

CITY OF ANNA, TEXAS

ORDINANCE NO. 852-2020

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ANNA, TEXAS AMENDING ORDINANCE NO. 850-2020 AND EXTENDING THE 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 Anna, 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, on March 17, 2020 the Mayor of Anna issued a Declaration of Disaster and Public Health Emergency; and

WHEREAS, thereafter 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 Anna to help insure that COVID-19 is contained; and

WHEREAS, on March 24, 2020 Collin County Judge Chris Hill issued his Order regarding COVID-19 to protect the citizens of Collin County; and

WHEREAS, on March 24, 2020 the Anna City Council convened and adopted Ordinance No. 848-2020 extending the COVID-19 Declaration of Disaster and Public Health Emergency; and

WHEREAS, on March 26, 2020 the Anna City Council convened an emergency meeting and adopted Ordinance No. 850-2020 further extending and supplementing the COVID-19 Declaration of Disaster and Public Health Emergency; and.

WHEREAS, since March 26, 2020 there have been additional confirmed cases of COVID-19 in the City of Anna and Collin County resulting from community spread; and

WHEREAS, on March 31, 2020 Texas Governor Greg Abbot issued Executive Order No. GA-14 relating to statewide continuity of essential services and activities during the COVID-19 disaster; and

WHEREAS, the City Council desires to adopt this ordinance to incorporate Ordinance No. 850-2020 and extend the COVID-19 Declaration of Disaster and Public Health Emergency as set forth in Section 2 of this ordinance;

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

SECTION 1. A local state of disaster due to public health emergency has been declared for the City of Anna, Texas, pursuant to section 418.108(a) of the Texas Government Code. This ordinance incorporates Ordinance No. 850-2020; provided, however, that in the event of any conflict between the provisions of this ordinance and Ordinance No. 850-2020 the provisions of this ordinance shall govern. Notwithstanding the foregoing or any other provisions of this ordinance, this ordinance is intended to comply and be consistent with the Governor of the State of Texas Executive Order No. GA-14, as same may be amended or modified (the “Governor’s Order”) and this ordinance shall not be enforced to the extent it is inconsistent with the Governor’s Order.

SECTION 2. Pursuant to section 418.108(b) of the Texas Government Code, the City’s COVID-19 Declaration of Disaster and Public Health Emergency and this ordinance shall remain in full force and effect until the Governor’s Order and the statewide declaration of disaster expires or is lifted at which time this ordinance and the City’s declaration of disaster and public health emergency shall be deemed to expire. 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) pandemic 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 to the extent as may be applicable 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.

SECTION 3. 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 4. Pursuant to section 418.108(d) of the Government Code, during this declaration of disaster the City of Anna's Emergency Management Plan remains activated. 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 considers the action necessary for the preservation of life or other disaster mitigation, response, or recovery; and (2) the Mayor 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 Anna, the Anna Planning and Zoning Commission, the Anna Community Development Corporation board of directors, and the Anna Economic 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 26, 2020 at midnight and ending April 14, 2020 at midnight unless terminated sooner by the Mayor or the City Council:

(1) All individuals currently living within Anna 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 Anna, except Essential Businesses as defined in below in this Section 7, are required to cease all activities at facilities located within Anna. 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 and microbreweries, micro-distilleries, or wineries 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.

(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 includes 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.
- i. **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.

(3) 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 shall decide whether to grant or deny such exemption.

(4) 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 Anna during the disaster declaration.

(5) 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.

(6) 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.

(7) 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.

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

(9) 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 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.

(10) No resident of Anna may enter any building at any truck stop located on or near U.S. Highway 75 unless the resident is an employee of the truck stop/travel center/travel center or is a truck driver and has an essential need to enter such buildings.

For the purposes of this ordinance a truck driver is a person who earns a living as the driver of a truck (usually a semi truck, box truck or dump truck).

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 and 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 employee 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 events or gatherings, 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 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 conditions, 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 online 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 Anna 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 Collin County Judge Chris Hill's Order of March 24, 2020 and finds it consistent herewith in all respects.

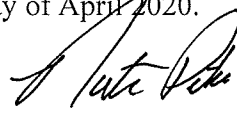
SECTION 11. This declaration hereby authorizes the use of all lawfully available enforcement tools.

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 each and every day such violation shall continue shall be deemed to constitute a separate offense.

SECTION 13. This ordinance shall take effect in accordance with Section 7 above.

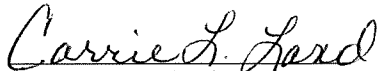
SECTION 14. All questions of interpretation of definitions and provisions of this ordinance shall be decided by the Mayor unless overruled by a majority of the City Council.

APPROVED, DECLARED AND ORDERED this 14th day of April 2020.



Nate Pike, Mayor

ATTEST:



Carrie L. Land, City Secretary

