

CITY OF PRINCETON, TEXAS

ORDINANCE NO. 2020-05-11-03

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PRINCETON, TEXAS EXTENDING THE APRIL 29, 2020 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, beginning in December 2019, a novel coronavirus, now designated COVID-19, has spread through 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, prudence dictates that extraordinary measures must be taken to contain COVID-19 and prevent its spread throughout the City of Princeton, 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, Governor Abbott and Collin County have declared a local disaster due to public health emergency; and

WHEREAS, pursuant to the Texas Disaster Act of 1975, the mayor is designated as the emergency management director of the City of Princeton, and may exercise the powers granted to the governor on an appropriate local scale; 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, by a Declaration of Disaster and Public Health Emergency, the Mayor 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, pursuant to the authority granted under the Texas Disaster Act of 1975, the Mayor 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, on the 18th day of March, 2020, the Mayor 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 issued a proclamation declaring a disaster for the City of Princeton, and has been issuing revised proclamations as circumstances change; and

WHEREAS, as Mayor, and under state law and local ordinance, on March 16, 2020, the Mayor of Princeton issued a Declaration of Local State of Disaster, subsequently revised and extended by declarations on March 17, 2020, March 24, 2020, March 26, 2020, April 2, 2020, and April 29, 2020 and

WHEREAS, beginning March 23, 2020 and during this disaster, the Princeton City Council has convened and provided input to me for managing the health and welfare of Princeton citizens during this local disaster through mayoral declarations, issued pursuant to the law; and

WHEREAS, on March 30, 2020, Gov. Abbott issued Executive Order GA-14, which extended the prior statewide public health disaster declaration through April 30, 2020, and further clarified and expanded the temporary emergency restrictions on social gatherings and other activities which present enhanced risks of COVID-19 transmission;

WHEREAS, on May 4th and 5th, 2020, Gov. Abbott issued further orders, including Executive Orders GA-20 and GA-21, which beginning at 12:01 A.M. on May 8th, 2020, will modify the prior statewide public health disaster declaration regarding business restrictions and the temporary emergency restrictions on social gatherings and other activities which present enhanced risks of COVID-19 transmission;

WHEREAS, recognizing the widely differing conditions in Texas' diverse rural and urban communities, the varying rate of the spread of COVID-19, and the desirability of swift response to local conditions, the Governor's executive orders have expressly provided for enforcement of local restrictions which are compatible with its terms; and

WHEREAS, the City of Princeton wishes to avoid its residents and businesses from increased risks of exposure to COVID-19 arising from local regulations which are less restrictive than its neighboring communities, which would create incentives for infected persons living outside the City to evade their local restrictions by entering Princeton and raising local risk of infection; and

WHEREAS, the City of Princeton seeks to facilitate implementation of a coordinated system of local regulations which recognizes the highly mobile nature of the D/FW metroplex economy, the population density of various parts of Collin County, and the varying COVID-19 infection conditions in nearby municipalities, so that appropriate precautions are observed until COVID-19 has been adequately contained for an appropriate time period, so as to avoid the need to re-impose restrictions to avoid a resurgence in the disease; and

WHEREAS, for the benefit of the City of Princeton and the general public, and within the local control discretion preserved by the Texas Governor, the Mayor seeks to act swiftly and purposefully to protect human lives and the public health through the powers of his office to declare emergency regulations responsive to COVID-19;

WHEREAS, recognizing the widely differing conditions in Texas' diverse rural and urban communities, the varying rate of the spread of COVID-19, and the desirability of swift response to local conditions, the Governor's executive orders have expressly provided for enforcement of local restrictions which are compatible with its terms; and

WHEREAS, the City of Princeton wishes to avoid its residents and businesses from increased risks of exposure to COVID-19 arising from local regulations which are less restrictive than its neighboring communities, which would create incentives for infected persons living outside the City to evade their local restrictions by entering Princeton and raising local risk of infection; and

WHEREAS, the City of Princeton seeks to facilitate implementation of a coordinated system of local regulations which recognizes the highly mobile nature of the D/FW metroplex economy, the population density of various parts of Collin County, and the varying COVID-19 infection conditions in nearby municipalities, so that appropriate precautions are observed until COVID-19 has been adequately contained for an appropriate time period, so as to avoid the need to re-impose restrictions to avoid a resurgence in the disease; and

