

CITY OF LAVON, TEXAS

ORDINANCE NO. 2020-04-01

Declaring a Public Health Emergency to Help Stop the Spread of COVID-19

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAVON, TEXAS, PROVIDING GUIDANCE TO PROTECT THE SAFETY AND WELFARE OF THE PUBLIC INCLUDING AND SUPPLEMENTAL TO THE DECLARATION OF LOCAL **STATE** OF DISASTER DUE TO PUBLIC HEALTH EMERGENCY EXECUTED BY MAYOR VICKI SANSON ON MARCH 16, 2020, EXTENDED BY THE CITY COUNCIL ON MARCH 23, 2020 AND CLARIFIED ON MARCH 27, 2020 UNTIL APRIL 30, 2020; PROVIDING A PENALTY; PROVIDING FOR SEVERABILITY, SAVINGS AND REPEALING CLAUSES; AND PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE.

WHEREAS, the City of Lavon (the "City") is a general law Type "A" municipality acting pursuant to Chapter 6 of the Local Government Code; and

WHEREAS, the City of Lavon Strategic Plan states that the first *Core Purpose* of the city organization is "to ensure a safe and secure community;" and

WHEREAS, the novel coronavirus now designated SARS-CoV-2 which causes the disease COVID-19, has spread through the world and has been declared a global pandemic by the World Health Organization; and according to the Center for Disease Control and Prevention, the COVID-19 virus mainly spreads between people who are in close contact with one another through respiratory droplets produced when an infected person coughs or sneezes; and

WHEREAS, prudence dictates that extraordinary measures must be taken to contain COVID-19 and prevent its spread throughout the City of Lavon, including the quarantine of individuals, groups of individuals and occupied structures and, additionally, including compelling individuals, groups of individuals, or occupied structures to undergo additional health measures that prevent or control the spread of the virus; and

WHEREAS, on March 16, 2020, Mayor Vicki Sanson issued and on March 23, 2020, the City Council extended a Declaration of Local State of Disaster Due to Public Health Emergency for the City of Lavon pursuant to section 418.108(a) of the Texas Government Code until April 8, 2020; and

WHEREAS, on March 27, 2020 the Lavon city Council (the "City Council") convened, provided input, deliberated and adopted measures to protect the safety and welfare of the public supplemental to the Mayor's Declaration of Local State of Disaster Due to Public Health Emergency for the City of Lavon; and

WHEREAS, on March 31, 2020, Governor Greg Abbott issued Executive Order GA 14

relating to COVID-19 preparedness and mitigation.

**NOW, THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LAVON, TEXAS THAT:**

**SECTION 1.** A local public health emergency is hereby declared and continued for the City of Lavon, Texas, pursuant to section 122.005 of the Texas Health and Safety Code.

**SECTION 2.** The directives contained herein include and are supplemental to the Declaration of Local State of Disaster due to Public Health Emergency executed by Mayor Vicki Sanson on March 16, 2020, extended by the City Council on March 23, 2020, and clarified by the City Council on March 27, 2020 until April 30, 2020 as set out herein.

**SECTION 3.** That this Ordinance authorizes the City to take any actions necessary to promote health and suppress the virus, including shelter-in-place provisions and other provisions for the protection of the public health, safety and welfare due to COVID-19. This Ordinance further authorizes 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, and insuring compliance for those who do not comply with the City's Ordinance, pursuant to section 122.005 of the Texas Health and Safety Code.

**SECTION 4.** This Ordinance hereby incorporates and enacts the following regulations from the Governor's Executive Order No. GA-14 regarding the conduct of persons/people and schools:

1. In accordance with guidance from DSHS Commissioner Dr. Hellerstedt, and to achieve the goals established by the President to reduce the spread of COVID-19, every person in Texas shall, except where necessary to provide or obtain essential services, minimize social gatherings and minimize in-person contact with people who are not in the same household.

2. "Essential services" shall consist of everything listed by the U.S. Department of Homeland Security in its Guidance on the Essential Critical Infrastructure Workforce, Version 2.0, plus religious services conducted in churches, congregations, and houses of worship. Other essential services may be added to this list with the approval of the Texas Division of Emergency Management (TDEM). TDEM shall maintain an online list of essential services, as specified in this executive order and in any approved additions. Requests for additions should be directed to TDEM at [EssentialServices@tdem.texas.gov](mailto:EssentialServices@tdem.texas.gov) or by visiting [www.tdem.texas.gov/essentialservices](http://www.tdem.texas.gov/essentialservices).

3. In providing or obtaining essential services, people and businesses should follow the Guidelines from the President and the CDC by practicing good hygiene, environmental cleanliness, and sanitation, implementing social distancing, and working from home if possible. In particular, all services should be provided through remote telework from home unless they are essential services that cannot be provided through remote telework. If religious services cannot be conducted from home or through remote services, they should 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.

