

ORDINANCE NO. 2021-06

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WYLIE, TEXAS, AMENDING ORDINANCE NOS. 2020-24, 2020-25, 2020-26, 2020-29, 2020-31, 2020-35, 2020-38, 2020-41, 2020-48, 2020-53, 2020-62, AND 2020-64; CONTINUING AND EXTENDING THE MAYOR'S AMENDED DECLARATION OF LOCAL DISASTER FOR PUBLIC HEALTH EMERGENCY DUE TO THE NOVEL CORONAVIRUS (COVID-19); PROVIDING THE CONSENT OF THE CITY COUNCIL TO THE CONTINUATION OF THE DECLARATION UNTIL 11:59 P.M. ON OCTOBER 12, 2021; PRESCRIBING ORDERS TO HELP ABATE THE PUBLIC HEALTH EMERGENCY; PROVIDING AUTHORITY FOR THE CITY COUNCIL TO TERMINATE THE DISASTER DECLARATION; AND PROVIDING AN ENFORCEMENT CLAUSE, SEVERABILITY CLAUSE AND AN EFFECTIVE DATE.

WHEREAS, in December 2019, a novel coronavirus, now designated SARS-Co V2 which causes the disease COVID-19, was detected in Wuhan, China; and

WHEREAS, on March 11, 2020, the World Health Organization declared COVID-19 a worldwide pandemic; 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 identification of "community spread" cases of COVID-19 in the region could potentially signal that transmission of the virus may no longer be limited to travel to outbreak areas or contact with travelers who have visited outbreak areas, and

WHEREAS, the Centers for Disease Control and Prevention (CDC) has advised that person-to-person contact heightens the risk of COVID-19 transmission; and

WHEREAS, the President's Coronavirus Guidelines for America, as promulgated by President Donald J. Trump and the CDC on March 16, 2020, call upon Americans to slow the spread of COVID-19 by avoiding social gatherings in groups of more than 10 people, using drive-thru, pickup, or delivery options at restaurants and bars, and avoiding visitation at nursing homes, among other steps; and

WHEREAS, on March 13, 2020, Texas Governor Greg Abbott declared a statewide public health disaster; and

WHEREAS, on March 16, 2020, Collin County declared a local disaster for public health emergency and issued an accompanying order; and

WHEREAS, on March 16, 2020, Mayor Eric Hogue issued a declaration of local disaster for public health emergency for the City of Wylie for a period of seven (7) days; and

WHEREAS, on March 19, 2020, the Governor issued Executive Order GA 08, mandating the avoidance of social gatherings in groups of more than 10 people, the avoidance of eating or drinking at bars, restaurants, and food courts, or visiting gyms or massage parlors, the avoidance of visiting nursing homes or retirement or long-term care facilities unless to provide critical assistance, and closing schools throughout the State of Texas for a period of time; and

WHEREAS, on March 19, 2020, Mayor Eric Hogue issued an amended declaration of local disaster for public health emergency, expanding the original declaration; and

WHEREAS, on March 22, 2020, the City Council adopted Ordinance No. 2020-24, which continued and extended the Mayor's amended declaration of local disaster for public health emergency to help abate the public health threat resulting from the COVID-19 pandemic; and

WHEREAS, on March 27, 2020, the City Council adopted Ordinance No. 2020-25, which amended Section 8 (Enforcement Clause) of Ordinance No. 2020-24; and

WHEREAS, on March 31, 2020, the Governor issued Executive Order No. GA 14 relating to statewide continuity of essential services and activities during the COVID-19 disaster; and

WHEREAS, on April 2, 2020, the City Council adopted Ordinance No. 2020-26, which amended Ordinance No. 2020-24 and Ordinance No. 2020-25; and

WHEREAS, on April 27, 2020, the Governor issued Executive Order No. GA 18 relating to the expanded reopening of services as part of the safe, strategic plan to Open Texas in response to the COVID-19 disaster; and

WHEREAS, on April 28, 2020, the City Council adopted Ordinance No. 2020-29, which amended Ordinance No. 2020-24, Ordinance No. 2020-25, and Ordinance No. 2020-26; and

