

ORDINANCE NO. 20-010

AN ORDINANCE OF THE CITY OF BEAUMONT EXTENDING
THE PUBLIC HEALTH EMERGENCY DISASTER
DECLARATION; PROVIDING FOR SEVERABILITY; AND
PROVIDING A PENALTY.

WHEREAS, in December 2019, a novel respiratory disease named "SARS-CoV-2" that causes a disease named "coronavirus disease 2019" ("COVID-19") was detected in Wuhan City, Hubei Province, China; and,

WHEREAS, symptoms of COVID-19 include fever, cough, and shortness of breath that may result in mild to severe illness, and in some cases death; and,

WHEREAS, on January 30, 2020, the World Health Organization Director General declared the outbreak of COVID-19 as a Public Health Emergency of International Concern and advised countries to prepare for the containment, including active surveillance, early detection, isolation and case management, contact tracing, and prevention of onward spread of the disease; and,

WHEREAS, on January 31, 2020, the U.S. Health and Human Services Secretary declared a public health emergency for the United States to aid the nation's healthcare community in responding to COVID-19; and,

WHEREAS, the identification of "community spread" cases of COVID-19 in the United States 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, according to the Center for Disease Control ("CDC"), it is likely that at some point, widespread transmission of COVID-19 in the United States will occur; and,

WHEREAS, the CDC warns that widespread transmission of COVID-19 would translate into large numbers of people needing medical care at the same time; and,

WHEREAS, the CDC is now recommending no gathering with 10 people or more be held in the United States for the next eight (8) weeks; and,

WHEREAS, the CDC also warns that schools, childcare centers, workplaces, and other places for mass gatherings may experience more absenteeism; public health and healthcare systems may become overloaded with elevated rates of hospitalizations and deaths; other critical infrastructure, such as law enforcement, emergency medical services, and transportation industry may also be affected; and health care providers and hospitals may be overwhelmed; and,

WHEREAS, given, among other things, including the CDC's guidance, there is an ongoing risk of COVID-19-positive patients being identified in the City of Beaumont; and,

WHEREAS, the City, local health agencies, and political subdivisions within the region have been working diligently to implement CDC guidelines, but now require additional tools and resources to protect the public health given the current state of the pandemic and the need for a sustained response; and,

WHEREAS, it is necessary to the public health of the residents of the City of Beaumont and surrounding areas that those persons under investigation, persons under management, and quarantined persons remain within the confines of their homes or in safe, secure facilities during the quarantine period following their exposure to the virus; and,

WHEREAS, on the 16th day of March, 2020, the Mayor issued a proclamation declaring a state of disaster for the City of Beaumont, Texas resulting from the imminent threat to the public health and the potential loss of life from the spread of COVID-19 in the City of Beaumont. The declaration was amended March 19, 2020; and,

WHEREAS, the conditions necessitating declaration of a state of disaster continue to exist; and,

WHEREAS, §418.108(b) of the Texas Government Code provides that a local state of disaster may not be continued for a period in excess of seven (7) days without the consent of the governing body of the political subdivision;

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

THAT the statements and findings set out in the preamble to this ordinance are hereby, in all things, approved and adopted; and,

Section 1. Pursuant to §122.006 of the Texas Health and Safety Code, the City is authorized to take any actions necessary to promote health and suppress disease, including quarantine, examining and regulating hospitals. The City of Beaumont hereby declares that those persons under investigation, persons under management, and quarantined persons remain within the confines of their homes or in safe, secure facilities during the quarantine period following their exposure to the virus.

Section 2. That the state of public health disaster proclaimed for the City of Beaumont by the Mayor on the 16th day of March 2020, as amended, shall continue until terminated by ordinance of the City Council.

Section 3. In the event any clause, phrase, provision, sentence, or part of this ordinance or the application of the same to any person or circumstances shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this ordinance as a whole or any part or provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of the City of Beaumont, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, whether there be one or more parts.

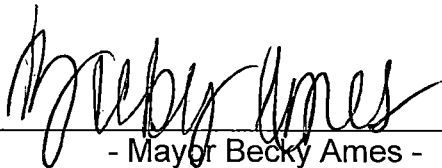
Section 4. Any person who shall violate any provision of this ordinance shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined in an amount not to exceed \$2,000.00. Each day of violation shall constitute a separate offense.

Section 5. This ordinance is passed as an emergency measure and pursuant to local authority for emergency measures and shall become effective immediately upon its approval.

The meeting at which this ordinance was approved was in all things conducted in strict compliance with the Texas Open Meetings Act, Texas Government Code, Chapter 551.

PASSED BY THE CITY COUNCIL of the City of Beaumont this the 23rd day of March, 2020.




