

**CITY OF ABERNATHY, TEXAS**  
**MAYORAL DECLARATION OF LOCAL DISASTER**

**WHEREAS**, the novel coronavirus (COVID-19) has been recognized as a pandemic by the World Health Organization and is a contagious respiratory virus; and

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

**WHEREAS**, there are more than 410 confirmed cases of COVID-19 located in multiple Texas counties including twelve (12) confirmed cases in Lubbock County; and

**WHEREAS**, COVID-19 continues to spread and pose an imminent threat of widespread or severe illness, injury, or loss of life requiring emergency action and represents a public health disaster according to the Texas Department of State Health Services; and

**WHEREAS**, the Governor of the State of Texas, on March 19, 2020, issued Executive Order GA-08, placing restrictions on social gatherings, visitations to local food and retail establishments where individuals in large numbers gather; and

**WHEREAS**, Executive Order GA-08 also places additional restrictions on visitations to nursing homes, retirement centers and long-term care facilities as well as temporarily closing schools; and

**WHEREAS**, it is critical for the City of Abernathy to take additional steps to prepare for, respond to, and mitigate the spread of COVID-19 to protect the health and welfare of the citizens of Abernathy and the surrounding area; and

**WHEREAS**, the President of the United States and the United States Centers of Disease Control and Prevention (CDC), on March 16, 2020, issued COVID-19 Guidelines for America calling 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**, declaring a state of disaster will facilitate and expedite the use and deployment of resources to enhance preparedness and response; and

**WHEREAS**, pursuant to Texas Government Code §418.108 authorizes the Mayor, as the presiding officer of the City Council of the City of Abernathy, to issue a declaration of local disaster in order to protect and preserve the public health, safety and welfare;

**NOW, THEREFORE, BE IT DECLARED BY THE MAYOR OF THE CITY OF ABERNATHY, TEXAS:**

1. **THAT** a local state of disaster for public health emergency is hereby declared for the City of Abernathy, Texas pursuant to Texas Government Code § 418.108(a).
2. **THAT** the use of the public eating and drinking areas and facilities at restaurants, bars retail eating establishments and food courts and visiting gyms or massage parlors is prohibited; provided, however, that the use of drive-thru, pickup or delivery services of restaurants, retail eating establishments and food courts is permitted and highly encouraged during the term of this Declaration.

3. **THAT** in accordance with the Guidelines from the Governor, the President and CDC, the following commercial businesses, for which social distancing guidelines are impractical or impossible, are hereby prohibited and are ordered to cease operation and close:

- (a) **Non-essential Personal Services Businesses.** Businesses which engage in direct, person-to-person services to the public which are not time-sensitive and which are not required for immediate health or safety of the recipient, including, hair salons, barbershops, hairstylists, nail salons, tattoo parlors, piercing businesses, tanning salons, and hair removal waxing businesses;
- (b) **Non-essential Retail Establishments.** Retail businesses which do not primarily sell or provide the products or services described in , below;
- (c) **Commercial Amusement and Entertainment Venues;**
- (d) **Enclosed Shopping Malls.** Any premises which include multiple adjacent retail establishments connected by an enclosed common area; and
- (e) **Group Meeting Spaces.** Meeting rooms, ballrooms, or event spaces operated by multi-family apartment complexes or hotels.

4. **THAT** the following businesses are hereby deemed essential and may continue to operate, provided federal and CDC guidelines are followed, including affirmative steps to ensure that social distancing of 6 feet is maintained:

- (a) **Grocery Stores, Pharmacies, and Package Stores;**
- (b) **Pet Supply Stores and Veterinary Clinics;**
- (c) **Healthcare Providers, including doctor and dental offices, physical therapists, healthcare related clinics, provided they adhere to the Governor's Executive Order (GA 09) regarding elective procedures;**
- (d) **Vehicle Fuel Stations;**
- (e) **Bank and Financial Institutions;**
- (f) **Day Care Centers; and**
- (g) **Critical Infrastructure Businesses** which support critical infrastructure or supply chain needs, as described by the Cyber & Infrastructure Security Agency (CISA).

