

**TOWN OF FAIRVIEW, TEXAS**

**ORDINANCE NO. 2020-06**

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF FAIRVIEW, TEXAS EXTENDING COVID-19 DECLARATION OF DISASTER AND PUBLIC HEALTH EMERGENCY; PROVIDING A PENALTY FOR VIOLATION OF THIS ORDINANCE; PROVIDING FOR SAVINGS, REPEALING AND SEVERABILITY CLAUSES; PROVIDING FOR AN EFFECTIVE DATE; AND PROVIDING FOR THE PUBLICATION OF THE CAPTION HEREOF.**

**WHEREAS**, in December 2019 a novel coronavirus, now designated COVID-19, was detected in Wuhan Town, Hubei Province, China. Symptoms of COVID-19 include fever, cough, and shortness of breath. Outcomes have ranged from 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 (PHEIC), advising countries to prepare for the containment, detection, isolation and case management, contact tracing and prevention of onward spread of the disease; and

**WHEREAS**, the World Health Organization has declared the coronavirus a pandemic and urged aggressive action from all countries to fight it; and

**WHEREAS**, cases of COVID-19 have been identified in the United States and in Texas from various sources, including the identification of "community spread" cases of COVID-19 in the United States and in Texas; and

**WHEREAS**, as of March 13, 2020, United States President Donald Trump declared a national emergency concerning the COVID-19 outbreak; and

**WHEREAS**, as of March 13, 2020, Governor Greg Abbott declared a state of disaster for Texas over the coronavirus pandemic; and

**WHEREAS**, as of March 13, 2020, Dallas County declared a state of local emergency due to the COVID-19 pandemic; and

**WHEREAS**, as of March 16, 2020, County Judge Chris Hill issued a disaster declaration for Collin County, Texas; and

**WHEREAS**, pursuant to the Texas Disaster Act of 1975, the mayor is designated as the emergency management director of the Town of Fairview, and may exercise the powers granted to the governor on an appropriate local scale; and

**WHEREAS**, a declaration of local disaster and public health emergency includes the ability to reduce the possibility of exposure to disease, control the risk, promote health, compel persons to undergo additional health measures that prevent or control the spread of disease, including isolation, surveillance, quarantine, or placement of persons under public health observation, including the provision of temporary housing or emergency shelters for persons misplaced or evacuated and request assistance from the governor of state resources; and

**WHEREAS**, by a Declaration of Disaster and Public Health Emergency, the Mayor may declare all rules and regulations that may inhibit or prevent prompt response to this threat suspended for the duration of the incident; and

**WHEREAS**, pursuant to the authority granted under the Texas Disaster Act of 1975, the Mayor authorized the use of all available resources of state government and political subdivisions to assist in the Town's response to this situation; and

**WHEREAS**, on the 20<sup>th</sup> day of March, 2020, the Mayor determined that extraordinary and immediate measures must be taken to respond quickly, prevent and alleviate the suffering of people exposed to and those infected with the virus, as well as those that could potentially be infected or impacted by COVID-19, and issued a proclamation declaring a disaster for the Town of Fairview;

**WHEREAS**, the conditions necessitating declaration of a state of disaster continue to exist, and the time at which they may abate cannot be predicted at this time; and

**WHEREAS**, §418.108(b) of the Texas Government Code provides that a local state of disaster may not be continued for a period of excess of seven days without the consent of the governing body of the political subdivision; and

**WHEREAS**, the Town Council of Fairview has investigated and determined that good governance of the municipality and the protection of the public health, safety, and welfare necessitates the continuation and renewal of the Mayor's declaration of a local state of disaster;

**NOW THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF FAIRVIEW:**


1. Pursuant to §418.108(a)-(b) of the Texas Government Code, the local state of disaster proclaimed for the Town of Fairview by the Mayor on the 20<sup>th</sup> day of March 2020 ("Declaration") shall continue until terminated by order of the Town Council.
2. Pursuant to §418.108(c) of the Government Code, the continuation of the Declaration of a local state of disaster and public health emergency shall be given prompt and general publicity and shall be filed promptly with the Town Secretary.
3. Pursuant to §418.108(d) of the Government Code, the Declaration of a local state of disaster and public health emergency activates the Town of Fairview's emergency management plan.
4. Pursuant to §418.020(d) of the Government Code, the Declaration authorizes the Town to commandeer or use any private property, temporarily acquire, by lease or other means, sites required for temporary housing units or emergency shelters for evacuees, subject to compensation requirements.
5. Pursuant to §122.006 of the Health and Safety Code, the Declaration authorizes the Town to take any actions necessary to promote health and suppress disease, including quarantine, shelter in place orders, examining and regulating hospitals, regulating ingress and egress from the Town, and fining those who do not comply with the Town's rules. The Declaration further authorizes the Town to declare that ingress into and travel through the Town of Fairview from any persons that have been quarantined in a facility for treatment of COVID-19 is not permitted without the written permission of the Mayor and that no previously quarantined person shall be permitted to enter the Town of Fairview.

