

ORDINANCE NO. 20-740

AN ORDINANCE OF THE CITY OF DENTON, A TEXAS HOME-RULE MUNICIPAL CORPORATION, AMENDING THE ORDER OF COUNCIL OF THE CITY OF DENTON ISSUED MARCH 17, 2020 APPROVED BY ORDINANCE NO. 20-721; 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 known cases of COVID-19 diagnosed in the State of Texas is currently increasing daily; and

WHEREAS, extraordinary measures must be taken to contain COVID-19 and prevent its spread throughout the City of Denton and Denton County, including the limitation of community gatherings and requiring individuals, groups of individuals, or property to be subject to additional measures that prevent or control the spread of disease; and

WHEREAS, the State Office of Court Administration, in consultation with the Supreme Court, Court of Criminal Appeals, and Regional Judges, has provided guidance recommending postponement of all non-essential court proceedings, minimizing staff, and taking all other appropriate measures to prevent the spread of disease; and

WHEREAS, the Mayor of the City of Denton has determined that extraordinary measures must be taken by temporarily limiting the number of persons allowed to convene in a single location; temporarily closing City buildings, facilities, and limiting certain uses thereof; temporarily postponing all non-essential municipal court proceedings; providing resources to prevent eviction due to COVID-19 impact; and temporarily suspending all City utility shut-offs to residential customers; 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, attached thereto as Exhibit “C,” 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 continues to evolve and measures must be taken to respond to the latest information available; and

WHEREAS, following updated information on the spread of COVID-19, the City Council finds it is in the public interest to amend the Order of Council passed March 17, 2020; 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. The Order of Council of the City of Denton, issued March 17, 2020, is hereby amended as shown in the attached Exhibit "A."

SECTION 3. The motion to approve this Ordinance was made by Jesse Davis and seconded by Paul Meltzer; the Ordinance was passed and approved by the following vote [5 - 2]:

	<u>Aye</u>	<u>Nay</u>	<u>Abstain</u>	<u>Absent</u>
Chris Watts, Mayor:	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Gerard Hudspeth, District 1:	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Keely G. Briggs, District 2:	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jesse Davis, District 3:	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
John Ryan, District 4:	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Deb Armintor, At Large Place 5:	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Paul Meltzer, At Large Place 6:	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

PASSED AND APPROVED this the 20th day of March, 2020.




CHRIS WATTS, MAYOR

ATTEST:
ROSA RIOS, CITY SECRETARY

BY: 

APPROVED AS TO LEGAL FORM:
AARON LEAL, CITY ATTORNEY

BY: 





**FIRST AMENDED ORDER OF THE
COUNCIL OF THE CITY OF DENTON
DATE ISSUED: MARCH 20, 2020**

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 to protect the ability of public and private health care providers to handle the influx of new patients and safeguard public health and safety. Because of the risk of the rapid spread of the virus, the need to protect the most vulnerable members of the community, this Order closes certain City buildings and limits non-essential services or uses. This order prohibits community gatherings of fifty (50) persons or more within the City of Denton beginning at 12:01 a.m. on March 21, 2020, and continuing through 11:59 p.m. on April 30, 2020, as defined below. It also prohibits social gatherings of more than ten (10) people within the City of Denton beginning at 12:01 a.m. on March 21, 2020 and continuing through the duration of Governor Greg Abbott's Executive Order GA 08, signed March 19, 2020. The City of Denton strongly recommends following the social distancing protocols promulgated by the Centers for Disease Control and Prevention (CDC). Additionally, the City of Denton urges all individuals to avoid gatherings of more than ten (10) people and high-risk individuals, as defined by the CDC, to cancel, reschedule, or not attend any gatherings during this time.

PURSUANT TO THE AUTHORITY IN SECTION 9-22 OF THE DENTON CODE OF ORDINANCES AND SECTION 416.108 OF THE TEXAS GOVERNMENT CODE, CITY OF DENTON COUNCIL HEREBY ORDERS:

1. Effective as of 12:01 a.m. on Saturday, March 21, 2020, all public or private Social Gatherings (as defined in Section 4 below) are prohibited anywhere in the City of Denton pursuant to Executive Order GA 08, signed by Governor Greg Abbott on March 19, 2020, for the duration of the Executive Order, as may be amended. Further, all public or private Community Gatherings (as defined in Section 4 below) are prohibited anywhere in the City of Denton until 11:59 p.m. on Thursday, April 30, 2020, consistent with the Executive Order of the Denton County Judge, signed by Judge Andy Eads on March 18, 2020.
2. The City of Denton strongly urges all individuals to avoid any gatherings of more than ten (10) people. Further, individuals in high-risk populations, as defined by the CDC should avoid all gatherings. These recommendations are based on the social distancing practices promulgated by the CDC as well as the "Implementation of Mitigation Strategies for Communities with Local COVID-19 Transmission" issued by the CDC. The City of Denton urges people not to attend non-essential gatherings during the duration of this Order in order to help slow down the spread of the COVID-19 virus.
3. All non-essential court proceedings in Municipal Court No. 1 of the City of Denton are postponed. All such proceedings will be rescheduled following the term of this Order. No fine, penalty, or punishment shall issue against a party because of the postponement ordered herein. Municipal Court No. 1 shall continue to hear all proceedings deemed essential by the state Office

EXHIBIT "A"

of Court Administration, including search and arrest warrant requests, arraignments, criminal magistration proceedings, and requests for temporary restraining orders.

