

**CITY OF LEONARD, TEXAS
ORDINANCE NO. 03312020-1**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LEONARD, TEXAS ORDINANCE NO. 03312020-1 REGARDING COVID-19 DECLARATION OF DISASTER AND PUBLIC HEALTH EMERGENCY; PROVIDING A PENALTY FOR VIOLATION OF THIS ORDINANCE; PROVIDING FOR SAVINGS, REPEALING AND SEVERABILITY CLAUSES; PROVIDING FOR AN EFFECTIVE DATE; AND PROVIDING FOR THE PUBLICATION OF THE CAPTION HEREOF.

WHEREAS, in December 2019 a Novel Coronavirus, now designated COVID-19, was detected in Wuhan City, Hubei Province, China. Symptoms of COVID-19 include fever, cough, and shortness of breath. Outcomes have ranged from mild to severe illness, and in some cases death; and

WHEREAS, the World Health Organization Director General declared the outbreak of COVID-19 a pandemic and urged aggressive action from all countries to fight it; and

WHEREAS, as of March 13, 2020, United States President Donald Trump declared a national emergency concerning the COVID-19 outbreak; and

WHEREAS, as of March 13, 2020, Governor Greg Abbott declared a state of disaster for Texas over the COVID-19 pandemic; and

WHEREAS, as of March 13, 2020, Dallas County declared a state of local emergency due to the COVID-19 pandemic; and

WHEREAS, as of March 24, 2020, County Judge Randy Moore issued a disaster declaration for Fannin County, Texas; and

WHEREAS, pursuant to the Texas Disaster Act of 1975, the mayor is designated as the emergency management director of the City of Leonard, and may exercise the powers granted to the governor on an appropriate local scale; and

WHEREAS, by a Declaration of Disaster and Public Health Emergency, the Mayor or Mayor Pro Tem may declare all rules and regulations that may inhibit or prevent prompt response to this threat suspended for the duration of the incident; and

WHEREAS, a declaration of local disaster and public health emergency includes the ability to reduce the possibility of exposure to disease, control the risk, promote health, compel persons to undergo additional health measures that prevent or control the spread of disease, including isolation, surveillance, quarantine, or placement of persons under public health observation, including the provision of temporary housing or emergency shelters for persons misplaced or evacuated and request assistance from the governor of state resources; and

WHEREAS, pursuant to the authority granted under the Texas Disaster Act of 1975, the Mayor or Mayor Pro Tem authorized the use of all available resources of state government and political subdivisions to assist in the City's response to this situation; and

WHEREAS, prudence dictates that extraordinary measures must be taken to contain COVID-19 and prevent its spread throughout the City of Leonard, 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 31, 2020 Fannin County Judge Randy Moore extending an order regarding COVID-19 to protect the citizens of Fannin County; and

WHEREAS, since March 24, 2020, there have been additional confirmed cases of COVID-19 resulting from community spread; and

WHEREAS, on the 31st day of March, 2020, the Mayor or Mayor Pro Tem determined that extraordinary and immediate measures must be taken to respond quickly, 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 has been evaluating the health and safety aspects of placing limitations on patron occupancies in restaurants and bars in the City of Leonard to help insure COVID-19 is contained; and

WHEREAS, the City Council desires to adopt this Ordinance No. 03312020-1 to address measures to attempt to slow said community spread;

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

SECTION 1.

Pursuant to §418.108(a)-(b) of the Texas Government Code, the local state of disaster proclaimed for the City of Leonard by the Mayor or Mayor Pro Tem on the 31st day of March, 2020 (“Declaration”) **shall** continue until midnight on May 1, 2020, unless sooner terminated by the Mayor or Mayor Pro Tem, or by a majority vote of the City Council.

SECTION 2.

Pursuant to section 418.108(c) of the Texas Government Code, this supplement to the declaration of a local state of disaster due to public health emergency **shall** be given prompt and general publicity and **shall** be filed promptly with the City Secretary.

SECTION 3.

Pursuant to §418.108(d) of the Government Code, the Declaration of a local state of disaster and public health emergency activates the City of Leonard’s Emergency Management Plan.

SECTION 4.