WHEREAS, on May 5, 2020, the Governor issued Executive Order No. GA 21 relating to the expanded reopening of services as part of the safe, strategic plan to Open Texas in response to the COVID-19 disaster; and

WHEREAS, on May 12, 2020, the City Council adopted Ordinance No. 2020-31, which amended Ordinance No. 2020-24, Ordinance No. 2020-25, Ordinance No. 2020-26, and Ordinance No. 2020-29; and

WHEREAS, on May 26, 2020, the City Council adopted Ordinance No. 2020-35, which amended Ordinance No. 2020-24, Ordinance No. 2020-25, Ordinance No. 2020-26, Ordinance No. 2020-29, and Ordinance No. 2020-31; and

WHEREAS, on June 9, 2020, the City Council adopted Ordinance No. 2020-38, which amended Ordinance No. 2020-24, Ordinance No. 2020-25, Ordinance No. 2020-26, Ordinance No. 2020-29, Ordinance No. 2020-31, and Ordinance No. 2020-35; and

WHEREAS, on July 2, 2020, the Governor of the State of Texas issued a Proclamation, amending portions of Executive Order GA 28, and issued Executive Order GA 29 relating to the use of face coverings during the COVID-19 disaster; and

WHEREAS, on July 28, 2020, the City Council adopted Ordinance No. 2020-41 which amended Ordinance No. 2020-24, Ordinance No. 2020-25, Ordinance No. 2020-26, Ordinance No. 2020-29, Ordinance No. 2020-31, Ordinance No. 2020-35, and Ordinance No. 2020-38; and

WHEREAS, on September 8, 2020, the City Council adopted Ordinance No. 2020-48 which amended Ordinance No. 2020-24, Ordinance No. 2020-25, Ordinance No. 2020-26, Ordinance No. 2020-29, Ordinance No. 2020-31, Ordinance No. 2020-35, Ordinance No. 2020-38, and Ordinance No. 2020-41; and

WHEREAS, on October 13, 2020, the City Council adopted Ordinance No. 2020-53 which amended Ordinance No. 2020-24, Ordinance No. 2020-25, Ordinance No. 2020-26, Ordinance No. 2020-29, Ordinance No. 2020-31, Ordinance No. 2020-35, Ordinance No. 2020-38, Ordinance No. 2020-41; and Ordinance No. 2020-48; and

WHEREAS, on October 21, 2020, the Governor of the State of Texas issued Executive Order GA 32 relating to the continued response to the COVID-19 disaster as Texas reopens; and

WHEREAS, on November 17, 2020, the City Council adopted Ordinance No. 2020-62 which amended Ordinance No. 2020-24, Ordinance No. 2020-25, Ordinance No. 2020-26, Ordinance No. 2020-29, Ordinance No. 2020-31, Ordinance No. 2020-35, Ordinance No. 2020-38, Ordinance No. 2020-41; Ordinance No. 2020-48; and Ordinance No. 2020-53; and

WHEREAS, on December 8, 2020, the City Council adopted Ordinance No. 2020-64 which amended Ordinance No. 2020-24, Ordinance No. 2020-25, Ordinance No. 2020-26, Ordinance No. 2020-29, Ordinance No. 2020-31, Ordinance No. 2020-35, Ordinance No. 2020-38, Ordinance No. 2020-41; Ordinance No. 2020-48; Ordinance No. 2020-53; Ordinance No. 2020-62; and

WHEREAS, the conditions necessitating declaration of local state of disaster continue to exist and are anticipated to continue to exist at least until October 12, 2021; and

WHEREAS, the continued worldwide spread of COVID-19 presents an imminent threat of widespread illness, which requires emergency action; and

WHEREAS, since December 8, 2020, the City Council and City staff have continued to evaluate the community spread of COVID-19 and have reviewed updated guidance and orders from the United States President, the CDC, the Governor of the State of Texas, Collin County, Dallas County, Rockwall County and others, and the City Council has concluded that it is necessary to amend Ordinance Nos. 2020-64, 2020-62, 2020-53, 2020-48, 2020-41, 2020-38, 2020-35, 2020-31, 2020-29, 2020-26, 2020-25, and 2020-24 to extend the duration of the orders and regulations set forth in such Ordinances; and

WHEREAS, the City Council finds that it is in the best interest of the City of Wylie, Texas, and its citizens to amend Ordinance Nos. 2020-64, 2020-62, 2020-53, 2020-48, 2020-41, 2020-38, 2020-35, 2020-31, 2020-29, 2020-26, 2020-25, and 2020-24 as set forth below to help abate the public health threat and to promote the public health, safety and welfare.

