

ORDINANCE NO. 21-1831

AN ORDINANCE OF THE CITY OF DENTON, A TEXAS HOME-RULE MUNICIPAL CORPORATION, CONFIRMING THE EFFECTIVE PERIOD OF THE DECLARED STATE OF LOCAL DISASTER RELATED TO THE COVID-19 EMERGENCY AS PROVIDED IN ORDINANCE NO. 21-1290; ADOPTING A FOURTEENTH ORDER OF COUNCIL SUPERSEDING AND REPLACING THE THIRTEENTH ORDER OF COUNCIL OF THE CITY OF DENTON ISSUED AUGUST 12, 2021 AND APPROVED BY ORDINANCE NO. 21-1771, TO PROVIDE ADDITIONAL REQUIREMENTS AND GUIDANCE; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

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

WHEREAS, symptoms of COVID-19 include fever, coughing, and shortness of breath, and in some cases the virus has caused death; and

WHEREAS, the number of known cases of COVID-19 diagnosed in the State of Texas presents a hazard to public health; and

WHEREAS, extraordinary measures must be taken to contain COVID-19 and prevent its spread throughout the City of Denton and Denton County; and

WHEREAS, on March 13, 2020, the Mayor executed a “Declaration of Local Disaster for Public Health Emergency” and an “Order of the Mayor of the City of Denton” pursuant to the Declaration; and

WHEREAS, finding it in the best interest of the citizens of Denton, on March 17, 2020, the City Council, through Ordinance No. 20-721, extended the Declaration of Emergency through April 30, 2020 and issued an Order of the Council of the City of Denton including the authorization to expend no more than Five Hundred Fifty Thousand Dollars (\$550,000.00) during this period to proceed with the necessary emergency responses and essential functions not already budgeted; and

WHEREAS, City of Denton Code of Ordinances Section 9-54(b) provides for penalties for violation of proclamations of emergency and any rule, regulation, or order issued pursuant to such proclamation and Chapter 9 of the City of Denton Code of Ordinances; and

WHEREAS, information about COVID-19 continued to evolve and measures were taken to respond to the latest information available; and

WHEREAS, following updated information on the spread of COVID-19, the City Council amended the Order of Council on March 20, 2020; and

WHEREAS, as COVID-19 continued to spread throughout the City and County of Denton, the Mayor issued a Second Declaration of Local Disaster on March 24, 2020, and an “Order of the Mayor of the City of Denton” pursuant to the Second Declaration, extending measures in an attempt to slow the spread of the disease; and

WHEREAS, Governor Greg Abbott issued Executive Order GA-14 on March 31, 2020, further limiting public gatherings and defining which “essential services” were to continue during the declared state-wide emergency; and

WHEREAS, GA-14 expressly preempted local ordinances, declarations, and orders in conflict with it; and

WHEREAS, in compliance and to be consistent with GA-14, the City Council passed a Second Order of Council on April 6, 2020, superseding and replacing the prior orders of Council; and

WHEREAS, Governor Abbott issued Executive Order GA-16 on April 17, 2020, superseding GA-14, allowing retail stores to reopen under certain conditions and using certain procedures; and

WHEREAS, on April 27, 2020, Governor Abbott issued Executive Order GA-18, further ordering that people minimize social gatherings and in-person contact with people not in the same household except where necessary to obtain essential or reopened services, and still expressly preempting local ordinances, declarations, and orders in conflict with his orders; and

WHEREAS, on April 28, 2020, Denton County issued a new Disaster Declaration and Executive Order of the Denton County Commissioners Court, which extended the emergency declaration through May 15, 2020 and incorporated the provisions of GA-18 and the social distancing guidelines promulgated by the Centers for Disease Control; and

WHEREAS, on April 30, 2020, the City Council in compliance and to be consistent with the Governor’s Executive Orders and the County Orders, extended the effectiveness of the Declaration of Local Disaster until 11:59 p.m. May 31, 2020 and thereafter as any subsequent proclamation renews the Texas Governor’s disaster proclamation; and

