

**Ordinance No. 20-010**

**An ordinance amending Ordinance No. 20-009 relative to the continuation of the proclamation of a local state of disaster; authorizing additional authority related to local state of disaster; adopting and approving certain rules to protect the health of persons in the City; providing for a fine for certain provisions of up to \$500 for each offense in violation of this ordinance; providing this ordinance be cumulative; providing for severability, governmental immunity, injunctions, publication, and an effective date; and declaring an emergency**

- WHEREAS, in December 2019, a novel coronavirus, now designated COVID-19, was detected in Wuhan, China; and
- WHEREAS, symptoms of COVID-19 include fever, cough, and shortness of breath, and can range 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 advising countries to prepare for the containment, detection, isolation and case management, contact tracing and prevention of onward spread of the disease; and
- WHEREAS, on March 5, 2020, the World Health Organization Director General urged aggressive preparedness and activation of emergency plans to aggressively change the trajectory of this epidemic; and
- WHEREAS, on March 11, 2020, the World Health Organization declared COVID-19 a worldwide pandemic; and
- WHEREAS, the Center for Disease Control and Prevention is closely monitoring the growing number of COVID-19 cases that have spread into the United States; and
- WHEREAS, over 7,038 cases of COVID-19 have been reported in the United States, including over 97 deaths, one of which occurred in the City of Arlington; and
- WHEREAS, gatherings of unidentifiable individuals without necessary mitigation for the spread of infection may pose a risk of the spread of infectious disease; and
- WHEREAS, unless the actions as hereby provided are immediately initiated, avoidable serious illness and deaths could occur; and

- WHEREAS, COVID-19 spreads between people who are in close contact with one another through respiratory droplets produced when an infected person coughs or sneezes; and
- WHEREAS, the continued worldwide spread of COVID-19 presents an imminent threat of widespread illness, which requires emergency action; and
- WHEREAS, the City of Arlington Code of Ordinances defines a disaster as the occurrence or imminent threat of widespread or severe damage, injury or loss of life or property resulting from any natural or man-made cause, including epidemic and other public calamity requiring emergency action; and
- WHEREAS, a declaration of local state of disaster includes the ability to take measures to reduce the possibility of exposure to disease, mitigate the risk, and promote the health and safety of the residents of the City of Arlington; and
- WHEREAS, the measures identified in the Declaration of Local Disaster are designed to prevent deaths in the City of Arlington; and
- WHEREAS, the identification of “community spread” cases of COVID-19 in the City of Arlington and the region could potentially signal that transmission of the virus may no longer be limited to travel outbreak areas or contact with travelers who have visited outbreak areas; and
- WHEREAS, the City of Arlington is working collaboratively with Tarrant County to ensure that all appropriate and necessary measures are taken to limit the development, contraction, and spread of COVID-19; and
- WHEREAS, County Judge Glen Whitley issued a Declaration of Disaster Due to Public Health Emergency for Tarrant County for COVID-19 on March 13, 2020, which was extended for a period of 90 days by the Commissioner’s Court on March 17, 2020; and
- WHEREAS, Governor Greg Abbott issued a State of Disaster for all Texas counties for COVID-19 on March 13, 2020; and
- WHEREAS, President Donald Trump declared a State of National Emergency for the United States of America on March 13, 2020; and
- WHEREAS, on March 13, 2020, Mayor W. Jeff Williams, acting in accordance with authority granted to him under the Charter and under Section 418.108(a) of the Texas Government Code, declared a local state of disaster for the City of Arlington due to concerns related to COVID-19, and the City Council continued such declaration and authorized additional measures for the protection of the public on March 17, 2020; and

WHEREAS, Sections 121.003 and 122.006 of the Texas Health and Safety Code provide that the City of Arlington is authorized to adopt rules to protect the health of persons in the City of Arlington; and

WHEREAS, the conditions necessitating the disaster declaration continue to exist and extraordinary and immediate measures must be taken to respond quickly to 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

WHEREAS, the City Council finds that it is in the public interest to authorize additional measures as described herein pursuant to the Texas Disaster Act of 1975, as amended, Vernon's Texas Government Code, and provide rules to protect the health of persons in the City pursuant to the Texas Health and Safety Code, as amended; NOW THEREFORE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ARLINGTON, TEXAS:

1.

That the findings and recitations set out in the preamble of this ordinance are found to be true and correct and are hereby adopted by the City Council and made a part hereof for all purposes.

2.

That effective as of 12:01 a.m. on Thursday, March 19, 2020, Ordinance No. 20-009 is hereby amended by replacing section 6 of the ordinance with the following so that it shall hereafter be and read as follows:

“That the City Manager is hereby authorized to execute any and all contracts and agreements regardless of the dollar amount during the term of this ordinance regardless of whether the contract or agreement is directly related to the emergency.”

3.

