

ORDINANCE NO. 20- 028

AN ORDINANCE OF THE CITY OF GALVESTON, TEXAS, EXTENDING THE PROVISIONS OF CITY ORDINANCE 20-023 DECLARING A STATE OF DISASTER AND EMERGENCY IN THE CITY OF GALVESTON RELATED TO THE EMERGENCE OF THE CORONA VIRUS/COVID 19 AND THE EMERGENCY ORDERS AS DETAILED IN THAT ORDINANCE; RATIFYING THE AMENDMENT TO THE DECLARATION OF A STATE OF DISASTER AND EMERGENCY IN THE CITY OF GALVESTON; CONFIRMING THE ORDERS ISSUED BY THE MAYOR SUBSEQUENT TO THE PASSAGE OF ORDINANCE 20-23 RELATED TO CLOSING THE PUBLIC BEACHES IN THE CITY OF GALVESTON; CLOSING BEACH ACCESS POINTS WEST OF THE WESTERN TERMINUS OF THE GALVESTON SEAWALL; AMENDING THE MANDATED CLOSURE OF SHORT TERM RENTAL FACILITIES AND CLOSING BED AND BREAKFAST FACILITIES AND HOTELS OPERATING IN THE CITY; REQUIRING MINIMUM STAYS FOR RECREATIONAL VEHICLES AT RV PARKS IN THE CITY AND PROHIBITING PARKING OF RVs IN CITY PARKS AND COMMERCIAL PARKING LOTS; AND GRANTING CITY STAFF AUTHORITY TO SUSPEND BUILDING AND FLOOD PLAIN REGULATIONS AS GALVESTON SCHOLES FIELD; 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 emergence of the Coronavirus/Covid 19 has been confirmed in Galveston County by the Galveston County Health District which has announced the presence of the disease caused by community spread; and

WHEREAS, City Council finds the Center for Disease Control has urged that preventive measures be taken to control the spreads of the disease through the implementation of control measures; and

WHEREAS, City Council finds the confirmed presence of the disease in this area requires 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; 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; and

WHEREAS, the City Council has previously passed City Ordinance 20-023 ratifying the Mayor's Declaration of Local Disaster and extending it to April 6, 2020 as well as the temporary

orders he has executed as detailed in that Ordinance and now wishes to further extend them as set forth herein.

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. As set forth in City Ordinance 20-23 and 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 in the City of Galveston as a result of the impact of the emergence of the Coronavirus/Covid 19 in Galveston County continues to exist in the City of Galveston and should be extended to a date set forth herein.

SECTION 3. The City Council finds and declares the following emergency Orders issued by the Mayor ratified in Ordinance 2023 should be extended to a date set forth herein:

- a) Declaration of a Local State of Disaster and Emergency Related to the Emergence of the Corona Virus/Covid-19 signed March 16, 2020 and as amended March 31, 2020.
- b) Order Closing Entertainment Venues Operating on Galveston Island signed March 18, 2020; and
- c) Order Closing Bars and Restaurants in the City of Galveston signed March 18, 2020;
- d) Order prohibiting the consumption of food within 100 feet of a take-out food establishment signed March 19, 2020;
- e) Order closing guided tours operating on Galveston Island signed March 19, 2020;
- f) Order suspending Licenses to Use for the placement of tables benches and chairs in the public right of way;
- g) Order prohibiting the operation of electronic amusement machines in businesses in the City of Galveston;
- h) Order closing fishing piers and charter operations in the City of Galveston;
- i) Order requiring citizens to stay at home unless engaged in an essential activity of business,

SECTION 4. The City Council finds and declares the following emergency Orders issued by the Mayor and ratified in Ordinance 20-23 has been amended by further Order of the Mayor and is no longer of any force and effect:

- j) Order closing short terms rentals in the City of Galveston; and

SECTION 5. The City Council finds and declares the following emergency Orders issued by the Mayor subsequent to the passage of Ordinance 20-23 should be extended to a date set forth herein:

- k) Order closing Public Beaches in the City of Galveston; and
- l) Order prohibiting vehicular traffic from certain beaches from Beach access point 35 west including those around San Luis Pass; and
- m) Order closing Public Beach Access Points west of the western terminus of the Galveston Seawall; and
- n) Amended Order Mandating Closure of Short Term Rental Facilities in the City of Galveston; and
- o) Order closing Bed and Breakfast Facilities and Hotels Operating in the City of Galveston;
- p) Order requiring a Minimum Period of Stay for Recreational Vehicles in RV Parks and prohibiting the parking of Recreational Vehicles in any Public Park or Commercial Parking Lot; and
- q) 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 6. A violation of an order set forth above shall be a Class C misdemeanor punishable by fine as allowed by law and as set forth in the specific Order .

SECTION 7 The Mayor, as Director of Emergency Management, is further 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 Disaster and Emergency.

SECTION 8. These terms of this Ordinance shall remain in effect until 5:00 p.m. on April 30, 2020.

SECTION 9. This 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.

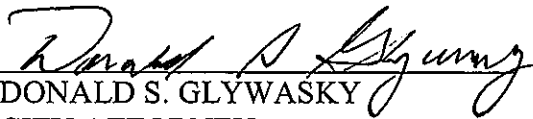
SECTION 10. It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses and phrases of this Ordinance are severable and, if any phase, clause, sentence, paragraph or section of this Ordinance should be declared invalid by the final judgment or decree 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 11. All Ordinances or parts thereof in conflict herewith are repealed to the extent of such conflict only.

SECTION 12. 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 13. 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.

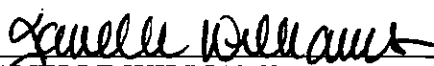
APPROVED AS TO FORM:


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 special meeting held on the 3rd day of April, 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 3rd day of April, 2020.




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