WHEREAS, on May 5, 2020, the City Council in compliance and to be consistent with the Governor’s Executive Orders and the County Orders, extended the effectiveness of the Declaration of Local Disaster until 11:59 p.m. May 31, 2020; and

WHEREAS, on May 29, 2020, the City Council in compliance with and to be consistent with the Governor’s Orders, extended the effectiveness of the Declaration of Local Disaster until 11:59 p.m. June 30, 2020; and

WHEREAS, on June 3, 2020, Governor Abbott issued Executive Order GA-26, ordering that people should not be in groups larger than ten and should maintain a distance of six feet of social distancing from those not in their group, and still expressly preempting local ordinances, declarations, and orders in conflict with his orders; and

WHEREAS, on June 23, 2020, Governor Abbott amended Executive Order GA-26, permitting county judges and mayors to place additional restrictions on outdoor gatherings estimated to consist of 100 people or more; and

WHEREAS, on June 23, 2020, the City Council in compliance with and to be consistent with the Governor's Orders, extended the effectiveness of the Declaration of Local Disaster until 11:59 p.m. August 31, 2020; and

WHEREAS, Governor Abbott indicated that local governments may require businesses to develop Health and Safety policies; and

WHEREAS, on June 26, 2020, Governor Abbott issued Executive Order GA-28, ordering that certain businesses return to 50 percent of occupancy limits and prohibiting certain gatherings and visiting bars; and

WHEREAS, on July 2, 2020, Governor Abbott issued Executive Order GA-29, ordering face coverings and providing for a penalty for violation of his order and amending Executive Order GA-28 allowing for penalties; and

WHEREAS, also on July 2, 2020, Governor Abbott further amended Executive Order GA-28 to limit gatherings to 10 people; and

WHEREAS, on August 25, 2020, the City Council, in compliance with and to be consistent with the Governor's Orders, extended the effectiveness of the Declaration of Local Disaster until 11:59 p.m. September 30, 2020; and

WHEREAS, on September 17, 2020, Governor Abbott issued Executive Order GA-30, amending and superseded GA-28; and

WHEREAS, also on September 17, 2020, Governor Abbott issued Executive Order GA-31, amending and superseding GA-19; and

WHEREAS, on September 22, 2020, the City Council, in compliance with and to be consistent with the Governor's Orders, extended the effectiveness of the Declaration of Local Disaster until December 31, 2020; and

WHEREAS, on October 7, 2020, Governor Abbott issued Executive Order GA-32, superseding GA-30; and

WHEREAS, on December 17, 2020, the City Council, in compliance with and to be consistent with the Governor's Orders, extended the effectiveness of the Declaration of Local Disaster until March 31, 2021; and

WHEREAS, on March 2, 2021, Governor Abbott issued Executive Order GA-34, superseding GA-17, GA-25, GA-29, GA-31, and GA-32; and

WHEREAS, on April 5, 2021, Governor Abbott issued Executive Order GA-35 and on May 18, 2021 Governor Abbott issued GA-36, and on July 29, 2021 Governor Abbott issued GA-38; and

WHEREAS, Governor Abbott has renewed the disaster declaration for the State of Texas every 30 days, most recently on July 30, 2021; and

WHEREAS, Texas lags behind most states in vaccinations and has among the highest total number of cases of coronavirus transmission in the country; the pandemic is an imminent threat to public safety due to the surge of a more transmissible and more dangerous variant of the virus known as the Delta Variant; and as the Delta Variant surges, Denton faces climbing cases and hospitals are reaching dangerous capacity issues that threaten lives; and schools within Denton started back in class on August 12, 2021, and young children, who are increasingly at risk to the Delta Variant and who are ineligible for any of the vaccines, will be indoors; and

WHEREAS, the City Council finds that it is in the best interest of the citizens of the City of Denton to confirm the Declaration of Local Disaster through September 2021 and to adopt a Fourteenth Order of Council to provide additional requirements and guidance; NOW, THEREFORE,

THE COUNCIL OF THE CITY OF DENTON HEREBY ORDAINS:

SECTION 1. The facts, circumstances, and recitations contained in the preamble of this Ordinance are found and declared to be true and correct, and are incorporated herein by reference as if fully set out herein.

