

CITY OF ABERNATHY, TEXAS
AMENDED 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 70 confirmed cases of COVID -19 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, on March 31, 2020, the Governor of the State of Texas issued Executive Order GA-14 superseding Executive Order GA-08, effective until April 30th the social distancing requirements, further defining essential businesses and extending school closures until May 4, 2020; 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, pursuant to Texas Government Code §418.108(a), as Mayor of the City of Abernathy, I issued a declaration of local disaster on March 25th due to the COVID-19 pandemic; and

WHEREAS, it is necessary to provide additional guidance and clarification to the March 25th Declaration due to the increased number of confirmed of COVID-19; 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** all persons residing in the City of Abernathy are ordered to **STAY AT HOME** or at their current place of residence. For purposes of this Order, “residence” includes hotels, motels, shared rentals, and similar facilities. To the extent individuals are using shared or outdoor spaces, they must at all times as reasonably as possible maintain social distancing of at least six feet from any other person when they are outside their residence.

3. **THAT** all public and private gatherings of any number of people occurring outside of a single household are hereby prohibited, except as otherwise provided in this Declaration. Nothing in this Declaration prohibits gatherings of members of a single household or living unit (an apartment for use by one family).

4. **THAT** travel away from a person’s regular place of residence should be only for the purpose of obtaining essential goods and services or to the person’s place of employment which furnishes essential goods or services.

5. **THAT** any person who is sick or currently experiencing common COVID-19 symptoms, including fever, cough, or shortness of breath, is hereby ordered to **STAY AT HOME** until such time that:

- (a) He or she has had no fever for at least 72 hours without the use of fever reducing medicine, such as Tylenol, and
- (b) His or her other symptoms have improved; and
- (c) At least 14 days have passed since the symptoms first appeared.

6. **THAT** if any person in a household has tested positive for COVID-19, all persons in the household are hereby ordered to **STAY AT HOME** and self-quarantine for a period of at least 14 days. Members of the household may not travel to work, school, or anywhere else until cleared by a medical professional.

7. **THAT** this order does not prohibit any person from leaving his or her residence to seek necessary medical or emergency care.

8. **THAT** as clarification and guidance and as a non-exclusive list, below are some activities that are permitted under this Order:

- (a) Getting groceries, household supplies, medicine, gas, work-from-home supplies, pet and livestock supplies. However, people are highly encouraged to only bring those individuals necessary to conduct the activity. Please keep all non-essential additional family members especially children (if properly supervised) and elderly individuals at home;
- (b) Going to the doctor’s or healthcare provider’s office;
- (c) Participating in individual outdoor activities (hiking, biking, running, fishing, etc.) while maintaining social distance requirements;
- (d) Acting as a caretaker for family members; and
- (e) Traveling to and from an “Essential Business or Service” or “Low Risk Business” either as a patron or an employee.

9. **THAT** the use of the public eating and drinking areas and facilities at restaurants, bars retail eating establishments and food courts, gyms/fitness centers 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.

10. **THAT** in accordance with the Guidelines from the Governor, the President and the CDC, visiting at nursing homes or retirement or long-term care facilities is hereby prohibited unless to provide critical assistance.

11. **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.
- (f) **Playground Amenities.** Playgrounds, basketball courts, tennis courts, baseball fields, athletic fields for group sports, skate parks, group pavilions (parks are still available for walking, running and general exercise.

12. **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) **Agricultural services** including plant and food cultivation, farming, and raising livestock;
- (g) **Professional Services,** including attorneys, accountants, engineers, title companies, insurance agents, and other licensed professionals;
- (h) **Office Buildings,** where people work in individual enclosed spaces in groups of 10 or less;
- (i) **Day Care Centers; and**
- (j) **Non-profit Providers of Essential Services;**
- (k) **Essential Government Services and Facilities;**

- (l) **Residential Buildings**, including hotels and motels (except Group Meetings and Event Spaces);
- (m) **Manufacturing, Distribution, and Logistics Facilities**;
- (n) **Laundromats and Dry Cleaners**;
- (o) **Funeral homes, crematoriums and cemeteries and funeral services** provided that employees and attendees adhere to federal and CDC guidelines, including affirmative steps to ensure that social distancing of 6 feet is maintained; and
- (p) **Critical Infrastructure Businesses** which support critical infrastructure or supply chain needs, as described by the Cyber & Infrastructure Security Agency (CISA).

13. **THAT** religious institutions, churches and places of worship are open for the purpose of allowing staff and employees to perform those functions necessary for the production of remote delivery of religious services or necessary to support online, telephone, email and other services. All staff and employees are required to adhere to federal and CDC guidelines, including affirmative steps to ensure that social distancing of 6 feet is maintained. Only in the event religious services cannot be conducted from home or through remote services, all religious services must be conducted consistent with the Guidelines from the President and the CDC by practicing good hygiene, environmental cleanliness, and sanitation, and by implementing social distancing to prevent the spread of COVID-19.

14. **THAT** to the extent this amended Declaration conflicts with the Governor's Executive Order GA-14 regarding the regulation of essential services, Executive Order GA-14 controls.

15. **THAT** Residential, Commercial, and Industrial Construction Sites and 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.

16. **THAT** Retail Establishments not specifically described above as "Essential" are closed to customers; however, the use of drive through Pickup, Delivery, and Curb-side Delivery for merchandise is allowed and encouraged, 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 pick up merchandise.

17. **THAT** any business which is permitted to remain open and which does not specifically 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 anyone waiting to enter the premises, and at no time are more than ten persons permitted to be inside the premises, inclusive of employees and customers.

18. **THAT** for ANY workplace that remains open, management of the business should facilitate and encourage practicing social distancing and good hygiene and, where feasible, require employees to work from home in order to achieve optimum isolation from COVID-19; and

19. **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 March 25, 2019 unless continued or renewed by the City Council of the City of Abernathy, Texas.
20. **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.
21. **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.
22. **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.
23. **THAT** the Mayor is authorized to use all available resources of the City of Abernathy reasonably necessary to comply with this Declaration.
24. **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).
25. **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.
26. **THAT** this Declaration shall take effect at 5:00 p.m. on March 31, 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 31st day of March, 2020.

CITY OF ABERNATHY, TEXAS

Lindsey Webb, Mayor

ATTEST:

Krista Adames, City Secretary