4. Definitions:

- a. For purposes of this Order, 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, theater, stadium (indoor or outdoor), arena or event center, meeting hall, conference center, large cafeteria, gymnasium, or any other confined space.
- b. 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 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, though the City of Denton strongly urges said businesses to enforce social distancing of six (6) feet or more in line or queue areas and to clean self-service check-out machines between each customer;
 - iv. hospitals, medical facilities, and shelters; and
 - v. jails and detention facilities.
- c. Specifically excluded from the definition of "Community Gathering" is the following:
 - i. gathering of people in multiple, separate enclosed spaces in a single building, such as a school, church, or office building, so long as 50 people are not present in any single space at the same time;
 - ii. the use of enclosed spaces where 50 or more people may be present at different times during the day, so long as 50 or more people are not present in the space at the same time; and
 - iii. places of employment not otherwise generally open to the public.
- d. For purposes of this Order, a "Social Gathering" is any indoor or outdoor event or convening, not previously included in the definition of Community Gathering, that brings together or is likely to bring together more than ten (10) people at the same time. Social gatherings include, but are not limited to, parties, backyard barbecues, social events, sporting events, and other gatherings

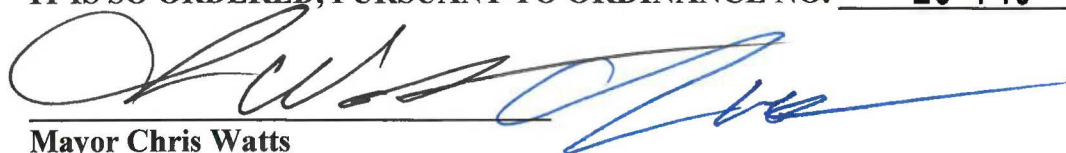
5. Restaurants, microbreweries, micro-distilleries, and wineries within the City may only provide take out, delivery, or drive-through services. Nothing herein should be construed to authorize violation of Texas Penal Code Section 49.031 or the Texas Alcoholic Beverage Code.

6. Bars, lounges, taverns, motion picture and stage theaters, clubs, and gyms shall close.

EXHIBIT "A"

7. All City of Denton utility non-payment shut offs are suspended during the term of this Order.
8. The City Manager is given authority to expend up to \$50,000.00 as funding to the United Way of Denton County to assist individuals and families living in the City of Denton, who have experienced income or job loss directly resulting from COVID-19, in eviction avoidance.
9. This Order shall be effective until 11:59 p.m. on Thursday, April 30, 2020, or until it is either rescinded, superseded, or amended pursuant to applicable law.
10. Pursuant to Section 9-22 of the Code of Ordinances, the following measures are also hereby ordered:
 - a. All City Committee, Commission, and Board meetings are suspended through the term of this order, with the exception of the Planning and Zoning Commission, which shall meet only to consider applications subject to state law-imposed deadlines;
 - b. City Council meetings shall be rescheduled as posted and may be conducted in accordance with alternate measures as permitted by law;
 - c. Only electronic purchasing submissions shall be accepted;
 - d. No development applications, variance applications, certificate of appropriateness applications, or administrative appeals requiring approval from the Planning and Zoning Commission, Zoning Board of Adjustment, Historic Landmark Commissions, or the City Council shall be accepted for the term of this Order;
 - e. The City Manager or his designee is authorized to make application for local, state, and federal assistance as necessary and/or applicable;
 - f. The City Manager or his designee is authorized to accept on behalf of the City services, gifts, grants, equipment, supplies, and/or materials whether from private, nonprofit, or government sources;
 - g. The City Manager or his designee is authorized to terminate or suspend any event that is or may negatively impact the health, safety, and welfare of persons within the City; and
 - h. The City Manager is authorized to approve individual purchases up to \$500,000.00 for general expenditures, which includes: fees, professional services, personal services, and other categories exempted from the bid process by the Local Government Code Section 252.022.
11. Copies of this Order shall be promptly provided to the City Secretary for filing and posting on the City's website and in other conspicuous places.

IT IS SO ORDERED, PURSUANT TO ORDINANCE NO. 20-740



Mayor Chris Watts
City of Denton