SECTION 2. Pursuant to Section 418.108, Texas Government Code, and Section 9-27, City of Denton Code of Ordinances, Council confirms the effective period of Declaration of Local Disaster executed by the Mayor on March 13, 2020 until 11:59 p.m. on September 30, 2021 in the interest of public health and safety in an attempt to prevent the spread of COVID-19, unless further extended, revised, or terminated by law.

SECTION 3. The Council hereby adopts the Fourteenth Order of Council, dated August 24, 2021, attached hereto as Exhibit "A" This Ordinance and the Order of Council attached hereto as Exhibit "A" supersede and replace the Thirteenth Order of Council passed August 12, 2021 through Ordinance 21-1771, and to the extent the prior Orders of Council conflict with the Fourteenth Order of Council herein passed, they are repealed.

SECTION 4. If any section, article, paragraph, sentence, phrase, clause, or word in this Ordinance, the Fourteenth Order of Council, or application thereof to any persons or circumstances, is held invalid or unconstitutional by a court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of this Ordinance or the Fourteenth Order of Council; the City Council declares that it would have ordained such remaining portion of this Ordinance and the Fourteenth Order of Council despite such invalidity, and such remaining portion of this Ordinance and the Fourteenth Order of Council shall remain in full force and effect.

SECTION 5. This Ordinance shall become effective at immediately.

The motion to approve this Ordinance was made by Paul Meltzer and seconded by Deb Armitage; the Ordinance was passed and approved by the following vote [5 - 2]:

	<u>Aye</u>	<u>Nay</u>	<u>Abstain</u>	<u>Absent</u>
Gerard Hudspeth, Mayor:	_____	<u>✓</u>	_____	_____
Vicki Byrd, District 1:	<u>✓</u>	_____	_____	_____
Brian Beck, District 2:	<u>✓</u>	_____	_____	_____
Jesse Davis, District 3:	_____	<u>✓</u>	_____	_____
Alison Maguire, District 4:	<u>✓</u>	_____	_____	_____
Deb Armintor, At Large Place 5:	<u>✓</u>	_____	_____	_____
Paul Meltzer, At Large Place 6:	<u>✓</u>	_____	_____	_____

PASSED AND APPROVED this the 24th day of August, 2021.



 GERARD HUDSPETH, MAYOR

ATTEST:
 ROSA RIOS, CITY SECRETARY

BY:  _____

APPROVED AS TO LEGAL FORM:
 CATHERINE CLIFTON, INTERIM CITY ATTORNEY

BY:  _____

Digitally signed by Catherine Clifton
 DN: dc=com, dc=cityofdenton, dc=codad,
 ou=Department Users and Groups,
 ou=General Government, ou=Legal,
 cn=Catherine Clifton,
 email=Catherine.Clifton@cityofdenton.com
 Date: 2021.08.25 08:43:20 -0500





**FOURTEENTH ORDER OF THE COUNCIL
OF THE CITY OF DENTON
DATE ISSUED: AUGUST 24, 2021**

Summary: The virus that causes 2019 Coronavirus Disease (COVID-19) is easily transmitted through person to person contact, especially in group settings, and it is essential that the spread of the virus be slowed. As the number of positive cases of COVID-19 continue to present a public health concern in the City of Denton, there is an immediate need to undertake the following measures described in this Order.

PURSUANT TO THE PRIOR DECLARATION CONFIRMED BY COUNCIL ON AUGUST 24, 2021 AND THE AUTHORITY IN SECTION 9-22 OF THE DENTON CODE OF ORDINANCES AND SECTION 418.108 OF THE TEXAS GOVERNMENT CODE, THE COUNCIL OF THE CITY OF DENTON HEREBY ORDERS:

This Order pertaining to a Declaration of Local Disaster for Public Health Emergency shall take effect at 12:01 a.m. on August 25, 2021 and continue through 11:59 p.m. on September 30, 2021.