Pursuant to 418.108(f) and 418.108(g) the Mayor may: (1) order the evacuation of all or part of the population from a stricken or threatened area under the jurisdiction and authority of the City if the Mayor or Mayor Pro Tem considers the action necessary for the preservation of life or other disaster mitigation, response, or recovery; and (2) the Mayor or Mayor Pro Tem may control ingress to and egress from a disaster area under the jurisdiction and authority of the City and control the movement of persons and the occupancy of premises in that area.

SECTION 5.

This declaration authorizes the City to take any actions necessary to promote health and suppress the

COVID-19 virus, including the quarantine of persons and occupied structures, examining and regulating hospitals or clinics, 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 rules, pursuant to section 122.006 of the Health and Safety Code.

SECTION 6.

The City Council of the City of Leonard, the Leonard Planning and Zoning Commission, the Leonard Community Development Corporation board of directors, and the Leonard Community Development Corporation board of directors and their essential and necessary attendees **shall** be exempt from this Declaration for scheduled public meetings, whether a regular, work session, special or emergency meeting. The stated exempt entities **shall** use best efforts to provide adequate social distancing for members and attendees during any scheduled meetings, including their closed sessions. Whenever possible, teleconferencing **shall** be utilized for meetings held under this Section and the frequency of meeting may be reduced when feasible.

SECTION 7.

Beginning March 31, 2020 at midnight and ending May 1, 2020 at midnight unless terminated sooner by the Mayor or Mayor Pro Tem or the City Council:

(1) All individuals currently living within Leonard are **ordered** to shelter at their place of residence. For the purposes of this ordinance, residences include hotels, motels, shared rentals, and similar facilities. To the extent individuals are using shared or outdoor spaces, they must at all times as reasonably as possible maintain social distancing of at least six feet from any other person when they are outside their residence. **All persons may leave their residences only for Essential Activities, or to provide or perform Essential Governmental Functions, or to operate Essential Businesses, all as defined herein.**

(2) All businesses operating within Leonard, except Essential Businesses as defined below in this Section, are **required** to cease all activities at facilities located within Leonard. For clarity, businesses may continue operations consisting exclusively of employees or contractors performing activities at their own residences (i.e. working from home). To the greatest extent possible, all Essential Businesses **shall** comply with the Social Distancing Guidelines attached, including maintaining **six-foot** social distancing for both employees and the general public.

(3) All public or private gatherings of any number of people occurring outside a single household or living unit are **prohibited**, except as otherwise provided herein. Nothing in this Declaration prohibits the gathering of members of a household or living unit.

(4) Restaurants with or without drive-in or drive-through services may **only** provide take out, **delivery**, or **drive-through** services as allowed by law.

A. Definitions:

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

a. 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 (for example, obtaining medical supplies or medication or visiting a health care professional).

- b. To obtain necessary services or supplies for themselves and their family or household members, or to deliver those services or supplies to others (for example, food, pet supply, and any other household consumer products, and products necessary to maintain the safety, sanitation, and essential operation of residences).
- c. To engage in outdoor activities, provided the individuals comply with social distancing requirements of six feet (for example, walking, biking, hiking, running, and other exercise activities). **Children shall not** use playground equipment or **any other public recreational structures**.
- d. To perform work providing essential products and services at an Essential Business or to otherwise carry out activities specifically permitted in this Order.
- e. To care for a family member or pet in another household.

Exception: Persons traveling with a valid Essential Travel letter.

(2) For purposes of this Declaration, “Essential Businesses” means:

a. Essential Healthcare Operations. Healthcare operations, including hospitals, clinics, dentists, pharmacies, pharmaceutical and biotechnology companies, other healthcare facilities, healthcare suppliers, mental health providers, substance abuse service providers, blood banks, medical research, laboratory services, or any related and/or ancillary healthcare services. Home-based and residential-based care for seniors, adults, or children are also considered healthcare operations. Healthcare operations also include veterinary care and all health and welfare services provided to animals. This exemption **shall** be viewed broadly to avoid any impacts to the delivery of healthcare. Healthcare operations do not include fitness and exercise gyms and similar facilities.

b. Essential Government Functions. All services provided by local governments needed to ensure the continuing operation of the government agencies to provide for the health, safety and welfare of the public. Further, nothing in this order **shall** prohibit any individual from performing or accessing “Essential Government Functions.” All Essential Government Functions **shall** be performed in compliance with social distancing requirements of six feet, to the extent possible. Essential government functions include but are not limited to the conducting of elections for candidates for office or for measures.