4. 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, massage establishments, tattoo studios, piercing studios, or cosmetology salons; provided, however, that the use of drive-thru, pickup, or delivery options for food and drinks is allowed and highly encouraged throughout the limited duration of this executive order.

5. This executive order does not prohibit people from accessing essential services or engaging in essential daily activities; such as going to the grocery store or gas station, providing or obtaining other essential services, visiting parks, hunting or fishing, or engaging in physical activity like jogging or bicycling, so long as the necessary precautions are maintained to reduce the transmission of COVID-19 and to minimize in-person contact with people who are not in the same household.

6. In accordance with the Guidelines from the President and the CDC, people shall not visit nursing homes, state-subsidized living centers, assisted living facilities, or long-term care facilities unless to provide critical assistance as determined through guidance from the Texas Health and Human Services Commission.

7. In accordance with the Guidelines from the President and the CDC, schools shall remain temporarily closed to in-person classroom attendance and shall not reopen before May 4, 2020.

**SECTION 5.** Public or private gatherings and community gatherings of ten or more people shall be prohibited. Nothing herein prohibits the gathering of members of a household or living unit.

**SECTION 6.** Restaurants and food establishments, with or without drive-in or drive-through services, shall only provide take-out, curbside, delivery, or drive-through service. If an establishment provides take-out services, the establishment shall require that Social Distancing Guidelines outlined herein are observed, particularly maintaining six-foot social distancing and limiting the assembly of a crowd to ten or less persons for both employees, customers and the general public.

**SECTION 7.** Retail stores except grocery, auto repair, pet supply and pharmacy; gyms, fitness centers, nail salons, spas, hair and beauty salons, and all other non-medical, personal care services that cannot be provided while maintaining appropriate social distance shall temporarily close. To the extent that goods and services may be provided by these establishments virtually, by take-out and/or delivery, residents are encouraged to support our local businesses.

**SECTION 8.** Public playground equipment and picnic facilities and recreational structures shall be closed.

**SECTION 9.** Elective medical, surgical and dental procedures should be prohibited and establishments providing such services shall identify and postpone or cancel procedures and

services based on patient risk considering the emergency need for redirection of resources to COVID-19 response and for promotion of the public health.

**SECTION 10.** Businesses operating within Lavon shall comply with Social Distancing Guidelines outlined herein, including maintaining six-foot social distancing for both employees and the general public and shall limit occupancy to ten or less persons.

**SECTION 11.** Due to the public health emergency, the Office of Mayor requests that the Collin County Justices of the Peace suspend eviction hearings and writs of possession for a period of sixty days hence to prevent renters from being displaced.

**SECTION 12.** The disconnection of utility services for non-payment shall be suspended for the effective period of this Ordinance; however, all fees for trash and sewer services remain in effect, accrue and are due and payable, including appropriate late charges in accordance with the approved fee schedule.

**SECTION 13.** If someone in a household has tested positive for coronavirus, all members of the household shall isolate at home and not go to public places or attend work or school until such time as they can do so without potentially posing a threat to others.

**SECTION 14.** If someone in a household has tested positive for coronavirus and if the infected person or any member of the infected person's household place a call for police, fire or emergency medical assistance, the caller shall notify dispatch personnel of the positive test so that first responders can adequately prepare to safely provide assistance and reduce the risk of further exposure.

**SECTION 15.** All City boards and commission meetings, except the City Council and Planning and Zoning Commission and any other meeting required by law, should be postponed for the duration of this Ordinance. Whenever possible, teleconferencing should be utilized for meetings held under this Section.

**SECTION 16.** The following approved Social Distancing Recommendations are incorporated into this Ordinance and all residents should observe them to promote and provide for the health, safety and welfare of the City:

(1) Vulnerable Populations: Limit Outings

- a. Vulnerable populations include people who are:
  1. 60 years old and older.
  2. People with certain health conditions such as heart disease, lung disease, diabetes, kidney disease and weakened immune systems.
- b. Don't go to gatherings unless it is essential. Stay home. Avoid people who are sick.

(2) Workplace and Businesses: Minimize Exposure

- a. Suspend nonessential employee travel.

- b. Ensure employees practice social distancing and do not work within six feet of one another.
- c. Urge essential employees to stay home when they are sick and maximize flexibility in sick leave benefits.
- d. Do not require a doctor's note for employees who are sick.
- e. Maximize telecommuting options.
- f. Persons who need to be at work to provide essential services of great benefit to the community must take steps in their workplace to minimize risk.

