

ORDINANCE NO. 2020-10-_____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, REPEALING ORDINANCE NO. 2020-04-031 RELATIVE TO THE COVID-19 VIRUS, ACKNOWLEDGING THE CONTINUED AUTHORITY OF THE GOVERNOR'S EXECUTIVE ORDERS INCLUDING LOCAL ENFORCEMENT THEREOF UNDER THE TEXAS DISASTER ACT OF 1975, CHAPTER 418, TEXAS GOVERNMENT CODE; 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,** 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,** 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,** 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, in March 2020, the Mayor of the City of McKinney declared a local state of disaster for the City of McKinney and issued three (3) related mayoral declarations (the “Mayoral Disaster Declarations”), 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, in April 2020, the McKinney City Council enacted COVID-19 Ordinances, including current Ordinance 2020-04-31, incorporating and extending the Mayoral Disaster Declarations and further incorporating then existing and future Executive Orders of the Governor concerning the COVID-19 disaster in an effort to maintain concurrent authority to address the effects of the pandemic, including health and economic concerns; and

WHEREAS, since April 2020, the Governor has issued several Executive Orders concerning, among other things, the percentages of allowed occupancies in businesses, the required use of masks, and certain allowed uses/events, through and including GA-32, issued on October 7, 2020; and

WHEREAS, some confusion has been voiced by residents concerning the possibility of conflicts in enforcement of Ordinance 2020-04-31 and the Governor’s Executive Orders; and

WHEREAS, those Governor’s Executive Order(s) currently in place clearly state “that local officials may enforce this executive order” and incorporate applicable state law which statutory provisions provide ongoing authority and enable the City of McKinney to regulate conduct mandated by such Executive Orders; and

WHEREAS, the City Council finds that it is in the best interest of the citizens of the City of McKinney to repeal Ordinance No. 2020-04-031 to provide uniform regulations and enforcement in response to the COVID-19 virus pursuant to its Home Rule Charter, Section 122.006 of the Texas Health and Safety Code, the Texas Constitution, the Disaster Act, and other applicable state law.

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

Section 1. Ordinance No. 2020-04-031 is hereby repealed in its entirety.

Section 2. This Ordinance confirms the City’s authority to enforce Executive Orders issued under Section 418.173 of the Texas Government Code and other applicable statutes.

Section 3. This Ordinance shall take effect immediately upon passage.

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, ON THE 20th DAY OF OCTOBER 2020.

CITY OF MCKINNEY, TEXAS

GEORGE C. FULLER
Mayor

CORRECTLY ENROLLED:

EMPRESS DRANE
City Secretary

DATE: _____

APPROVED AS TO FORM

MARK S. HOUSER
City Attorney