c. Essential Critical Infrastructure. Work necessary to the operations and maintenance of the 16 critical infrastructure sectors as identified by the National Cybersecurity and Infrastructure Agency (CISA) including public works construction, residential and commercial 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), financial institutions, defense and national security-related operations, elimination of hazardous materials, essential manufacturing operations provided that they carry out those services or that work in compliance with social distancing requirements of six feet, to the extent possible. Essential Businesses providing essential infrastructure should implement screening precautions to protect employees and all activity **shall** be performed in compliance with social distancing guidelines attached.

d. Essential Retail. Food service providers, including grocery stores, warehouse stores, bodegas, liquor stores, gas stations and convenience stores, farmers’ markets that sell food products and household staples. Food cultivation, including farming, fishing, and livestock. Businesses that

ship or deliver groceries, food, goods or services directly to residences. Restaurants and other facilities that prepare and serve food, but only for delivery or carry out. Schools and other entities that typically provide free services to students or members of the public on a pick-up and take-away basis only. The restriction of delivery or carry out does not apply to cafes and restaurants located within hospital and medical facilities. Laundromats, dry cleaners, and laundry service providers. Gas stations, auto-supply, auto, bicycle repair and essential business equipment suppliers, hardware stores, and related facilities. Businesses that supply products needed for people to work from home.

e. Providers of Basic Necessities to Economically Disadvantaged Populations. Businesses that provide food, shelter, and social services, and other necessities of life for economically disadvantaged or otherwise needy individuals.

f. Essential Services Necessary to Maintain Essential Operations of Residences or Other Essential Businesses. Trash and recycling collection, processing and disposal, mail and shipping services, building cleaning, maintenance and security, warehouse/distribution and fulfillment, storage for essential businesses, funeral homes, crematoriums and cemeteries. Plumbers, electricians, exterminators, and other service providers who provide services that are necessary to maintaining the safety, sanitation, and essential operations of residences and Essential Businesses. Professional services, such as legal or accounting services, when necessary to assist in compliance with legally mandated activities. Businesses that supply other essential businesses with support or supplies needed to operate.

g. News Media. Newspapers, television, radio, and other media services.

h. Childcare Services. Childcare facilities providing services that enable employees exempted in this Declaration to work as permitted.

(5) All Business Open to the Public. Essential Businesses shall post entry signage instructing patrons of the need to limit patron visits to necessary purchases only and to maintain social distancing. Essential Businesses shall provide a sanitation station as a required first stop for patron entering the business or require persons entering the building to wash their hands.

(6) Any manufacturer who retools so that a substantial part of their business is for the purpose of manufacturing and producing ventilators may apply for an “essential business” exemption under this Declaration and the Mayor or Mayor Pro Tem **shall** decide whether to grant or deny such exemption.

(7) 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. Due to the need to deliver products as quickly and efficiently as possible during this critical timeframe, this Declaration 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 Leonard during the disaster declaration.

(8) If someone in a household has tested positive for coronavirus, the household is ordered to isolate at home. Members of the household cannot go to work, school, or any other community function.

(9) Nursing homes, retirement, and long-term care facilities are instructed by this order to prohibit non-essential visitors from accessing their facilities unless to provide critical assistance or for end-of-

life visitation.

(10) Public and private schools and institutions of higher education are instructed by this Declaration to provide a safety plan to the appropriate Office of Homeland Security and Emergency Management 72 hours before students return to a classroom setting.

(11) Additionally, this Declaration instructs all employees to remain at home if sick.

(12) The owner, manager, or operator of any facility that is likely to be impacted by this Declaration is strongly encouraged to post a copy of this Declaration onsite and to provide a copy to any member of the public asking for a copy. If any subsection, sentence, clause, phrase, or word of this Declaration 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 Declaration.

(13) Pursuant to §418.020(d) of the Government Code, the Declaration authorizes the City to commandeer or use any private property, temporarily acquire, by lease or other means, sites required for temporary housing units or emergency shelters for evacuees, subject to compensation requirements.

(14) Pursuant to §122.006 of the Health and Safety Code, the Declaration 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.

