

**CITY OF NACOGDOCHES, TEXAS
FIRST AMENDED
MAYORAL DECLARATION OF LOCAL STATE OF DISASTER
DUE TO PUBLIC HEALTH EMERGENCY**

WHEREAS, beginning in December 2019, a novel coronavirus, now designated SARS-CoV2 which causes the disease COVID-19, has been declared a global pandemic by the World Health Organization; and

WHEREAS, the symptoms of COVID-19 can range from mild to severe illness and cause further complications including death; and

WHEREAS, 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, on March 13, 2020, the Governor of the State of Texas issued a proclamation certifying that COVID-19 poses an imminent threat of disaster in the state and declaring a state of disaster for all counties in Texas; and

WHEREAS, ON March 19, 2020, the Governor of the State of Texas issued Executive Order GA 08, relating to COVID-19 preparedness and mitigation, through which was ordered the adoption and enforcement of certain guidelines promulgated by the President of the United States of America and the Centers for Disease Control and Prevention; and

WHEREAS, on March 20, 2020, stating that extraordinary measures must be taken to contain COVID-19 and prevent the spread of this potentially devastating disease in our community, I, Shelley Brophy, as Mayor of the City of Nacogdoches, issued a Mayoral Declaration of Local State of Disaster Due to Public Health Emergency; and

WHEREAS, on March 20, 2020, the Nacogdoches County Judge, issued a Declaration of Local State of Disaster Due to Public Health Emergency; and

WHEREAS, said state of disaster requires that certain emergency protective measures be taken pursuant to the Texas Disaster Act of 1975 relating to Emergency Management and Public Health, pursuant to Chapter 418 of the Texas Government Code; and

WHEREAS, on March 26, 2020, the City Council of Nacogdoches consented to and continued the Mayoral Declaration of Local State of Disaster Due to Public Health Emergency; and

WHEREAS, the Governor has acknowledged that cities may need to enact more stringent measures to address this public health emergency; and

WHEREAS, COVID-19 has now been confirmed to be present in Nacogdoches County, Texas and the confirmed number of cases in Texas continues to grow:

NOW THEREFORE, BE IT ORDERED BY THE MAYOR OF THE CITY OF NACOGDOCHES, TEXAS:

SECTION 1. That this First Amended Mayoral Declaration of Local State of Disaster Due to Public Health Emergency shall be given prompt and general publicity and filed with City Secretary.

SECTION 2. That I, Shelley Brophy, Mayor of the City of Nacogdoches, have determined that extraordinary and immediate measures must be taken to respond quickly to prevent and slow down community spread of COVID-19.

SECTION 3. That a local state of disaster for public health emergency is hereby declared for the City of Nacogdoches, Texas, pursuant to Section 418.108(a) of the Texas Government Code.

SECTION 4. That pursuant to Section 418.108(d) of the Texas Government Code, this declaration of a local state of disaster activates the City of Nacogdoches, Texas, emergency management plan, and authorizes the furnishing of aid and assistance under the declaration.

SECTION 5. That all individuals currently living in the City of Nacogdoches, Texas (the "City"), are ordered to shelter at their place of residence. To the extent individuals are using shared or outdoor spaces, they must at all times as reasonably possible maintain social distancing of at least six feet from any other person when outside their residence. All persons may leave their residences only for Essential Activities, Essential Government Functions, or to operate Essential Businesses, all as defined below. Individuals experiencing homelessness are exempt from this Section, but are strongly urged to obtain shelter, and entities are strongly urged to make such shelter available as soon as possible and to the Maximum extent practicable, and to utilize Social Distancing Requirements in their operations.

SECTION 6. That all businesses with a facility in the City, except Essential Businesses as defined below, are required to cease all activities at facilities located within the City except Minimum Basic Operations, as defined below. For clarity, businesses may also continue operations consisting exclusively of employees or contractors performing activities at their own residences (i.e., working from home). All Essential Businesses are encouraged to determine essential staff necessary to operate and send non-essential staff home. To the greatest extent feasible, Essential Businesses shall Comply with Social Distancing Requirements as defined below, including but not limited to when any customers are standing in line.

SECTION 7. All public and private gatherings of any number of people occurring outside a household or living unit are prohibited, except for the limited purposes as expressly

permitted in below. Nothing in this Order prohibits the gathering of members of a household or living unit.


SECTION 8. All travel, except Essential Travel and Essential Activities as defined below, is prohibited. People must use public transit only for purposes of performing Essential Activities or to travel to and from work to operate Essential Businesses or maintain Essential Governmental Functions. People riding on public transit must comply with Social Distancing Requirements as defined below, to the greatest extent feasible. This Order allows travel into or out of the City to perform Essential Activities, operate Essential Businesses, or maintain Essential Governmental Functions.

SECTION 9. Definitions and Exemptions.

Essential Activities.

