

ORDINANCE NO. 20-1597

AN ORDINANCE OF THE CITY OF DENTON, A TEXAS HOME-RULE MUNICIPAL CORPORATION, EXTENDING THE EFFECTIVE PERIOD OF THE DECLARED STATE OF LOCAL DISASTER TO SEPTEMBER 30, 2020; SUPERSEDING AND REPLACING THE EIGHTH ORDER OF COUNCIL OF THE CITY OF DENTON ISSUED JULY 28, 2020 APPROVED BY ORDINANCE NO. 20-1423 TO PROVIDE ADDITIONAL REQUIREMENTS AND GUIDANCE; CONFIRMING THE EXPENDITURE OF FUNDS AND AUTHORIZING THE EXPENDITURE OF ADDITIONAL FUNDS; PROVIDING A REPEALER CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

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

WHEREAS, symptoms of COVID-19 include fever, coughing, and shortness of breath, and in some cases the virus has caused death; and

WHEREAS, the number of known cases of COVID-19 diagnosed in the State of Texas is currently increasing daily; and

WHEREAS, extraordinary measures must be taken to contain COVID-19 and prevent its spread throughout the City of Denton and Denton County, including the limitation of community gatherings and requiring individuals, groups of individuals, or property to be subject to additional measures that prevent or control the spread of disease; and

WHEREAS, the State Office of Court Administration, in consultation with the Supreme Court, Court of Criminal Appeals, and Regional Judges, has provided guidance recommending postponement of all non-essential court proceedings, minimizing staff, and taking all other appropriate measures to prevent the spread of disease; and

WHEREAS, the Mayor of the City of Denton determined that extraordinary measures must be taken by temporarily limiting the number of persons allowed to convene in a single location; temporarily closing City buildings, facilities, and limiting certain uses thereof; temporarily postponing all non-essential municipal court proceedings; providing resources to prevent eviction due to COVID-19 impact; and temporarily suspending all City utility shut-offs to residential customers; and

WHEREAS, on March 13, 2020, the Mayor executed a “Declaration of Local Disaster for Public Health Emergency” and an “Order of the Mayor of the City of Denton” pursuant to the Declaration; and

WHEREAS, finding it in the best interest of the citizens of Denton, on March 17, 2020, the City Council, through Ordinance No. 20-721, extended the Declaration of Emergency through April 30, 2020 and issued an Order of the Council of the City of Denton, attached thereto as Exhibit “C,” including the authorization to expend no more than Five Hundred Fifty Thousand Dollars

(\$550,000.00) during this period to proceed with the necessary emergency responses and essential functions not already budgeted; and

WHEREAS, City of Denton Code of Ordinances Section 9-54(b) provides for penalties for violation of proclamations of emergency and any rule, regulation, or order issued pursuant to such proclamation and Chapter 9 of the City of Denton Code of Ordinances; and

WHEREAS, information about COVID-19 continues to evolve and measures must be taken to respond to the latest information available; and

WHEREAS, following updated information on the spread of COVID-19, the City Council amended the Order of Council on March 20, 2020; and

WHEREAS, as COVID-19 continued to spread throughout the City and County of Denton, the Mayor issued a Second Declaration of Local Disaster on March 24, 2020, and an “Order of the Mayor of the City of Denton” pursuant to the Second Declaration, extending measures in an attempt to slow the spread of the disease; and

WHEREAS, Governor Greg Abbott issued Executive Order GA-14 on March 31, 2020, further limiting public gatherings and defining which “essential services” were to continue during the declared state-wide emergency; and

WHEREAS, GA-14 expressly preempted local ordinances, declarations, and orders in conflict with it; and

WHEREAS, in compliance and to be consistent with GA-14, the City Council passed a Second Order of Council on April 6, 2020, superseding and replacing the prior orders of Council; and

WHEREAS, Governor Abbott issued Executive Order GA-16 on April 17, 2020, superseding GA-14, allowing retail stores to reopen under certain conditions and using certain procedures; and