(15) Pursuant to the statutory authority cited above, the City Council declares that ingress into and travel through the City of Leonard from any persons that have been quarantined in a facility for treatment of COVID-19 is not permitted without the written permission of the Mayor or Mayor Pro Tem. No previously quarantined person **shall** be permitted to enter the City of Leonard until further notice. Any persons in the City confirmed to be infected with the COVID-19 virus must be treated in a medical facility or self-quarantine in their home. The household members of any such infected persons who have been exposed to the infected person must self-quarantine in their home.

(16) Consistent with guidance from Fannin County and the Centers for Disease Control and Prevention, this declaration hereby limits the size of gatherings to not more than 10 people, and no such gatherings **shall** be held in any area subject to regulation by the City of Leonard until further notice. A "gathering" refers generally to a scheduled event or common endeavor where more than 10 persons are present in a confined space or area.

(17) The Mayor or Mayor Pro Tem may take additional appropriate and legal actions and/or delegate to City officers authority to take appropriate and legal actions to protect the public health and safety in response to the COVID-19 virus pandemic including but not limited to:

- a. closing or restricting access to city facilities;
- b. revising occupant load numbers for city public facilities;
- c. revising, suspending or deferring fees;
- d. amending the personnel policies and procedures with regard to leave provisions for

- quarantined/diagnosed staff, and other personnel matters;
- e. rescheduling or reducing City Council and other public meetings; and
- f. suspending or modifying any City-adopted rules or regulations.

SECTION 8

The following are approved Social Distancing Recommendations:

(1) Vulnerable Populations: Limit Outings

- a. Vulnerable populations include people who are:
 - 1. 60 Years old or older.
 - 2. People with certain health conditions such as heart disease, lung disease, diabetes, kidney disease and weakened immune systems.
- b. For vulnerable populations, 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 employment 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 event or gathering, if sick.
- c. For events that meet the Recommendations herein and which aren't cancelled, we recommend:
 - 1. Having hand washing capabilities, hand sanitizers and tissues available.
 - 2. Frequently cleaning high touch surface areas like door handles, counter tops and handrails.
 - 3. Finding 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 condition(s), 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 on-line options to continue learning.
- f. Schools should develop a plan for citywide school closures, and families should prepare for further 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 visitation 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 Leonard 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 9.

This Declaration hereby incorporates and enacts the following regulations from the Governor's Executive Order No. GA-08 regarding the conduct of persons/people and schools:

1. Every person **shall** avoid social gatherings of more than 10 people.
2. People **shall** avoid eating or drinking at bars, restaurants, and food courts, or visiting gyms or massage parlors; provided, however, that the use of drive-thru, pickup, or delivery options is allowed and highly encouraged.
3. People **shall** not visit nursing homes or retirement or long-term care facilities unless to provide critical assistance.
4. Schools **shall** temporarily close.

SECTION 10.

This Declaration hereby incorporates Fannin County Judge Randy Moore Order of March 24, 2020 and finds it consistent herewith in all respects.

SECTION 11.

This declaration hereby authorizes the use of all lawfully available enforcement tools.

SECTION 12.

Any person, firm or corporation violating any of the provisions of this Declaration commits an offense, punishable by a fine up to \$1000.00 and or 180 days in confinement in the County Jail, and each and every day such violation shall continue shall be deemed to constitute a separate offense.

Exception: Persons traveling with a valid Essential Travel letter.

SECTION 13.

This ordinance **shall** take effect in accordance with Section 7 above.


SECTION 14.

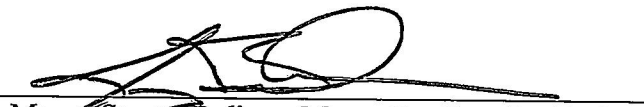
All questions of interpretation of definitions and provisions of this ordinance **shall** be decided by the Mayor or Mayor Pro Tem unless overruled by a majority of the City Council.

**NOW THEREFORE, BE IT ORDAINED BY THE CITY
COUNCIL OF THE CITY OF LEONARD:**

**APPROVED AND ADOPTED BY THE CITY OF LEONARD, TEXAS, this 31ST day of
March 2020.**

ATTEST:


Leath Robinson, City Secretary


Mayor Steven Bolin or Mayor Pro Tem Jay Barker