(3) Cancel Non-essential Events

- a. Cancel non-essential events.
- b. Do not attend any essential or non-essential events or gatherings, if sick.
- c. For events that meet the Recommendations herein and which aren't cancelled:
  1. Have hand washing capabilities, hand sanitizers and tissues available.
  2. Frequently clean high touch surface areas like counter tops and handrails.
  3. Find ways to implement social distancing.

(4) Schools: Safety First

- a. Do not have your child attend school if sick.
- b. If you have a child with chronic health conditions, consult the child's doctor about school attendance.
- c. Schools should equip all classrooms with hand sanitizers and tissues.
- d. Recommend rescheduling or cancelling events that are not essential.
- e. Explore remote teaching and online options to continue learning.
- f. Schools should develop a plan for citywide school closures, and families should prepare for farther closures.

(5) Transit: Cleaning and Protection

- a. Increase cleaning of vehicles and high touch surface areas.
- b. Provide hand washing/hand sanitizers and tissues in stations and on Vehicles.
- c. Ensure social distancing practices are implemented to the full extent possible.

(6) Health Care Settings: Avoid as possible. protect the vulnerable

- a. Long-term care facilities should have a COVID-19 plan in accordance with CDC or state guidelines.

- b. Long-term care facilities should restrict all visitations except for certain compassionate care situations, such as end of life situations.
- c. The general public should avoid going to medical settings such as hospitals, nursing homes and long-term care facilities, even if you are not ill.
- d. If you are ill, call your health care provider ahead of time, and you may be able to be served by phone.
- e. Do not visit emergency rooms unless it is essential.
- f. Follow guidance and directions of all facilities.

**(7) Everyone: Do your part**

The best way for all residents to reduce their risk of getting sick, as with seasonal colds or the flu, still applies to prevent COVID-19:

- a. Wash hands with soap and water for at least 20 seconds.
- b. Cough or sneeze into your elbow or a tissue. Throw the tissue in the trash.
- c. Stay home **if** you are sick.
- d. Avoid touching your face.
- e. Try alternatives to shaking hands, like an elbow bump or wave.
- f. If you have recently returned from a country, state or region with ongoing COVID-19 infections, monitor your health and follow the instructions of public health officials and CDC guidance.
- g. There is no recommendation to wear masks at this time to prevent yourself from getting sick.

You can also prepare for the disruption caused by an outbreak. Preparedness actions include:

- a. Prepare to work from home if that is possible for your job, and your employer.
- b. Make sure you have a supply of all essential medications for your family.
- c. Prepare a childcare plan if you or a caregiver are sick.
- d. Make arrangements about how your family will manage school closures.
- e. Plan for how you can care for a sick family member without getting sick yourself.
- f. Take care of each other and check in by phone with friends, family and neighbors that are vulnerable to serious illness or death if they get COVID-19.
- g. Keep common spaces clean to help maintain a healthy environment for you and others. Frequently touched surfaces should be cleaned regularly with disinfecting sprays, wipes or common household cleaning products.

**SECTION 17.** The City Council hereby enacts these shelter-in-place provisions and strongly urges every person living and working in our City to do their part to limit the spread of COVID- 19 to help ensure a safe and secure community.

**SECTION 18.** Any person, firm, or corporation violating any of the provisions or terms of this Ordinance shall be guilty of a misdemeanor and upon conviction, shall be fined a sum not to exceed one thousand dollars (\$1,000.00) for each offense, and each and every violation or day such violation shall continue or exist, shall be deemed a separate offense. The City retains all legal rights and remedies available to it pursuant to local, state and federal law.

**SECTION 19.** All provisions of any ordinance in conflict with this Ordinance are hereby repealed to the extent they are in conflict; but such repeal shall not abate any pending prosecution for violation of the repealed ordinance, nor shall the repeal prevent a prosecution from being commenced for any violation if occurring prior to the repeal of the ordinance. Any remaining portions of said ordinances shall remain in full force and effect.

**SECTION 20.** Should any section, subsection, sentence, clause or phrase of this Ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, it is expressly provided that any and all remaining portions of this Ordinance shall remain in full force and effect. Lavon hereby declares that it would have passed this Ordinance, and each section, subsection, sentence, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences clauses and phrases be declared unconstitutional or invalid.

**SECTION 21.** This Ordinance shall become effective immediately upon its adoption and its publication as required by law.

**SECTION 22.** That it is hereby found and determined that the meeting at which this Ordinance was passed was open to the public as required by law, and that public notice of the time, place, and purpose of said meeting was given, all as required by Article 551.041, Texas Government Code.

**DULY PASSED AND APPROVED** by the City Council of the City of Lavon, Texas on the 7th day of April 2020.

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Vicki Sanson  
Mayor

ATTEST:

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Kim Dobbs  
City Administrator/ City Secretary



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