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

SECTION 1. The findings set forth above are incorporated into the body of this Ordinance as if fully set forth herein.

SECTION 2. Pursuant to Section 418.018 of the Government Code, the declaration of local disaster is hereby continued. Pursuant to Sections 121.003 and 122.006 of the Texas Health and Safety Code, Section 418.108 of the Texas Government Code, Chapter 81 of the Texas Health and Safety Code and such other powers the City of Wylie may have under the City Charter and other laws, the City Council hereby adopts and approves the orders specified in this Ordinance, which shall apply throughout the City of Wylie and shall be in effect from the date of this Ordinance until 11:59 p.m. on October 12, 2021, provided, however, that the declaration and such orders may be terminated before the expiration on 11:59 p.m. on October 12, 2021 by subsequent order of the City Council, and may be continued or renewed beyond 11:59 p.m. on October 12, 2021 only with the consent of the City Council of the City of Wylie.

SECTION 3. The City Council hereby finds that while in a state of disaster, there is a public purpose in maintaining the City workforce and ensuring continuity in staffing while continuing the City's services but recognizing that certain facilities and/or operations may need to be temporarily closed or suspended and/or certain personnel may encounter disaster-related events that prevent them from working at full capacity intermittently during the public health emergency. The City Council hereby authorizes the City Manager to make any staffing and compensation-related decisions necessary to adapt to the rapidly changing environment created by the public health emergency to meet the objectives stated herein and authorizes the expenditure of City funds to accommodate the same. Any expenditure of funds beyond that approved in the FY 19-20 or FY

20-21 budgets must come to the City Council for ratification at a City Council meeting, though the expenditure may be made prior to City Council ratification due to the public health emergency.

SECTION 4. The City Council hereby finds that for the duration of this disaster declaration, immediate procurement directly related to the disaster may be necessary to preserve and protect public health and safety. Accordingly, the City Council hereby authorizes the City Manager to purchase goods or services as necessary for ratification by the City Council at a later date as long as the procurement is in compliance with state law requirements.

SECTION 5. The City Council hereby finds that a public necessity exists during the duration of this disaster to determine whether it is difficult for a quorum of the members of decision-making boards of the City to meet in person based on public health and safety concerns related to the pandemic. The City Council authorizes any member of Council, staff, and decision-making boards who is sick, or unable to attend the meeting in person, to conduct their public meetings via telephone conference pursuant to Texas Government Code Section 551.125(b) and/or the Order of the Governor of the State of Texas temporarily suspending certain provisions of the Texas Open Meetings Act, guidance received from the Texas Attorney General's Office and/or other law or order.

SECTION 6. The City Council hereby authorizes the City Manager to temporarily waive any City Code regulations that are difficult or impossible to comply with during the term of this declaration of disaster as long as it is not inconsistent with state law.

SECTION 7. Pursuant to Section 122.006 of the Texas Health and Safety Code, the City of Wylie is authorized to adopt rules to protect the health of persons in the City of Wylie, including quarantine rules to protect its residents against communicable disease and provide for the establishment of quarantine stations, emergency hospitals, and other hospitals.

SECTION 8. The City Council hereby finds and declares that this declaration authorizes the use of all lawfully available enforcement measures. A failure to comply with the City's Emergency Management Plan, or a rule, order or Ordinance adopted under the Plan, including this Ordinance, is punishable as authorized in Section 418.173 of the Texas Government Code. This Ordinance incorporates Executive Orders GA 29 and GA 32, as they exist or may be amended, and any other Executive Orders and Proclamations regarding COVID-19 that are issued by the Governor on or after the effective date of this Ordinance. In addition, a person who violates any provision of this declaration, upon conviction, is punishable by a fine of not more than \$1,000. A violation of any provision of this Ordinance shall constitute a separate violation for each calendar day in which it occurs.