WHEREAS, on April 27, 2020, Governor Abbott issued Executive Order GA-18, further ordering that people minimize social gatherings and in-person contact with people not in the same household except where necessary to obtain essential or reopened services, and still expressly preempting local ordinances, declarations, and orders in conflict with his orders; and

WHEREAS, on April 28, 2020, Denton County issued a new Disaster Declaration and Executive Order of the Denton County Commissioners Court, which extended the emergency declaration through May 15, 2020 and incorporated the provisions of GA-18 and the social distancing guidelines promulgated by the Centers for Disease Control; and

WHEREAS, on April 30, 2020, the City Council in compliance and to be consistent with the Governor’s Executive Orders and the County Orders, extended the effectiveness of the Declaration of Local Disaster until 11:59 p.m. May 31, 2020 and thereafter as any subsequent proclamation renews the Texas Governor’s disaster proclamation; and

WHEREAS, on May 5, 2020, the City Council in compliance and to be consistent with the Governor's Executive Orders and the County Orders, extended the effectiveness of the Declaration of Local Disaster until 11:59 p.m. May 31, 2020; and

WHEREAS, on May 29, 2020, the City Council in compliance with and to be consistent with the Governor's Orders, extended the effectiveness of the Declaration of Local Disaster until 11:59 p.m. June 30, 2020; and

WHEREAS, on June 3, 2020, Governor Abbott issued Executive Order GA-26, ordering that people should not be in groups larger than ten and should maintain a distance of six feet of social distancing from those not in their group, and still expressly preempting local ordinances, declarations, and orders in conflict with his orders; and

WHEREAS, on June 23, 2020, Governor Abbott amended Executive Order GA-26, permitting county judges and mayors to place additional restrictions on outdoor gatherings estimated to consist of 100 people or more; and

WHEREAS, on June 23, 2020, the City Council in compliance with and to be consistent with the Governor's Orders, extended the effectiveness of the Declaration of Local Disaster until 11:59 p.m. August 31, 2020; and

WHEREAS, Governor Abbott has indicated that local governments may require businesses to develop Health and Safety policies; and

WHEREAS, on June 26, 2020, Governor Abbott issued Executive Order GA-28, ordering that certain businesses return to 50 percent of occupancy limits and prohibiting certain gatherings and visiting bars; and

WHEREAS, on July 2, 2020, Governor Abbott issued Executive Order GA-29, ordering face coverings and providing for a penalty for violation of his order and amending Executive Order GA-28 allowing for penalties; and

WHEREAS, also on July 2, 2020, Governor Abbott further amended Executive Order GA-28 to limit gatherings to 10 people; and

WHEREAS, the City Council finds that it is in the best interest of the citizens of the City of Denton to extended the Declaration of Local Disaster through September 2020 and to supersede and replace the Eighth Order of the Council of the City of Denton dated July 28, 2020, confirming certain previous orders, and providing additional requirements and guidance; NOW, THEREFORE,

THE COUNCIL OF THE CITY OF DENTON HEREBY ORDAINS:

SECTION 1. The facts, circumstances, and recitations contained in the preamble of this Ordinance are found and declared to be true and correct, and are incorporated herein by reference as if fully set out herein.

SECTION 2. Pursuant to Section 418.108, Texas Government Code, and Section 9-27, City of Denton Code of Ordinances, Council extends the effective period of Declaration of Local

Disaster executed by the Mayor on March 13, 2020 until 11:59 p.m. on September 30, 2020 and shall be further extended to the same date as any proclamation by the Governor of the State of Texas renewing the original March 13, 2020 COVID-19 proclamation in the interest of public health and safety in an attempt to prevent the spread of COVID-19, unless further extended, revised, or terminated by law.

SECTION 3. The Council hereby adopts the Ninth Order of Council, dated August 25, 2020, attached hereto as Exhibit "A."

