

ORDINANCE NO. 7141

AN ORDINANCE OF THE CITY OF GARLAND, TEXAS CONTINUING A STATE OF DISASTER AND PUBLIC HEALTH EMERGENCY IN THE CITY OF GARLAND BECAUSE OF THE IMPACT OF COVID-19; CONFIRMING AND RATIFYING AN PREVIOUS AND AMENDED EMERGENCY PROCLAMATIONS ISSUED BY THE MAYOR AND RATIFIED BY THE CITY COUNCIL IN RESPONSE TO THE EMERGENCY; ADOPTING AND APPROVING CERTAIN RULES TO PROTECT THE HEALTH OF PERSONS IN THE CITY; PROVIDING A PENALTY CLAUSE; PROVIDING A SAVINGS CLAUSE AND A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the COVID-19 emergency as described previously in other ordinances and statements regarding the state of the City remains and will apparently continue for some time into the future;

WHEREAS, on March 9, 2020, Mayor LeMay issued a Declaration of Disaster relating to the COVID-19 emergency, and on March 21, 2020, issued an amended Declaration of Disaster imposing additional measures to address the spread of COVID-19;

WHEREAS, Ordinance No. 7132, as amended, the City Council confirmed, renewed, and ratified those declarations and established rules and guidelines consistent with those issued by Governor Abbott;

WHEREAS, in the intervening time, Governor Greg Abbott issued several executive orders relating to the COVID-19 emergency including those that address the reopening of certain businesses and activities; and

WHEREAS, consistent with and as acknowledged by the Governor's executive orders, as a home-rule city, the City of Garland has the authority and jurisdiction to issue rules and to make law within its municipal limits in times of emergency provided those rules do not conflict with the rules established by Executive Order GA-18 and other executive orders; and

WHEREAS, the City Council, in the hope of greater compliance with the terms of the Governor's executive orders, desires to provide clarity and uniformity in what rules apply within Garland by making the Governor's executive orders the exclusive controlling rules within the City limits;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GARLAND, TEXAS:

Section 1

Pursuant Section 418.108, TEX. GOV'T CODE, the City Council continues the state of disaster and emergency in the City of Garland as a result of the impact of COVID-19. The declarations of local disaster signed, executed, and issued by the Mayor on March 9, 2020 and March 21, 2020, are hereby confirmed, renewed, and continued as provided in Section 418.108, TEX. GOV'T CODE to the extent consistent with this Ordinance and the executive orders of the Governor.

Section 2

Pursuant to Sections 121.003 and 122.006 of the Texas Health and Safety Code, Section 418.108 of the Texas Government Code, and such other powers the City may have under the City Charter and other laws, the City Council adopts and approves the following rules, to have the force and effect of law and enforceable under the terms of this Ordinance:

(A) Effective immediately and for the duration provided in with the executive orders issued by Governor Greg Abbott, all persons residing within the City of Garland, Texas shall minimize social gatherings and minimize in-person contact with people who are not in the same household except when engaging in otherwise essential, reopened, and other lawful activities consistent with the applicable effective executive orders of Governor Abbott, in particular, Executive Order GA-18. The provisions of the most current iteration of the Governor's executive orders relating to the COVID-19 emergency including, without limitation, Executive Orders GA-18 and GA-19, are incorporated herein by reference as if written word for word. Except as provided in this Ordinance, all other terms and provisions of Ordinance No. 7132, as amended, shall remain unchanged and in full force and effect. In the event of conflict or inconsistency between the terms and provisions set forth in this Ordinance and the provisions of Ordinance No. 7132, as amended, this Ordinance shall govern and control. For clarity, nothing in the Ordinance is intended to impact the provisions related to the continuation of the local state of disaster as specified in Ordinance No. 7132, as amended.

(B) No other rules, including any rules issued by the Dallas County Judge or the Dallas County Commissioner's Court, apply

within Garland. The Garland City Council encourages its citizens and others within Garland to abide by the guidelines expressed in the proclamations and executive orders of Texas Governor Greg Abbott, the President of the United States and the Centers for Disease Control, along with others issued with respect to the COVID-19 emergency.

(C) Any person who violates any of the provisions of this Ordinance commits an offense punishable as a Class C misdemeanor and each day the violation continues shall be a separate offense punishable by a fine of not more than \$500. A culpable mental state is not required for the commission of an offense under this Ordinance and need not be proved. The penalty provided for in this ordinance is in addition to any other remedies that the City may have. Any violation of this Ordinance may be enjoined by a suit filed in the name of the City in a court of competent jurisdiction, and this remedy shall be in addition to any penal provision in this Ordinance or other law.

Section 3

(A) This 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 City Secretary, pursuant to Sec. 418.108(c) of the Texas Government Code.

(B) The City's Emergency Operations Plan is and remains activated and implemented, pursuant to Sec. 418.108(d) of the Texas Government Code.

(C) This Ordinance authorizes the City to take any actions necessary to promote health and suppress disease, including quarantine, examining and regulating hospitals, regulating ingress and egress from the City and the occupation of premises, and fining those who do not comply with the City's rules, pursuant to Sec. 122.006 of the Health and Safety Code.

Section 4

That the rules and procedures governing the use of electronic and digital signature approved in Ordinance 7132, as amended, are continued in effect until further revised or repealed.

Section 5

That Ordinance No. 7132, as amended, shall be and remain in full force and effect save and except as amended by this Ordinance.

Section 6

That the terms and provisions of this Ordinance are severable and are governed by Sec. 10.06 of the Code of Ordinances of the City of Garland, Texas.

Section 7

That this Ordinance shall be and become effective immediately upon and after its passage and approval.

PASSED AND APPROVED this the 4th day of May, 2020.

CITY OF GARLAND, TEXAS

Mayor

ATTEST:

City Secretary