SECTION 9. Pursuant to Section 418.018(c) of the Government Code, the declaration shall be given prompt and general publicity and shall be filed promptly with the City Secretary.

SECTION 10. Pursuant to Section 418.018(d) of the Government Code, the City of Wylie Emergency Management Plan shall remain active through the duration of this disaster declaration.

SECTION 11. The City of Wylie will activate the Emergency Operations Center and will operate on an as needed basis throughout the duration of this Ordinance.

SECTION 12. Grocery stores, supermarkets, warehouse stores, hospitals, and medical facilities are experiencing high levels of demand for a large number of products, requiring more deliveries from manufacturers and distribution centers to serve their customers. A number of Texas cities and local associations have implemented restrictions on delivery hours to stores to mitigate truck noise and traffic. Due to the need to deliver products as quickly and efficiently as possible during this critical time frame, this Order hereby suspends all delivery hour restrictions for transport to or from any entity involved in the selling or distribution of food products, medicine, or medical supplies in City of Wylie for the next 15 days.

SECTION 13. If someone in a household has tested positive for coronavirus, the household is ordered to isolate at home. Members of the household shall not go to work, school, or any other community function.

SECTION 14. All City employees shall remain at home if sick.

SECTION 15. All persons or groups using Parks and Recreation facilities shall follow to the extent possible the minimum recommended health protocols issued by the Texas Department of State Health Services that are applicable to such use or activity. These protocols are available at <https://www.dshs.texas.gov/coronavirus/opentexas.aspx>.

SECTION 16. The City Council strongly encourages compliance with the following Recommendations, including social distancing, providing hand sanitizer and tissues, and increasing cleaning of commonly and frequently touched services. This Ordinance does not mandate sheltering in place. All critical infrastructure will remain operational, domestic travel will remain unrestricted, and government entities and businesses will continue providing essential services. For offices and workplaces that remain open, employees should practice good hygiene and, where feasible, work from home in order to achieve optimum isolation from COVID-19. The more that people reduce their public contact, the sooner COVID-19 will be contained and the sooner this Ordinance will expire.

SECTION 17. The City of Wylie must promptly provide copies of this Ordinance by posting on the City of Wylie website. If any subsection, sentence, clause, phrase, or word of this Ordinance or any application of it to any person, structure, gathering, or circumstance is held to be invalid or unconstitutional by a decision of a court of competent jurisdiction, then such decision will not affect the validity of the remaining portions or applications of this Ordinance.

SECTION 18. All provisions of the Code of Ordinances of the City of Wylie, codified or uncodified, in conflict with the provisions of this Ordinance are hereby temporarily superseded by this Ordinance for the duration of this declaration. Should any section, subsection, sentence, clause or phrase of this Ordinance be declared unconstitutional and/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. The City Council declares that it would have passed this Ordinance, and each section, subsection, clause or phrase thereof, regardless of whether any one or more sections, subsections, sentences, clauses or phrases is declared unconstitutional and/or invalid.

SECTION 19. Ordinance Nos. 2020-64, 2020-62, 2020-53, 2020-48, 2020-41, 2020-38, 2020-35, 2020-31, 2020-29, 2020-26, 2020-25, and 2020-24 shall remain in full force and effect, save and except as amended by this or any other Ordinance. 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. This Ordinance shall take effect immediately from and after its passage. This Ordinance shall be effective until 11:59 p.m. on October 12, 2021, or until it is either rescinded, superseded, or amended pursuant to applicable law.

DULY PASSED AND APPROVED, BY THE CITY COUNCIL OF THE CITY OF WYLIE, TEXAS, on this 26th day of January, 2021.

Matthew Porter, Mayor

ATTEST:

Stephanie Storm, City Secretary

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