WHEREAS, the conditions necessitating declaration of a state of disaster continue to exist, and the time at which they may abate cannot be predicted at this time; and

WHEREAS, §418.108(b) of the Texas Government Code provides that a mayor's declaration of a local state of disaster may not be continued for a period of excess of seven days without the consent of the governing body of the political subdivision; and

WHEREAS, the City Council of Princeton has investigated and determined that good governance of the municipality and the protection of the public health, safety, and welfare necessitates the continuation and renewal of the Mayor's declaration of a local state of disaster;

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

1. Pursuant to §418.108(a)-(b) of the Texas Government Code, the sixth revised local state of disaster proclaimed for the City of Princeton by the Mayor on the ___ day of May, 2020 ("Declaration", attached hereto as Exhibit A) shall continue until lifted or terminated by order of the City Council or the Mayor of Princeton, or until 48 hours after the substantially equivalent COVID-19 related restrictions enacted by the City of McKinney, Texas are lifted or terminated, and to the degree specified in such orders.
2. Pursuant to §418.108(c) of the Government Code, the continuation of the Declaration of a local state of disaster and public health emergency shall be given prompt and general publicity and shall be filed promptly with the City Secretary.
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 Princeton's emergency management plan.
4. 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.
5. Pursuant to §122.005 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.
6. Pursuant to the statutory authority cited above, the City Council declares that ingress into and travel through the City of Princeton 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. No previously quarantined person shall be permitted to enter the City of Princeton 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.

7. All regulations and recommendations of the Mayor's most recent disaster declaration, dated May ____, 2020, are incorporated herein as if set forth in full. A copy of the Mayor's declaration shall be filed with this ordinance as its Exhibit 1.
8. The Mayor may take additional appropriate and legal actions and/or delegate to City officers the 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.
9. The Governor of the State of Texas has issued executive orders regarding COVID-19, which are incorporated herein by reference as mandatory provisions (all terms defined in the same manner as the Mayor's current declaration):
 - a. Executive Orders GA-20 and GA-21, as amended, are incorporated into this Declaration by reference as if set forth in full, including without limitation the DSHS/CDC prevention guidelines incorporated therein.
 - b. All persons and businesses within Princeton are ordered to strictly conform to Executive Orders GA-20 and GA-21 (as amended), and shall minimize social gatherings and in-person contact with persons who are not in the same household, except where **necessary** to provide or obtain Essential Services or Reopened Services as defined below (as may be amended). People over the age of 65 are strongly encouraged to stay at home as much as possible; to maintain appropriate distance from any member of the household who has been out of the residence in the previous 14 days; and, if leaving the home, to implement social distancing and to practice good hygiene, environmental cleanliness, and sanitation.
 - c. All Essential Services and Reopened Services should follow the current health protocols issued by Governor Abbott which apply to their activities, and said protocols are and incorporated by reference as if set forth in full.
 - d. Reopened Services in Princeton must not exceed the occupancy limit established in EO-GA-20 and EO-GA-21 (as amended) at any of their facilities. As of May 7, 2020, the occupancy limit imposed by Governor Abbott for all Reopened Services was stated as a **maximum of 25 percent of the total listed occupancy for all listed categories of Reopened Services**, and remaining subject to the other provisions the Governor's orders.
 - e. Gov. Abbot has prohibited people from visiting nursing homes, state supported living centers, assisted living facilities, or long-term care facilities unless the visit is to provide critical assistance as determined by the Texas Health and Human Services Commission ("HHSC"). Nursing homes, state supported living centers, assisted living facilities, and

long-term care facilities should follow infection control policies and practices set forth by the HHSC, including minimizing the movement of staff between facilities whenever possible.

