

**ORDINANCE NO. 20- \_\_\_\_**

AN ORDINANCE OF THE CITY OF GALVESTON, TEXAS, DECLARING A STATE OF DISASTER AND EMERGENCY IN THE CITY OF GALVESTON RELATED TO THE EMERGENCE OF THE CORONA VIRUS/COVID 19; EXTENDING THE STATE OF DISASTER AND EMERGENCY IN THE CITY OF GALVESTON UNTIL SEPTEMBER 30, 2020; EXTENDING PREVIOUSLY APPROVED EMERGENCY ORDERS WITHIN THE CITY UNTIL SEPTEMBER 30, 2020, MAKING VARIOUS FINDINGS AND PROVISIONS RELATED TO THE SUBJECT, PROVIDING FOR A PENALTY AND PROVIDING FOR AN EFFECTIVE DATE.

---

**WHEREAS**, City Council finds that the threat posed by the prevalence of the Coronavirus/Covid 19 is continuing within the entire State with a 2,504 of new cases reported on Wednesday June 10 a record single day increase; and

**WHEREAS**, while Galveston County has a total of 569 active cases of Covid-19; our neighbor Harris County has 9,223 active cases and thus the disease is a clear and present threat to the health and welfare of the citizens of the City of Galveston given the propensity of Harris County residents to crowd attractions in Galveston; and

**WHEREAS**, City Council finds that the threat posed by the prevalence of the Coronavirus/Covid 19 in adjoining Harris County, which has the highest reported number of cases in the entire state, according to data published on the Texas Department of Health and Human Services, is also a clear and present threat to the health and welfare of the citizens of the City of Galveston given the propensity of Harris County residents to crowd attractions in Galveston; and

**WHEREAS**, City Council finds the Center for Disease Control continues to urge that preventive measures be taken to control the spread of the disease through the implementation of control measures but that the ability but the State's limitation of local governments' ability to implement effective control measures makes it likely there will be additional cases occurring in the City of Galveston; and

**WHEREAS**, City Council finds the continued spread of the disease in this area requires ongoing extraordinary measures to preserve the public health, control the spread of the disease, and protect the welfare of the citizenry people and preserve the delivery of services; and

**WHEREAS**, the City of Galveston's Emergency Management Plan has previously been activated by Declaration of Local Disaster By Proclamation of the Mayor of the City of Galveston, dated March 16, 2020; and

**WHEREAS**, the Governor of the State of Texas has declared a state of disaster for the entire State of Texas which remains in effect; and

**WHEREAS**, Tex. Health & Safety Code §122.006 allows a home rule municipality to adopt rules to protect the health of persons in the municipality against communicable disease;

**WHEREAS**, the City Council has continuously and consistently extended the State of Disaster and Emergency in the City of Galveston and most recently under City Ordinance 20-036 has extended the State of Disaster and Emergency until June 30, 2020.

**WHEREAS**, the City Council has previously ratified the following Emergency Orders to remain in effect until June 30, 2020:

- a) Order prohibiting the operation of electronic amusement machines in businesses in the City of Galveston;
- b) Order granting City Staff Authority to Suspend the Application of Building Code and Flood Plan regulations to allow Construction and Placement of a Temporary Screening Facility by PHI Aviation LLC; and

**WHEREAS**, the City Council has previously ratified the following Emergency Orders to remain in effect until June 30, 2020: and

**WHEREAS**, the City Council finds, in light of continuing spread of the virus and, that extension of the State of Disaster and Emergency in the City of Galveston and certain Emergency Orders should be extended until September 30, 2020.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GALVESTON, TEXAS;**

SECTION 1. The findings and recitations set out in the preamble to this Ordinance are found to be true and correct and they are hereby adopted by the City Council and made a part hereof for all purposes.

SECTION 2. In accordance with Section 418.108 of the Texas Disaster Act of 1975, and Article II, Section 15 of The City Charter of Ordinances, the City Council finds and declares a state of disaster and emergency continues to exist in the City of Galveston as a result of the prevalence of the Coronavirus/Covid 19 in Galveston City and County.

SECTION 3. The declaration of the State of Disaster and Emergency be and is hereby extended in the City of Galveston until September 30, 2020 subject to further action of Council.

SECTION 4. The Mayor, as Director of Emergency Management, by virtue of this Ordinance and the laws of the State, is hereby authorized to provide, or cause to be provided, all arrangements, provisions, and means necessary and proper to affect the coordination of relief and aid programs, and property restoration and rehabilitation programs, for the protection, preservation, and improvement of life and property within the City during the State of Emergency.

SECTION 5. This continued declaration of local disaster and emergency activates the recovery and rehabilitation aspects of all applicable local or interjurisdictional emergency management plans and authorizes the furnishing of aid and assistance under the declaration. All aspects of the City of Galveston Emergency Management Plan not already activated are hereby activated as provided in the plan.

SECTION 6. The following previously ratified the following Emergency Orders shall remain in effect until September 30, 2020; if marked "No" the Order expires on June 30, 2020:

Yes/No

\_\_\_\_\_ Order prohibiting the operation of electronic amusement machines in businesses in the City of Galveston;

\_\_\_\_\_ Order granting City Staff Authority to Suspend the Application of Building Code and Flood Plan regulations to allow Construction and Placement of a Temporary Screening Facility by PHI Aviation LLC.

SECTION 7. A violation of an emergency order issued by the Mayor shall be a Class C misdemeanor punishable by fine as allowed by law and as set forth in the specific Order.

SECTION 8. It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses and phrases of this Ordinance are severable and, if any phase, clause, sentence, paragraph or section of this Ordinance should be declared invalid by the final judgment or decree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs, and sections of this Ordinance.

SECTION 9. All Ordinances or parts thereof in conflict herewith are repealed to the extent of such conflict only.

SECTION 10. In accordance with the provisions of Sections 12 and 13 of Article II of the City Charter this Ordinance has been publicly available in the office of the City Secretary for not less than 72 hours prior to its adoption; that this Ordinance may be read and published by descriptive caption only.

SECTION 11. This Ordinance shall be and become effective from and after its adoption and publication in accordance with the provisions of the Charter of the City of Galveston.

(Remainder of page blank)

APPROVED AS TO FORM:

---

DONALD S. GLYWASKY  
CITY ATTORNEY

I, Janelle Williams, Secretary of the City Council of the City of Galveston, do hereby certify that the foregoing is a true and correct copy of an Ordinance adopted by the City Council of the City of Galveston at its regular meeting held on the 25th day of June, 2020, as the same appears in records of this office.

IN TESTIMONY WHEREOF, I subscribe my name hereto officially under the corporate seal of the City of Galveston this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

---

JANELLE WILLIAMS  
Secretary for the City Council  
of the City of Galveston