SECTION 4. It is Council's intent that this Ordinance and the Order of Council attached hereto supersede and replace the prior Orders of Council, passed March 17, 2020 through Ordinance 20-420, March 20, 2020 through Ordinance 20-740, April 6, 2020 through Ordinance 20-812, April 30 through Ordinance 20-873, May 5 through Ordinance 20-923, May 29 through Ordinance 20-980, June 23 through Ordinance 20-1199, June 26 through Ordinance 20-1255, and July 28 through Ordinance 20-1423. To the extent those prior Orders conflict with the Order herein passed, they are repealed.

SECTION 5. The City Council confirms the expenditure authority as further specified in Exhibit "A," including the authority previously granted to the City Manager to execute an Amendment with the United Way of Denton County Inc. regarding funds previously budgeted for the Barriers Fund.

SECTION 6. The motion to approve this Ordinance was made by Jesse Davis and seconded by Paul Meltzer; the Ordinance was passed and approved by the following vote [4 - 3]:

	<u>Aye</u>	<u>Nay</u>	<u>Abstain</u>	<u>Absent</u>
Chris Watts, Mayor:	_____	<u>✓</u>	_____	_____
Gerard Hudspeth, District 1:	<u>✓</u>	_____	_____	_____
Keely G. Briggs, District 2:	_____	<u>✓</u>	_____	_____
Jesse Davis, District 3:	<u>✓</u>	_____	_____	_____
John Ryan, District 4:	_____	<u>✓</u>	_____	_____
Deb Armintor, At Large Place 5:	<u>✓</u>	_____	_____	_____
Paul Meltzer, At Large Place 6:	<u>✓</u>	_____	_____	_____

PASSED AND APPROVED this the 25th day of August, 2020.



Chris Watts
CHRIS WATTS, MAYOR

ATTEST:
ROSA RIOS, CITY SECRETARY

BY: ZPR , DEPUTY CITY SECRETARY

APPROVED AS TO LEGAL FORM:
AARON LEAL, CITY ATTORNEY

BY: A. Leal



EXHIBIT A

**NINTH ORDER OF THE COUNCIL
OF THE CITY OF DENTON
DATE ISSUED: AUGUST 25, 2020**

Summary: The virus that causes 2019 Coronavirus Disease (COVID-19) is easily transmitted through person to person contact, especially in group settings, and it is essential that the spread of the virus be slowed to protect the ability of public and private health care providers to handle the influx of new patients and safeguard public health and safety. As the number of positive cases of COVID-19 continue to increase in the City of Denton, there is an immediate need to undertake the following measures described in this Order. This Order supersedes and replaces the Eighth Order of the City Council adopted on Tuesday, July 28, 2020 (Ordinance No. 20-1423).

PURSUANT TO THE PRIOR DECLARATION EXTENDED BY COUNCIL ON AUGUST 25, 2020 AND THE AUTHORITY IN SECTION 9-22 OF THE DENTON CODE OF ORDINANCES AND SECTION 418.108 OF THE TEXAS GOVERNMENT CODE, THE COUNCIL OF THE CITY OF DENTON HEREBY ORDERS:

1. This Order pertaining to a Declaration of Local Disaster for Public Health Emergency, originally enacted by the Mayor on March 13, 2020 and extended by Council pursuant to ordinance, supersedes and replaces the prior Orders of the Mayor and of Council. The Order shall take effect at 11:59 p.m. on August 25, 2020 and continue through 11:59 p.m. on September 30, 2020.
2. Effective as of 11:59 p.m. on August 25, 2020:
 - a. It is recommended that all individuals currently living within the City of Denton stay at home or their current place of residence. For the purposes of this Order, 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 non-household member when they are outside their residence.
 - b. All businesses operating within the City of Denton shall abide by the regulations set out in Gubernatorial Executive Order GA-28, signed by Governor Abbott on June 26, 2020, amended by proclamation on July 2, and as may be further amended. The restrictions and prohibitions of GA-28, as amended, are incorporated herein by reference as if set out fully herein. To the greatest extent possible, all business establishments shall comply with the Social Distancing Guidelines promulgated by the United States Centers for Disease Control and Prevention (CDC) and Texas Department of State Health Services (DSHS), including maintaining six-foot social distancing for both employees and the general public.
 - c. All individuals shall comply with the requirements set out in Gubernatorial Executive Order GA-29, signed by Governor Abbott on July 2, 2020, and as may be further