- f. People shall avoid visiting cosmetology salons, hair salons, barber shops, nail salons/shops, and other establishments where licensed cosmetologists or barbers practice their trade until 12:01 a.m. on Friday, May 8, 2020, at which time Gov. Abbott has authorized use of such services so long as six feet of social distancing is ensured between operating work stations.
 - g. People shall avoid visiting tanning salons until 12:01 a.m. on Friday, May 8, 2020, at which time Gov. Abbott has authorized use of such services so long as six feet of social distancing is ensured between operating work stations.
 - h. People shall avoid visiting public swimming pools until 12:01 a.m. on Friday, May 8, 2020, at which time Gov. Abbott has authorized operation at up to 25% of the total listed occupancy of an indoor pool facility, or at up to 25% of normal operating limits as determined by the pool operator.
 - i. Beginning at 12:01 a.m. on Monday, May 18, 2020, offices, manufacturing services, and gyms and exercise facilities/classes have been authorized by Gov. Abbott to resume operation at 25% of total listed occupancy for the facility (for offices, the greater of 5 individuals or 25% of total office workforce). Individuals in office settings are to maintain appropriate social distancing.
 - j. 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, the City Council continues the suspension of 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 Princeton for the duration of the COVID-19 disaster.
 - k. Public and private schools and institutions of higher education are ordered by EO-GA-20 and EO-GA-21 (as amended) to remain closed to in-person classroom attendance by students until the conclusion of the 2019-2020 school year. A student (accompanied by an adult if needed) may, as allowed by the school consistent with the minimum standard health protocols found in guidance issued by the Texas Education Agency (TEA), visit a school campus (a) for limited non-instructional administrative tasks such as cleaning out lockers, collecting personal belongings, and returning school items like band instruments and books; or (b) for graduating seniors, to complete post-secondary requirements that cannot be accomplished absent access to the school facility and its resources, **excluding any activity or assessment which can be done virtually**. Public education teachers and staff are encouraged to continue to work remotely from home if possible, but may return to schools to conduct remote video instruction, as well as perform administrative duties, under the minimum standard health protocols found in guidance issued by the TEA. Schools may conduct graduation ceremonies consistent with the minimum standard health protocols found in guidance issued by the TEA.
10. In the event that the Governor of the State of Texas, the Collin County Judge, the Collin County Commissioners Court, or the Collin County Health Authority (collectively, "Ordering Authority")


issues or promulgates any additional proclamations, executive orders, or other orders or measures regarding the novel coronavirus (COVID-19) or matters relating thereto (collectively "COVID-19 Orders"), those COVID-19 Orders shall be deemed to have been approved and adopted by the City Council as if set forth verbatim herein and shall respectively take effect and be enforceable as of the effective dates and/or times established by any such Ordering Authority and the City may enforce such COVID-19 Orders through any and all lawful means. Failure to comply with such rules, orders, or ordinances adopted in accordance with an emergency management plan shall constitute an offense as provided by said plan.

11. This ordinance is passed as an emergency measure and pursuant to the City Council and shall become effective immediately after passage and any publication which is required by law.
12. **Penalty.** Any person violating any of the provisions or terms of this ordinance shall be deemed guilty of a misdemeanor and, upon conviction, shall be punished by a fine not to exceed the sum of \$1,000.00 or a lesser amount if limited by state law for each offense, and each and every day such violation shall continue be deemed to constitute a separate offense. Allegation and evidence of a culpable mental state is not required for proof of any offense defined by this ordinance.
13. **Savings, Severability and Repealing Clauses.** All ordinances of the City in conflict with the provisions of this ordinance are repealed to the extent of that conflict. Cross-references in other parts, articles or sections of the Princeton Municipal Code which make reference to previous enactments carrying the same designation as any section amended by this ordinance shall be construed as referencing whichever currently effective provision best preserves the original intent and effect of the cross-reference. If any provision of this ordinance shall be held to be invalid or unconstitutional, the remainder of such ordinance shall continue in full force and effect the same as if such invalid or unconstitutional provision had never been a part hereof. The City declares that it would have passed this ordinance, and each section, subsection, clause, or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, and phrases be declared unconstitutional or invalid.
14. **Publication.** This emergency ordinance shall be in full force and effect immediately, and the City Secretary is hereby directed to publish the caption hereof.

APPROVED AND ADOPTED BY THE CITY OF PRINCETON, TEXAS, this 11 day of May, 2020.

ATTEST:


Tabatha Monk, City Secretary


John-Mark Caldwell, Mayor

