

ORDINANCE NO. 2020-03-_____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, RATIFYING, CONTINUING AND RENEWING THE SECOND REVISED MAYORAL DECLARATION OF A LOCAL STATE OF DISASTER DUE TO A PUBLIC HEALTH EMERGENCY IN RESPONSE TO THE COVID-19 VIRUS OUTBREAK, PURSUANT TO THE TEXAS DISASTER ACT OF 1975, CHAPTER 418, TEXAS GOVERNMENT CODE; PROVIDING A PENALTY; PROVIDING FOR THE PUBLICATION OF THE CAPTION OF THIS ORDINANCE; AND PROVIDING FOR AN EFFECTIVE DATE

- 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,** the COVID-19 virus may be spread between people in close contact with one another through respiratory droplets produced by an infected person; and
- WHEREAS,** on January 31, 2020, the United States Secretary of Health and Human Services declared a public health emergency in response to COVID-19; and
- WHEREAS,** on March 13, 2020, the President of the United States declared the COVID-19 outbreak a national health emergency beginning on March 1, 2020; and
- WHEREAS,** on March 13, 2020, the Governor of the State of Texas declared a state of disaster for all counties in Texas in response to the COVID-19 outbreak; and
- WHEREAS,** on March 16, 2020, Collin County Judge Chris Hill declared a state of disaster for Collin County, Texas in response to the COVID-19 outbreak; and
- WHEREAS,** the Texas Disaster Act of 1975 (the “Disaster Act”) authorizes the presiding officer of a political subdivision to declare a local state of disaster for up to seven (7) days; and
- WHEREAS,** on March 16, 2020, the Mayor of the City of McKinney declared a local state of disaster for the City of McKinney commencing on March 17, 2020 (the “Mayoral Disaster Declaration”), and
- WHEREAS,** on March 16, 2020, the Mayor later issued a revised disaster declaration (the “Revised Mayoral Disaster Declaration”) in conjunction with the President of the United States and the Centers for Disease Control revised recommendation to limit social gatherings to ten (10) persons; and
- WHEREAS,** on March 17, 2020, the Mayor issued a further revised disaster declaration (the “Second Revised Mayoral Disaster Declaration”) effective immediately prohibiting dine-in service at restaurants and bars beginning March 20, 2020; and
- WHEREAS,** on March 19, 2020, the Governor of the State of Texas issued Executive Order No. GA-08 relating to COVID-19 preparedness and mitigation; and
- WHEREAS,** on March 19, 2020, the Commissioner of the State Health Services issued a Declaration of a Public Health Disaster in the State of Texas in response to the rapid spread of COVID-19; and

WHEREAS, the Disaster Act authorizes the governing body of the City of McKinney to continue or renew a declared local state of emergency for a period of more than seven (7) days; and

WHEREAS, prudence dictates that extraordinary measures must continue to be taken to contain COVID-19 and prevent its spread throughout the City of McKinney, 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, the City Council finds that it is in the best interest of the City of McKinney to ratify, continue and renew the Second Revised Mayoral Disaster Declaration in response to the COVID-19 virus outbreak pursuant to the Disaster Act.

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

Section 1. On March 16, 2020, the Mayor of the City of McKinney, Texas declared a local state of disaster due to a public health emergency in response to the COVID-19 outbreak for the City of McKinney, Texas effective on March 17, 2020 (the "Mayoral Disaster Declaration"), which was later amended on March 16, 2020 (the "Revised Mayoral Disaster Declaration") and further amended on March 17, 2020 (the "Second Revised Mayoral Disaster Declaration"), pursuant to section 418.108(a) of the Texas Government Code.

Section 2. Pursuant to section 418.108(a) of the Texas Government Code, the Second Revised Mayoral Disaster Declaration was declared for a period not to exceed seven (7) days from the effective date of the declaration.

Section 3. Pursuant to section 418.108(c) of the Texas Government Code, the Second Revised Mayoral Disaster Declaration was given prompt and general publicity and filed promptly with the City Secretary of the City of McKinney, Texas.

Section 4. Pursuant to section 418.108(a) of the Texas Government Code, the Second Revised Mayoral Disaster Declaration may be continued or renewed for a period of more than seven (7) days from the effective date by the City Council of the City of McKinney, Texas.

Section 5. Pursuant to section 418.108(d) of the Texas Government Code, the Second Revised Mayoral Disaster Declaration activated the City of McKinney Emergency Management Plan under McKinney Ordinance 2008-02-013.

Section 6. The City Council hereby continues and renews the Second Revised Mayoral Disaster Declaration authorizing the City to take any actions necessary to promote health and suppress the virus, including, but not limited to the quarantine of persons and occupied structures, examining and regulating hospitals, 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 Texas Health and Safety Code.

Section 7. The City Council hereby continues and renews the Second Revised Mayoral Disaster Declaration limiting the size of all gatherings, both public and private, to not more than ten (10) people and mandates the cancellation of all such gatherings until further notice. A "gathering" generally refers to a scheduled event or common endeavor where ten (10) persons or more are present in a confined space, room, or area. A "gathering" shall also refer to a scheduled event or common endeavor within an outdoor confined space

or area enclosed by a fence, physical barrier or other structure where ten (10) persons or more are present and will generally be located within arm's length of one another for extended periods of time. The City Council of the City of McKinney, the MEDC board of directors, and the MCDC board of directors and their essential and necessary attendees shall be exempt from this restriction 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.

Section 8. The City Council hereby continues and renews the Second Revised Mayoral Disaster Declaration whereby all dine-in service at restaurants and bars shall cease until 11:59 p.m. on April 3, 2020. This restriction does not affect drive-thru, drive-in or carry-out services. It is the intent of this Section 8 that restaurants and bars are able to invoke business interruption insurance coverage due to the enactment of this restriction.

Section 9. The City Council hereby continues and renews the Second Revised Mayoral Disaster Declaration authorizing the use of all lawfully available enforcement tools to effectuate the purposes of the Second Revised Mayoral Disaster Declaration.

Section 10. The City Council 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 11. Any person, firm or corporation violating any of the provisions of this Ordinance commits an offense, punishable by a fine up to \$500.00, and each and every day such violation shall continue shall be deemed to constitute a separate offense.

Section 12. The caption of this Ordinance shall be published one time in a newspaper having general circulation in the City of McKinney following the City Council's adoption hereof as provided by law.

Section 13. This Ordinance shall become effective from and after the date of its final passage and publication as provided by law, and remain in effect until 11:59 p.m. on April 3, 2020 whereafter such date it shall be assessed and considered for further amendment, renewal, extension or repeal by the City Council, and it is accordingly so ordained.

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, ON THE 24th DAY OF MARCH, 2020.

CITY OF MCKINNEY, TEXAS

GEORGE C. FULLER
Mayor

CORRECTLY ENROLLED:

EMPRESS DRANE
City Secretary
LISA SEWELL
Deputy City Secretary

DATE: _____

APPROVED AS TO FORM

MARK S. HOUSER
City Attorney