amended. The requirements of GA-29 are incorporated herein by reference as if set out fully herein.

- d. All elective medical, surgical, and dental procedures shall comply with the requirements of Gubernatorial Executive Order GA-19, as may be amended.

3. This Order authorizes the use of all lawfully available enforcement tools found in Denton City Code, Chapter 9 (Emergency Management), state laws and gubernatorial orders, or federal laws.

4. This Order continues the policy, established in the Seventh Order in accordance with City of Denton Code of Ordinances 2-28, granting the city manager authority to create standard operating procedures and administrative directives as necessary during the duration of the Declaration of Local Disaster associated with this Order, and any extensions thereof, to protect the safety of employees and the public, including adopting procedures and directives related to personnel, or to open, close, or otherwise alter the operation of facilities or services of the City of Denton.

5. Effective as of 11:59 p.m. on June 26, 2020:

- a. All commercial and non-profit entities in the City of Denton providing goods or services directly to the public are required to continue implementation of a health and safety policy (“Policy”) as established in the Seventh Order.

- i. The Policy must:

- a. Require, at a minimum, that all employees and visitors to the entity’s business premises or other facilities wear face coverings that cover the nose and mouth when in an area or while performing an activity that will necessarily involve close contact or proximity to co-workers or the public. If possible, a face shield is recommended to be worn in the event a face covering cannot be safely worn. However, the requirement of a face covering does not apply

- 1. If covering the nose and mouth poses a significant mental or physical health risk to the individual; and.

- 2. When an individual is consuming a food or beverage or receiving a service where the wearing of a face covering would impair the performance of the service.

- b. Be posted conspicuously at or near all entrances of any commercial or non-profit entity in the City of Denton in clear view of any employees or members of the public entering the business.

- ii. The Policy may:

- a. Allow individuals with an operational need to remove a face covering so long as such operational needs are specifically addressed in the Policy.

- b. Include the implementation of other mitigating measures designed to control and reduce the transmission of COVID-19 such as temperature checks or health screenings.
 - b. In accordance with the GA-28, as amended on July 2, 2020, outdoor gatherings in excess of 10 people are prohibited unless specifically permitted by GA-28, authorized by the mayor, or otherwise permitted by subsequent Executive Order or amendment of GA-28.
 - c. In all public areas not subject to paragraph 2c or 5a, all people 10 years or older are strongly urged to wear a face covering over their nose and mouth where it is difficult to keep six feet away from other people or working in areas that involve proximity with coworkers. The CDC advises face coverings for people 2 years or older. Face coverings may include homemade masks, scarves, bandanas, or a handkerchief. City of Denton residents should continue to maintain social distancing of at least six feet while outside their home.
 - d. In accordance with city ordinance, violations of Paragraph 5.a. may be enforced by Denton police officers, building enforcement officers, zoning compliance officers, or community improvement services officers.
6. Pursuant to Section 9-22 of the Code of Ordinances, the following measures are also ordered continued as set forth herein:
- a. All City Committee, Commission, and Board meetings are suspended through the term of this order, with the following exceptions:
 - i. The Planning and Zoning Commission shall meet no more than twice per month;
 - ii. The Public Utilities Board shall meet no more than twice per month;
 - iii. The Civil Service Commission shall meet as needed; and
 - iv. Other boards and commissions shall meet as necessary and as resources allow, with priority given to boards and commissions that have time-sensitive items.
 - b. City Council meetings shall be rescheduled as posted and may be conducted in accordance with alternate measures as permitted by law;
 - c. Only electronic purchasing submissions shall be accepted;
 - d. The City Manager or his designee is authorized to make application for local, state, and federal assistance as necessary and/or applicable;
 - e. The City Manager or his designee is authorized to accept on behalf of the City services, gifts, grants, equipment, supplies, and/or materials whether from private, nonprofit, or government sources;
 - f. The City Manager or his designee is authorized to terminate or suspend any event that is or may negatively impact the health, safety, and welfare of persons within the City;
 - g. The City Manager is authorized to approve individual purchases and sign contracts up to \$500,000.00 for general expenditures already budgeted or authorized by this Order;

