLARS (\$500) FOR EACH OFFENSE; PROVIDING FOR SEVERABILITY; 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 (the “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;

WHEREAS, the City Council of the City of Jersey Village, on March 23, 2020, extended the Mayor's Declaration of Local Disaster Due to Public Health Emergency until May 12, 2020;

WHEREAS, the City Council of the City of Jersey Village, on May 11, 2020, extended the Mayor's Declaration of Local Disaster Due to Public Health Emergency until July 21, 2020; and

WHEREAS, the City Council of the City of Jersey Village, through this Ordinance, desires to continue the Mayor's Declaration of Local Disaster Due to Public Health Emergency and to ensure that any of Governor Greg Abbott's Executive Orders, laws, or other regulations that relate to the COVID-19 are not in conflict with this Ordinance; 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 (the "Mayor's Declaration") until the earlier of September 22, 2020, or until Governor Greg Abbott ends all relative COVID-19 Orders, Declarations, restrictions, and regulations that affect the City of Jersey Village.

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. The Council hereby 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 7. The Council hereby recognizes that Governor Greg Abbott has issued, and will continue to issue, Executive Orders, as well as other laws and regulations, that relate to COVID-19 (the “Orders”). The Council hereby acknowledges that any portion of this Ordinance that conflicts with any portion of the Orders is null and void and the provisions of the Orders supersede and control. The provisions of the Orders are incorporated herein by reference. Nothing in this Ordinance is intended to affect the continuation of the Mayor’s Declaration provided in the City of Jersey Village Ordinance No. 2020-06.

Section 8. Any person, firm, corporation, agent, or employee thereof who violates any of the provisions of this ordinance commits an offense that is considered a class C misdemeanor and each day the violation continues shall be a separate offense punishable by a fine of not more than five hundred dollars (\$500). A culpable mental state is not required for the commission of an offense under this Ordinance and need not be proved. The penalty provided for in this Ordinance is in addition to any other remedy that the City may have under any applicable law.

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 Council 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. This Ordinance shall take effect immediately upon its approval.

APPROVED AND ADOPTED THIS 20th DAY OF JULY 2020.

S/ANDREW MITCHAM, MAYOR

ATTEST:

s/Lorri Coody, City Secretary