- Mayor Becky Ames -

ATTEST:

Ina Broussard
City Clerk

**CITY OF BEAUMONT
DECLARATION OF LOCAL DISASTER
DUE TO PUBLIC HEALTH EMERGENCY**

WHEREAS, in December 2019, a novel respiratory disease named "SARS-CoV-2" that causes a disease named "coronavirus disease 2019" ("COVID-19") was detected in Wuhan City, Hubei Province, China; and

WHEREAS, symptoms of COVID-19 include fever, cough, and shortness of breath that may result in mild to severe illness, and in some cases death; and

WHEREAS, on January 30, 2020, the World Health Organization Director General declared the outbreak of COVID-19 as a Public Health Emergency of International Concern and advised countries to prepare for the containment, including active surveillance, early detection, isolation and case management, contact tracing, and prevention of onward spread of the disease; and

WHEREAS, on January 31, 2020, the U.S. Health and Human Services Secretary declared a public health emergency for the United States to aid the nation's healthcare community in responding to COVID-19; and

WHEREAS, the identification of "community spread" cases of COVID-19 in the United States 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, according to the Center for Disease Control ("CDC"), it is likely that at some point, widespread transmission of COVID-19 in the United States will occur; and

WHEREAS, the CDC warns that widespread transmission of COVID-19 would translate into large numbers of people needing medical care at the same time; and

WHEREAS, the CDC is recommending no gathering with 50 people or more be held in the United States for the next eight (8) weeks; and

WHEREAS, the CDC also warns that schools, childcare centers, workplaces, and other places for mass gatherings may experience more absenteeism; public health and healthcare systems may become overloaded with elevated rates of hospitalizations and deaths; other critical infrastructure, such as law enforcement, emergency medical services, and transportation industry may also be affected; and health care providers and hospitals may be overwhelmed; and

WHEREAS, the Governor of the State of Texas on March 13, 2020 declared a state of disaster for all counties of Texas; and

WHEREAS, the Jefferson County Judge on March 13, 2020 issued emergency orders, as amended, regarding the occupancy of premises throughout Jefferson County; and

WHEREAS, given, among other things, including the CDC's guidance, there is an ongoing risk and likelihood of COVID-19-positive patients being identified in the City of Beaumont; and

WHEREAS, the City, local health agencies, and political subdivisions within the region have been working diligently to implement CDC guidelines, but now require additional tools and resources to protect the public health given the current state of the epidemic and the need for a sustained response; and

WHEREAS, pursuant to the Texas Disaster Act of 1975, as amended, Texas Government Code, Chapter 418, (the "Texas Disaster Act"), the Mayor is designated as the Emergency Management Director of the City of Beaumont, and may exercise the powers granted to the Governor on an appropriate local scale; and

WHEREAS, a declaration of local disaster due to this 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 this Declaration, I 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 to the Mayor under the Texas Disaster Act, I authorize the use of all available resources of state government and political subdivisions to assist in the City's response to this situation; and

WHEREAS, the City of Beaumont, and the people and communities of the City have suffered or face imminent threat to the public health and the potential for loss of life and property resulting from a disaster: the introduction, transmission, or spread (or imminent threat of the same) of COVID-19 in the City of Beaumont; and

WHEREAS, I, the Mayor of the City of Beaumont have determined that emergency measures must be taken to either prepare for or respond to a disaster due to this public health emergency in order to respond quickly, to 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 to prevent or minimize the loss of life;

NOW, THEREFORE, BE IT PROCLAIMED BY THE MAYOR OF THE CITY OF BEAUMONT, TEXAS:

Section 1. Declaration of Local State of Disaster. That a local state of disaster and public health emergency is hereby declared for the City of Beaumont and incorporated areas pursuant to §418.108(a) of the Texas Disaster Act.

Section 2. Duration of Local State of Disaster. Pursuant to §418.108(b) of the Texas Disaster Act, the state of disaster and public health emergency shall continue for a period of not more than **seven (7) days** from the date of this declaration unless continued or renewed by the City Council. A city council meeting will be held Monday, March 23, 2020 to consider extending the declaration.

Section 3. Publicity and Filing. Pursuant to §418.108(c) of the Texas Disaster Act, this declaration of a local state of disaster due to this public health emergency shall be given prompt and general publicity and shall be filed promptly with the City Beaumont clerk.

Section 4. Activation of the City Emergency Management Plan. Pursuant to §418.108(d) of the Texas Disaster Act, this declaration of a local state of disaster due to this public health emergency activates the City of Beaumont Emergency Management Plan.

Section 5. Temporary Housing and Emergency Shelter. Pursuant to §418.020(d) of the Texas Disaster Act, this declaration authorizes the City to: (1) temporarily or permanently acquire by lease, purchase, or other means sites required for temporary housing units or emergency shelters for disaster victims; and (2) enter into arrangements necessary to prepare or equip the sites for installation and use of temporary housing units or emergency shelters, including arrangements necessary for the transportation and purchase of temporary housing units or emergency shelters.