- h. All City of Denton utility non-payment shut offs were suspended until 11:59 p.m. on June 30, 2020 and no penalties for non-payment of utilities under Ordinances 19-2140, 19-2136, 19-2137, 19-2138, or 18-1494 shall accrue during the time period between March 13, 2020 and July 31, 2020, but non-payment shut offs and penalties for non-payment of utilities may occur beginning August 1, 2020;
- i. The City Manager is given authority to expend those previously budgeted funds of up to \$100,000.00 as funding to the United Way of Denton County to assist individuals and families living in the City of Denton, who have experienced income or job loss directly resulting from COVID-19, in eviction avoidance;
- j. The City Manager is authorized to expend no more than Two Million Fifty Thousand Dollars (\$2,050,000.00) total, including previously authorized funds, from the general fund reserve balance during this period to proceed with the necessary emergency responses and essential functions not already budgeted, which includes the previously authorized;
- k. The City Manager is authorized to expend no more than the previously authorized Fifty Thousand Dollars (\$50,000.00) from the customer service fund reserve balance during this period to increase utility assistance funding for FY 2019-2020 to One Hundred Seventy-Five Thousand Dollars (\$175,000.00);
- l. All non-essential in-person court proceedings in the Municipal Court No. 1 of the City of Denton are postponed. All such proceedings will be rescheduled following the term of this Order. Court proceedings that may be conducted remotely may be held at their scheduled time or rescheduled during the term of this order if such proceeding has already been postponed. No fine, penalty, or punishment shall issue against a party because of the postponement ordered herein or by prior Order of Council. Municipal Court No. 1 shall continue to hear all proceedings deemed essential by the state Office of Court Administration, including search and arrest warrant requests, arraignments, criminal magistration proceedings, and requests for temporary restraining orders All court proceedings in the Municipal Court No. 1 of the City of Denton shall comply with the guidance and requirements promulgated by the state Office of Court Administration. In-person proceedings will recommence as provided by the Office of Court Administration and approved by the Regional Judge;
- m. Due to increased demand for household products and groceries resulting from stock up buying and individuals who purchase for resale, retail suppliers shall use common sense rationing of household products and groceries that are in limited supply;
- n. For business establishments that have more than fifty-one percent (51%) of their gross receipts from the sale of alcoholic beverages, the City Manager is authorized to take the following actions:
 - i. Temporarily extend City-issued food establishment permit expiration until July 31, 2020 without penalty for those set to expire prior to that date;
 - ii. Prorate the City food establishment permit fees for the current year from twelve (12) months down to five (5) months; and

iii. Where such an establishment has already paid its permit fee for twelve (12) months, reimburse said establishment an amount to reflect a prorated five (5) month rate;
and

o. The Parks and Recreation Reopening Plan (“Park Plan”) and Public Library Reopening Plan (“Library Plan”) previously adopted shall continue.

7. Copies of this Order shall be promptly provided to the City Secretary for filing and posting on the City’s website and in other conspicuous places.

IT IS SO ORDERED PURSUANT TO ORDINANCE NO. 20-1597



Mayor Chris Watts
City of Denton