I. Health and Safety Policy – Pre-K Through 12 Public Schools and Child Care Centers.

From the date of this Order, all child care centers and Pre-K through 12 Public Schools operating in the City of Denton must develop and implement a health and safety policy (“Health and Safety Policy”). The Health and Safety Policy must require, at a minimum, universal indoor masking that covers the nose and mouth for all teachers, staff, students, and visitors to child care centers and pre-K through 12 schools, regardless of vaccination status, except for children under 2 years of age. The Health and Safety Policy required to be developed and implemented by this Order may also include the implementation of other mitigating measures recommended by the CDC to control and reduce the transmission of COVID-19, such as maintaining at least 3 feet of physical distance between students within classrooms. The requirement of wearing a face mask does not apply if covering the nose and mouth poses a significant mental or physical health risk to the individual.

II. Health and Safety Policy – Commercial Entities.

From the date of this Order, all commercial entities in the City of Denton providing goods or services directly to the public must develop and implement a health and safety policy (“Health and Safety Policy”). The Health and Safety policy must require, at a minimum, universal indoor masking that covers the nose and mouth for all employees and visitors to the commercial entity’s business premises or other facilities, except that an individual who is alone, or in the presence of only members of the same household or residence, in a separate room or single space that is not a common area, is not required to wear a face mask. The Health and Safety Policy required to be developed and implemented by this Executive Order may also include the implementation of other mitigating measures designed to control and reduce the transmission of COVID-19 such as temperature checks or health screenings. Commercial entities must post the Health and Safety Policy required by this Order in a conspicuous location sufficient to provide notice to employees and visitors of all health and safety requirements. Failure to develop and implement the Health and Safety Policy required by this Order within three (3) calendar days following the Effective Date may result in a fine not to exceed \$1,000 for each violation. Any peace officer or other person with lawful authority is hereby

authorized to enforce the provisions of this Order in accordance with the authority granted under the Texas Disaster Act of 1975. The requirement of wearing a face mask does not apply if covering the nose and mouth poses a significant mental or physical health risk to the individual.

III. **Face Coverings Required – City of Denton Buildings.** From the date of this Order, all employees, contractors, and visitors when on the premises of a building, offices, or recreation center owned or operated by the City of Denton are required to wear a face mask that covers the nose and mouth, regardless of vaccination status. Any fitness-based classes where the wearing of masks by all participants cannot be achieved will be relocated outdoors or cancelled. Any person who is unable to attend classes at a recreation center due to this order will be refunded the remaining value of such membership or enrollment upon request. An individual who is alone, or in the presence of only members of the same household or residence, in a separate room or single space that is not a common area, is not required to wear a face mask. The requirement of wearing a face mask does not apply if covering the nose and mouth poses a significant mental or physical health risk to the individual.

IV. **Face Coverings Strongly Urged – General Public.** It is strongly urged that all people 2 years or older wear a face mask that covers the nose and mouth when in public indoor space. No civil or criminal penalty will be imposed on individuals for failure to wear a face mask.

Please note that face coverings are a secondary strategy to other mitigation efforts. **Face coverings are *not* a replacement for social distancing, frequent handwashing, testing after exposure, vaccination, and for self-isolation when sick.** All people should follow CDC recommendations for how to wear and take off a face mask. Residents should keep up the following habits while in public:

- washing hands before you leave home and when you return,
- staying at least six feet away from others,
- avoiding touching nose or face,
- not using disposable masks more than three times, and
- washing reusable cloth masks regularly to prevent the spread of the virus.

IT IS SO ORDERED PURSUANT TO ORDINANCE NO. 21-1831



Mayor Gerard Hudspeth
City of Denton