5. **THAT** Building Supply and Home Improvement Retailers may remain open, provided federal and CDC guidelines are followed, including affirmative steps to ensure that social distancing of 6 feet is maintained, including for customers waiting to enter the premises, and only if occupancy inside the premises is limited to no more than 50 persons or ½ of the posted occupancy limit, inclusive of employees, whichever is less.

6. **THAT** any business or business operation which is permitted to remain open and which does not meet one of the categories described above is hereby required to adhere to federal and CDC guidelines, including affirmative steps to ensure that social distancing of 6 feet is maintained, including for customers waiting to enter the premises, and at no time are more than 10 persons permitted to be inside the premises, inclusive of employees and customers.

Businesses and business operations that are permitted to remain open and fall within this category include, without limitation, professional services such as accounting and legal services; business operations necessary to process payroll, maintain security, upkeep, and maintenance of premises, equipment or inventory, including but not limited to the care and maintenance of livestock or animals; IT or other operations that facilitate employees working from home.

7. **THAT** there is hereby placed a limit on the size of all social gatherings to no more than ten (10) people and mandates the cancellation of all such social gatherings with more than ten (10) people.

8. **THAT** the limitation on the size of social gatherings applies to any event 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, and without limitation, any auditorium, theatre, stadium (indoor or outdoor), arena or event center, meeting hall, conference center, cafeteria, or any other confined indoor or outdoor space; provided, however, it does not apply to the following:

- (a) public or private schools;
- (b) licensed day care facilities;
- (c) weddings and funerals;
- (d) museums (so long as visitors are generally not within arm's length of one another for extended periods);
- (e) spaces where 10 or more persons may be in transit or waiting for transit, such as bus stops;
- (f) office space, hotels, or residential buildings;
- (g) grocery stores, shopping malls, outdoor markets, or other retail establishments where large numbers of people are present but where it is unusual for them to be within arm's length of one another for extended periods;
- (h) hospitals, medical facilities, and shelters; and
- (i) jails and detention centers.

9. **THAT** pursuant to § 418.108(b) of the Texas Government Code this Declaration of Local Disaster shall continue for a period of not more than seven (7) days from the date of this declaration, unless continued or renewed by the City Council of the City of Abernathy, Texas.

10. **THAT** pursuant to §418.108(d) of the Texas Government Code, this Declaration of Local Disaster activates the emergency management plan for the City of Abernathy.

11. **THAT** pursuant to §418.108(c) of the Texas Government Code, this Declaration of Local Disaster shall be given prompt and general publicity and shall be filed promptly with the City Secretary.

12. **THAT** this Declaration authorizes the City to take any actions necessary to promote health and suppress the COVID-19 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, establishment of quarantine stations,

emergency hospitals, and other hospitals, and all actions authorized for a Type A general law municipality pursuant to Texas Health and Safety Code § 122.005 and including insuring compliance of such actions.

13. **THAT** the City is authorized to use all available resources of the City of Abernathy reasonably necessary to comply with this Declaration.

14. **THAT** for all gatherings, it is strongly recommended that citizens adhere to the Social Distancing Protocols established by the United States Centers for Disease Control and Prevention (CDC).

15. **THAT** pursuant to § 418.173 of the Texas Government Code, any person who knowingly or intentionally violates this Declaration 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.

16. **THAT** this Declaration shall take effect at 6:00 p.m. on March 25, 2020 and continue until renewed, extended, amended or cancelled on its own terms or by the City Council of the City of Abernathy.

SO ORDERED this the 24th day of March, 2020.

CITY OF ABERNATHY, TEXAS

  
Lindsey Webb, Mayor

ATTEST:

  
Krista Adames, City Secretary