That effective as of 12:01 a.m. on Thursday, March 19, 2020, Ordinance No.20-009 is hereby amended by replacing section 9 of the ordinance with the following so that it shall hereafter be and read as follows:

“Further, pursuant to Sections 121.003 and 122.006 of the Texas Health and Safety Code, this ordinance adopts the following:

1. That 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 fining those who do not comply with the City's rules, pursuant to §122.006 of the Health and Safety Code.

2. That this ordinance hereby limits the size of gatherings to no more than 50 people and mandates the cancellation of all such gatherings of more than 50 people until further notice. This ordinance does not prohibit gatherings of people in multiple, separate enclosed spaces (including separate cubicles) in a single building such as different floors of a multi-level office building, residential building, or hotel, so long as 50 people are not present in any single space at the same time. This ordinance also does not prohibit the use of enclosed spaces where more than 50 people may be present at different times during the day, so long as more than 50 people are not present in the space at the same time. The uses in subsections 3, 4 and 5 are not considered "gatherings," but are limited or prohibited as provided in subsections 3, 4, and 5.
3. That this ordinance hereby orders that a restaurant with or without drive-in or drive-through services; drive-in restaurant; drive-through restaurant; sidewalk café, or microbrewery, micro-distillery, or winery may only provide take out, delivery, or drive-in or drive-through services as allowed by law.
4. That this ordinance hereby orders the closure of bars, banquet halls, bingo parlors, bowling alleys, nightclubs, private clubs/lounges/fraternal organizations, indoor recreation, skating rinks, teen clubs, and indoor theatres.
5. That this ordinance hereby limits the occupancy of the following locations to 50% occupancy as set forth on the business's certificate(s) of occupancy or 125 individuals, whichever is less:
  - a. Event Centers;
  - b. Hotel Meeting Spaces and Ballrooms;
  - c. Retail Sales and Service;
  - d. Convenience Stores;
  - e. Plazas;
  - f. Places of Worship; and
  - g. Malls (the occupancy of a mall is limited as follows: (i) common areas in a mall to 50% occupancy as set forth in the business's certificate(s) of occupancy or 125 individuals, whichever is less, and (ii) individual Retail Stores within a mall to 50% occupancy as set forth in the business's certificate(s) of occupancy or 125, whichever is less).

This 50% occupancy limit does not apply to areas not listed above, including office buildings, government buildings, critical

infrastructure such as airport and transit facilities, residential buildings, grocery stores, manufacturing locations, non-profit service providers, airports, homeless and emergency shelters, day cares, and medical facilities.

6. The provisions of this section 9 shall remain in effect until terminated by the City Council. During the term of this ordinance the Mayor and City Manager will re-evaluate the necessity of the provisions in this section 9 on a weekly basis.”

4.

That except as provided in this ordinance, all other terms and provisions of Ordinance No. 20-009 shall remain unchanged and in full force and effect. In the event of any conflict or inconsistency between the terms and provisions set forth in this ordinance and Ordinance No. 20-009, this ordinance shall govern and control.

5.

Any person, firm, corporation, agent or employee thereof who violates any of the provisions of this ordinance commits an offense that is considered 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 under City ordinances and state law.

6.

All of the regulations provided in this ordinance are hereby declared to be governmental and for the health, safety, and welfare of the general public. Any member of the City Council or any City official or employee charged with the enforcement of the ordinance, acting for the City of Arlington in the discharge of his/her duties, shall not thereby render himself/herself personally liable; and he/she is hereby relieved from all personal liability for any damage that might accrue to persons or property as a result of any act required or permitted in the discharge of his/her said duties.

7.

Any violation of this ordinance can be enjoined by a suit filed in the name of the City of Arlington in a court of competent jurisdiction, and this remedy shall be in addition to any penal provision in this ordinance or in the Code of the City of Arlington.

8.


This is an ordinance for the immediate preservation of the public peace, property, health, and safety, and is an emergency measure within the meaning of Article VII,

Sections 11 and 12, of the City Charter; and the City Council, by the affirmative vote of all of its members present and voting, hereby declares that this ordinance is an emergency measure, and the requirement that it be read at two (2) meetings, as specified in Section 11, is hereby waived.

9.

That this ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the Charter of the City of Arlington, and it is accordingly so ordained.

PRESENTED, FINALLY PASSED AND APPROVED, AND EFFECTIVE on the 18<sup>th</sup> day of March, 2020, by a vote of 8 ayes and 0 nays at a special meeting of the City Council of the City of Arlington, Texas.

  
W. JEFF WILLIAMS, Mayor

ATTEST:

  
ALEX BUSKEN, City Secretary

APPROVED AS TO FORM:  
TERIS SOLIS, City Attorney

**RECEIVED** -  
City Secretary's Office  
MAR 18 2020 - 5:53 p.m.

BY 