For purposes of this Order, individuals may leave their residence only to perform any of the following "**Essential Activities:**"

- To engage in activities or perform tasks essential to their health and safety, or to the health and safety of their family or household members (including, but not limited to, pets), such as, by way of example only and without limitation, obtaining medical supplies or medication, visiting a health care professional, or obtaining supplies they need to work from home;
- To obtain necessary services or supplies for themselves and their family or household members, or to deliver those services or supplies to others, such as, by way of example only and without limitation, canned food, dry goods, fresh fruits and vegetables, pet supply, fresh meats, fish, and poultry, and any other household consumer products and products necessary to maintain the safety, sanitation, and essential operation of residences;
- To engage in outdoor activity, provided the individuals comply with Social Distancing Requirements as defined below, such as, by way of example and without limitation, walking, hiking, running or riding a bicycle;
- To perform work providing essential products and services at an Essential Business or to otherwise carry out activities specifically permitted in this Order, including Minimum Basic Operations; and
- To care for a family member or pet in another household.

However, people at high risk of severe illness from COVID-19 and people who are sick are urged to stay in their residence to the extent possible, except as necessary to seek medical care. 

Healthcare Operations

For purposes of this Order, individuals may leave their residence to work for or obtain services at any "**Healthcare Operations**" including hospitals, clinics, dentists, pharmacies, pharmaceutical, and biotechnology companies, other healthcare facilities, healthcare suppliers, home healthcare services providers, mental health providers, or any related and/or ancillary healthcare services.

"Healthcare Operations" also includes veterinary care and all healthcare services provided to animals. This exemption shall be construed broadly to avoid any impacts to the delivery of healthcare, broadly defined. "Healthcare Operations" does not include fitness and exercise gyms and similar facilities.

Essential Infrastructure

For purposes of this Order, individuals may leave their residence to provide any services or perform any work necessary to the operations and maintenance of "**Essential Infrastructure,**" including, but not limited to, construction, airport operations, water, sewer, gas, electrical, oil refining, roads and highways, public transportation, solid waste collection and removal, internet, and telecommunications systems (including the provision of essential global, national, and local infrastructure for computing services, business infrastructure, communications, and web-based services), provided that they carry out those services or they work in compliance with Social Distancing Requirements as defined below, to the extent possible.

For purposes of this Order, all first responders, emergency management personnel, emergency dispatchers, court personnel, and law enforcement personnel, and others who need to perform essential services are categorically exempt from this Order.

Essential Governmental Functions

Nothing in this Order shall prohibit any individual from performing or accessing "**Essential Governmental Functions,**" as determined by the governmental entity performing those functions. All Essential Governmental Functions shall be performed in compliance with Social Distancing Requirements as defined in this Order, to the extent possible.

For the purposes of this Order, covered businesses include any for-profit, non-profit, or educational entities, regardless of the nature of the service, the function they perform, or its corporate or entity structure.

Essential Businesses

For the purposes of this Order, "**Essential Businesses**" means:

Healthcare Operations and Essential Infrastructure.

Grocery stores, certified farmers' markets, farm and produce stands, supermarkets, food banks, convenience stores, and other establishments engaged in the retail sale of canned food, dry goods,

fresh fruits and vegetables, pet supply, fresh meats, fish, and poultry, and any other household consumer, products (such as cleaning and personal care products), and liquor stores. This definition includes stores that sell groceries and also sell other non-grocery products, and products necessary to maintaining the safety, sanitation, and essential operation of residences.

Food cultivation, including farming, livestock, and fishing.

Businesses that provide food, shelter, and social services, and other necessities of life for economically disadvantaged or otherwise needy individuals.

Newspapers, television, radio, and other media services.

Gas stations and auto-supply, auto-repair, auto sales, R.V. repairs, R.V. sales and related facilities.

Banks and related financial institutions.

Hardware and construction supply stores.

As provided for in the Texas Local Government Code, businesses related to firearms, air guns, knives or ammunition.

Plumbers, electricians, exterminators, and other service providers who provide services that are necessary to maintaining the safety, sanitation, and essential operation of residences, Essential Activities, and Essential Businesses.

Businesses providing mailing and shipping services, including post office boxes; Laundromats, drycleaners, and laundry service providers.

Restaurants and other facilities that prepare and serve food, but only for delivery, drive through or carry out. Schools and other entities that typically provide food services to students or members of the public may continue to do so under this Order on the condition that the food is provided to students or members of the public on a pick-up and take-away basis only. Schools and other entities that provide food services under this exemption shall not permit the food to be eaten at the site where it is provided, or at any other gathering site.

