

ORDINANCE NO. 20-056

AN ORDINANCE OF THE CITY OF GALVESTON, TEXAS; EXTENDING THE STATE OF EMERGENCY AND DISASTER RELATED TO THE COVID-19 VIRUS UNTIL JANUARY 31, 2021, EXTENDING CERTAIN EMERGENCY ORDERS RATIFIED BY CITY COUNCIL RELATING TO THE OPERATION OF ELECTRONIC AMUSEMENT MACHINES, THE SUSPENSION OF BUILDING CODE AND FLOOD PLAIN REGULATIONS FOR PLACEMENT OF A COVID 19 TEMPORARY SCREENING FACILITY AT SCHOLLES AIRPORT; REQUIRING COMMERCIAL ENTITIES PROVIDING GOODS OR SERVICES DIRECTLY TO THE PUBLIC TO DEVELOP A HEALTH AND SAFETY POLICY MANDATING THE WEARING OF MASKS IN THEIR FACILITY, REQUIRING THE WEARING OF FACE MASKS IN PUBLIC AND RESTRICTING MASS GATHERINGS; DISCONTINUING THE EMERGENCY ORDER RESTRICTING INDOOR GATHERINGS OF FIVE HUNDRED PEOPLE OR MORE; 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 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, 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 the Mayor has issued the Emergency Orders set forth herein and the Council has ratified those Orders in furtherance and in accord with that statutory authority; and

WHEREAS, the City Council has previously passed City Ordinance 20-045 ratifying the Mayor's Declaration of Local Disaster and extending it to September 30, 2020 as well as the Emergency Orders detailed in that Ordinance, and

WHEREAS, the City Council finds the COVID-19 pandemic poses an ongoing risk to the public health and requires action by this Council.

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 Ordinances 20-23 and 20-45 and in accordance with Tex. Health & Safety Code §122.006 as well as Tex. Gov't Code § 418.108, commonly referred to as 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 the date set forth herein.

SECTION 3. The following Emergency Orders previously ratified by City Council in Ordinance 20-45, which are incorporated herein by reference as if fully set forth, continue to be in force and effect:

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;

Order requiring commercial entities providing goods or services directly to the public to develop a health and safety policy mandating the wearing of face masks in their facility, requiring the public to wear face masks, prohibiting mass gatherings in the city and limiting access to city buildings.

SECTION 4. Relating to the Emergency Order of July 10, 2020 issued by the Mayor restricting indoor gatherings of 500 persons or more, which is incorporated herein by reference, the City Council determines the Order is no longer necessary and is vacated effective September 30, 2020.

SECTION 5. 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 6. The Mayor Pro Tem, as Director of Emergency Management, is further authorized issue any further Order 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 7. These terms of this Ordinance shall remain in effect until 5:00 p.m. on January 31, 2021, or further action of City Council, or upon the cessation of the State of Disaster and Emergency in the City of Galveston by Order of the Governor, whichever may occur first.

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.

APPROVED AS TO FORM:

Donna Fairweather

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 17th day of September, 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 18th day of September, 2020.



Janelle Williams

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