6. Pursuant to the statutory authority cited above, the Town Council declares that any persons in the Town confirmed to be infected with the COVID-19 virus must be treated in a medical facility or self-quarantine in their home. The household members of any such infected persons who have been exposed to the infected person must self-quarantine in their home.
7. Consistent with guidance from Collin County and the Centers for Disease Control and Prevention, this declaration hereby limits the size of gatherings to not more than 10 people, and no such gatherings shall be held in any area subject to regulation by the Town of Fairview until further notice. A "gathering" refers generally to a scheduled event or common endeavor where more than 10 persons are present in a confined space or area. When possible, persons attending a gathering should stay at least 6 feet away from any other person.
8. The Mayor may take additional appropriate and legal actions and/or delegate to Town officers authority to take appropriate and legal actions to protect the public health and safety in response to the COVID-19 virus pandemic including but not limited to:
  - a. closing or restricting access to city facilities;
  - b. revising occupant load numbers for city public facilities;
  - c. revising, suspending or deferring fees;
  - d. amending the personnel policies and procedures with regard to leave provisions for quarantined/diagnosed staff, and other personnel matters;
  - e. rescheduling or reducing Town Council and other public meetings; and
  - f. suspending or modifying any Town-adopted rules or regulations.
9. The actions taken to date by the Town are shown on Attachment "A" and are hereby in effect. Should additional actions be deemed necessary by the Town those actions will be added to Attachment "A" and shall be posted on the Town's website.
10. The Governor of the State of Texas has issued executive orders including the following, which are incorporated herein by reference as mandatory provisions:
  - a. Order No. 1: In accordance with the Guidelines from the President and the CDC, every person in Texas shall avoid social gatherings in groups of more than 10 people.
  - b. Order No. 2: In accordance with the Guidelines from the President and the CDC, people shall avoid eating or drinking at bars, restaurants, and food courts, or visiting gyms or massage parlors; provided, however, that the use of drive-thru, pickup, or delivery options is allowed and highly encouraged throughout the limited duration of this executive order.
  - c. Order No. 3: In accordance with the Guidelines from the President and the CDC, people shall not visit nursing homes or retirement or long-term care facilities unless to provide critical assistance.
  - d. Order No. 4: In accordance with the Guidelines from the President and the CDC, schools shall temporarily close.
11. In the event that the Governor of the State of Texas, the Collin County Judge, the Collin County Commissioners Court, or the Collin County Health Authority (collectively, "Ordering Authority") issues or promulgates any additional proclamations, executive orders, or other orders or measures regarding the novel coronavirus (COVID-19) or matters relating thereto (collectively "COVID-19 Orders"), those COVID-19 Orders shall be deemed to have been approved and adopted by the

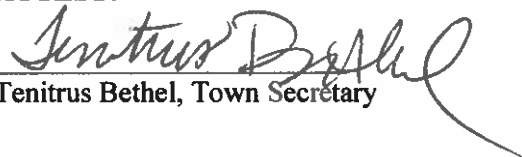
Town Council as if set forth verbatim herein and shall respectively take effect and be enforceable as of the effective dates and/or times established by any such Ordering Authority and the Town may enforce such COVID-19 Orders through any and all lawful means.

12. All actions that may be taken by the Town as described herein, including but not limited to any shelter-in-place or stay-at-home order, may be taken by the Mayor by executive order without any additional action by the Town Council and any such action taken by the Mayor is with the full power and authority of law and is enforceable under this ordinance.
13. **Penalty.** Any person violating any of the provisions or terms of this ordinance shall be deemed guilty of a misdemeanor and, upon conviction, shall be punished by a fine not to exceed the sum of \$1,000.00 or a lesser amount if limited by state law for each offense, and each and every day such violation shall continue be deemed to constitute a separate offense. Allegation and evidence of a culpable mental state is not required for proof of any offense defined by this ordinance.
14. **Savings, Severability and Repealing Clauses.** All ordinances of the Town in conflict with the provisions of this ordinance are repealed to the extent of that conflict. Cross-references in other parts, articles or sections of the Fairview Code which make reference to previous enactments carrying the same designation as any section amended by this ordinance shall be construed as referencing whichever currently effective provision best preserves the original intent and effect of the cross-reference. If any provision of this ordinance shall be held to be invalid or unconstitutional, the remainder of such ordinance shall continue in full force and effect the same as if such invalid or unconstitutional provision had never been a part hereof. The Town declares that it would have passed this ordinance, and each section, subsection, clause, or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, and phrases be declared unconstitutional or invalid.
15. **Publication.** This emergency ordinance shall be in full force and effect immediately, and the Town Secretary is hereby directed to publish the caption hereof.

**APPROVED AND ADOPTED BY THE TOWN OF FAIRVIEW, TEXAS,** this 24<sup>th</sup> day of March 2020.

  
Henry Lessner, Mayor

**ATTEST: -**

  
Tenitrus Bethel, Town Secretary



**Town of Fairview Declaration of Disaster and Public Health Emergency**

**Attachment "A"**

**Town of Fairview COVID-19 Action Plan**

**March 26, 2020**

1. All public events including the Friends of Fairview Fire Cook Out, the Fairview 5K run, the Hazardous Waste Day, the Drug Take Back and any other Town events will be canceled or postponed.
2. Municipal Court proceedings have been canceled.
3. All board and committee meetings have been cancelled other than Council and Planning and Zoning Commission. Those meetings will be held as determined necessary by the Mayor.
4. All room rentals at town hall and at the community room have been canceled and no new rentals will be approved.
5. Effective Monday, March 23, 2020 the Town Hall and all other town buildings and operations are closed to the public. This includes Municipal Court. Information on reaching Town departments, making utility payments and conducting other business with the Town will be located on the Town website.
6. All departments have established and will follow emergency operating protocols to minimize exposure of employees to potentially ill persons, to protect emergency services employees as they continue to provide services, and to protect the public as they conduct business with the town including maintaining social distancing and meeting rules in accordance with CDC and State recommendations and in accordance with this Declaration.
7. All departments have implemented cleaning and sanitizing within all public buildings, vehicles and equipment meeting the CDC recommendations.
8. Effective Monday, March 23, 2020 the Town will defer cutting off utilities for non-payment to assist residents and businesses for the duration of the disaster period.