Note: Patrons may not wait inside a restaurant for their food orders. If there is a line or gathering of persons (outside of their vehicles) waiting to be served, such places puts everyone in the line or gathering at a higher risk of transmission of COVID-19. Restaurants are urged to create a system that does not involve such lines or gatherings of people waiting to order or waiting to receive their order. For example, a system where the customers call in their order and stay in or at their vehicles until notified that their order is ready---with only one customer at the transaction point at a time, or other methods that assure that the purposes of this Order are served. Stressing the need for call ahead or internet ordering also will cut down on waiting time and could be used in conjunction with the customer calling in or texting when he or she has arrived to allow for straight to vehicle service. If lines cannot be avoided, it shall be the restaurant management's responsibility to assure that safe Social Distancing is practiced. This rule also applies to food trucks.

Businesses that supply products needed for people to work from home.

Businesses that supply other essential businesses with the support or supplies necessary to operate.

Businesses that ship or deliver groceries, food, goods or services directly to residences.

Airlines, taxis, and other private transportation providers providing transportation services necessary for Essential Activities and other purposes expressly authorized in this Order.

Home-based care for seniors, adults, or children.

Residential facilities and shelters for seniors, adults, and children.

Professional services: legal, accounting, insurance, real estate services (including appraisal, survey, and title services).

Childcare facilities providing services that enable employees exempted in this Order to work as permitted.

Utilities, telecommunications, trash collection and disposal, law enforcement, EMS/ambulance, corrections, dispatch, animal shelters, and governmental employees who have not been specifically deemed non-essential and sent home by the government entity.

Janitorial and maintenance services, funeral industry, defense industry, space and technology industry, technology support, and scientific research.

Religious services provided in residences, healthcare operations, at funerals, or provided online while being broadcast from a religious facility. Religious services remain subject to Executive Orders issued by the Governor of the State of Texas.

Minimum Basic Operations

For the purposes of this Order, "**Minimum Basic Operations**" include the following, provided that employees comply with Social Distancing Requirements as defined below, to the extent possible, while carrying out such operations:

The minimum necessary activities to maintain the value of the business' inventory, ensure security, process payroll and employee benefits, or for related functions; and

The minimum necessary activities to facilitate employees of the business being able to continue to work remotely from their residences.

Essential Travel

For the purposes of this Order, "Essential Travel" includes travel for any of the following purposes:

Any travel related to the provision of or access to Essential Activities, Essential Governmental Functions, Essential Businesses, or Minimum Basic Operations.

Travel to care for elderly, minors, dependents, persons with disabilities, or other vulnerable persons.

Travel to or from educational institutions for purposes of receiving materials for distance learning, for receiving meals, and any other related services.

Travel to return to a place of residence from outside the jurisdiction.

Travel required by law enforcement or court order; or

Travel required for non-residents to return to their place of residence outside the City. Individuals are strongly encouraged to verify that their transportation out of the City remains available and functional prior to commencing such travel. Individuals engaged in any Essential Travel must comply with all Social Distancing Requirements as defined below.

For purposes of this Order, residences include hotels, motels, shared rental units, and similar facilities.

Social Distancing Requirements

For purposes of this Order, "**Social Distancing Requirements**" includes maintaining at least six (6) foot social distancing from other individuals, washing hands with soap and water for at least twenty (20) seconds as frequently as possible or using hand sanitizer, covering coughs or sneezes (into the sleeve or elbow, not hands), regularly cleaning high-touch surfaces, and not shaking hands.

Non-essential businesses shall shut down except for maintaining Minimum Basic Operations as defined herein. Essential Businesses exempted from shut down are encouraged to determine staff who are essential to operations and to send non-essential staff home

When people need to leave their places of residence, whether to obtain, or perform vital services, or to otherwise facilitate authorized activities necessary for continuity of social and commercial life, they should at all times as reasonably possible comply with Social Distancing Requirements as defined in this Order.

All provisions of this Order should be interpreted to effectuate this intent.

SECTION 10. Failure to comply with any of the provisions of this Order constitutes an imminent threat to public health.

SECTION 11. The City of Nacogdoches must promptly provide copies of this Order by posting it on the City of Nacogdoches website. In addition, the owner, manager, or operator of


any facility that is likely to be impacted by this Order is strongly encouraged to post a copy of this Order onsite and to provide a copy to any member of the public asking for a copy.

SECTION 12. If any subsection, sentence, clause, phrase, or word of this Order 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 Order.

SECTION 13. Everyone is asked to comply with this order voluntarily, but, pursuant to Section 418.173 of the Texas Government Code, a person who knowingly fails to comply with this declaration commits an offense punishable by a fine not to exceed \$1,000.00 or confinement in jail for a term not to exceed 180 days. Additionally, this Order authorizes the use of any other lawfully available enforcement tools.

SECTION 14. That this order remains in effect from 12:00 PM, MARCH
30, 2020, for a period ending at 11:59 p.m., Tuesday, April 7, 2020.

DECLARED this 29 day of March, 2020, at 11:00 AM ~~PM~~


Shelley Brophy, Mayor
City of Nacogdoches, Texas

Attest:

Jan Vinson, City Secretary