Section 6. Pursuant to **§122.006** of the **Texas Health and Safety Code**, the City is authorized to take any actions necessary to promote health and suppress disease, including quarantine, examining and regulating hospitals. The City of Beaumont hereby declares that those persons under investigation, persons under management, and quarantined persons remain within the confines of their homes or in safe, secure facilities during the quarantine period following their exposure to the virus.

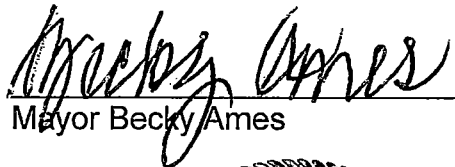
Section 7. City Facilities. In keeping with the directives of the CDC, effective March 17, 2020, the following city facilities will be closed: Civic Center, Event Centre, Julie Rogers Theatre, Jefferson Theatre, Lakeside Center, Sterling Pruitt Center, Community Centers, Athletic Complex, Tennis Center, and Municipal Court. The City Council will consider the closure at the council meeting held Monday, March 23, 2020 in City Council Chambers at 1:30 P.M.

The following city facilities will remain open to the public for normal operations. No special events will be scheduled: City Hall, City Libraries, Henry Homberg Golf Course, Municipal Transit, and City parks.

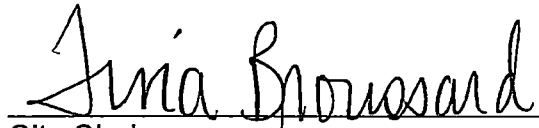
Section 8. Community Gatherings. It is recommended that any individual or organization with a planned or scheduled gathering with fifty (50) or more people is urged to cancel or postpone such events to assist in the effort to contain the covid-19 pandemic. This provision is not intended to interfere with the conducting of public or private education.

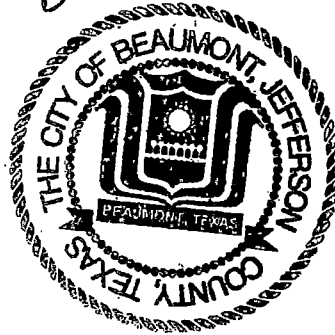
Section 9. This declaration shall take effect at midnight on the date of signing.

ORDERED this 16th day of March, 2020.


Mayor Becky Ames

ATTEST:


City Clerk



CITY OF BEAUMONT
AMENDED DECLARATION OF LOCAL DISASTER
DUE TO PUBLIC HEALTH EMERGENCY

WHEREAS, on March 16, 2020, pursuant to Texas Government Code, Section 418.108(b), the Mayor, as Emergency Management Director, declared for the City of Beaumont a local disaster due to public health emergency caused by the threat of the transmission and spread of COVID-19 in the City of Beaumont; and,

WHEREAS, due to the ongoing threat of the spread of the COVID-19 virus and the need to update measures to reduce the potential of exposure and transmission of the disease, it is necessary to amend the Declaration of Local Disaster;

NOW, THEREFORE, BE IT PROCLAIMED BY THE
MAYOR OF THE CITY OF BEAUMONT, TEXAS:

THAT the March 16, 2020 Declaration of Local Disaster be amended as follows:

Section 1. Community Gatherings. Pursuant to CDC social distancing guidelines, it is recommended that any individual or organization with a planned or scheduled gathering with ten (10) or more people is urged to cancel or postpone such events and to refrain from otherwise gathering in numbers greater than ten (10) to assist in the effort to contain the COVID-19. This provision is not intended to interfere with the conducting of public or private school education.

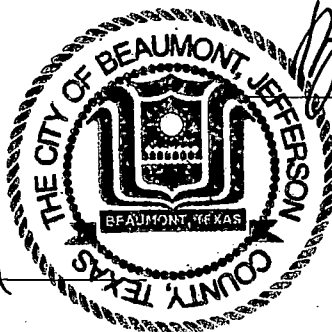
Section 2. Bars and Nightclubs. Bars, Nightclubs, Lounges, Arcades, and Game Rooms are to close and remain closed until further notice. All food service establishments are to discontinue all dine-in services. Food service establishments will be allowed to provide take-out, drive-thru, and delivery services. However, customers may be allowed to go inside the establishment to place a carry-out order. The delivery of alcoholic beverages will be permitted as allowed by law.

Section 3. Grocery Stores. Grocery stores, convenience stores, and pharmacies are encouraged to remain open, however, citizens are urged to use the delivery or curbside services of said stores where available or third party delivery services.

Section 4. Nursing Homes. Nursing homes and senior living facilities shall limit visitation of the public within their facilities.

Section 5. This amendment shall take effect immediately upon signing.

ORDERED this 19th day of March, 2020.



Becky Ames

- Mayor Becky Ames -

ATTEST:

Ina Broussard
City Clerk