

STATE OF TEXAS

COUNTY OF BREWSTER

CITY OF ALPINE

**ORDINANCE 2020-03-06**

**EMERGENCY ORDINANCE INSTITUTING EMERGENCY MEASURES DUE TO A PUBLIC HEALTH EMERGENCY; PENALTY AS PROVIDED HEREIN**

**WHEREAS**, on March 13, 2020, the Governor of the State of Texas declared a state of disaster and the President of the United States declared a national emergency in relation to COVID-19; and

**WHEREAS**, said state of disaster requires that certain emergency measures be taken pursuant to the Executive Order of the Governor Relating to Emergency Management; therefore, the following regulations shall take effect immediately upon issuance, and shall remain in effect until the state of disaster is terminated; and

**WHEREAS**, Brewster County has also adopted certain emergency measures on March 31, 2019 regarding COVID-19;

**WHEREAS**, the City of Alpine previously adopted Ordinance 2020-03-06, an emergency ordinance, which this ordinance extends and supplants.

**NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ALPINE, TEXAS:**

That the following is hereby in effect:

**1. STATE AND FEDERAL GUIDANCE**

The City continues to authorize the Emergency Management Director or designee to update, restrict and promulgate regulations necessary to comply with Federal, State, Local authorities' guidance in relation to COVID-19.

**2. CITY BOARDS AND COMMISSIONS**

- a) Unless required by State Law, all City boards and commission meetings are suspended while this ordinance is in effect.
- b) Any boards and commissions that must meet pursuant to State Law, should meet pursuant to the means allowed by the Texas Attorney General and institute best practices with regards to social distancing.

**3. HOTELS, MOTELS, AND SHORT-TERM RENTALS**

- a) All hotels, motels, short-term rentals, and all short-term rental activities and

businesses may remain open, but ONLY for customers that are active military, law enforcement, national reserve, permanent residents residing in hotels and motels, emergency services personnel to support City, County, State, Federal, SRSU, school district operations, Government operations, and other providers of essential services as defined in Gov. Abbott/ State of Texas orders, during this time period.

- b) All hotels, motels, and short-term rentals must report their occupancy numbers to the Alpine Chief of Police on a daily basis.

#### 4. STAY HOME, WORK SAFE

Effective as of 11:59 p.m. on April 7, 2020 and continuing until 11:59 p.m. on April 30, 2020, all individuals currently living within the City of Alpine are required to stay at home at their place of residence. For the purposes of this ordinance, residences include hotels, motels, shared rentals, and similar facilities. To the extent individuals are using shared or outdoor spaces, they must at all times as reasonably as possible maintain social distancing of at least six feet from any other person when they are outside their residence. All persons may leave their residences only for Essential Activities, or to provide or perform Essential Governmental Functions, or to operate Essential Businesses, all as defined below. All businesses operating within the City of Alpine, except Essential Businesses as defined in below are required to cease all activities at facilities located within the City. For clarity, businesses may continue operations consisting exclusively of employees or contractors performing activities at their own residences (i.e. working from home). To the greatest extent possible, all Essential Businesses shall comply with the Social Distancing Guidelines, including maintaining six-foot social distancing for employees and the general public.

#### 5. NO PUBLIC OF PRIVATE GATHERINGS

All public or private gatherings of any number of people occurring outside a single household or living unit are prohibited, except as otherwise provided herein. Nothing in this Ordinance prohibits the gathering of members of a household or living unit.

#### 6. TRAVEL

All travel, including, but not limited to, travel on foot, bicycle, scooter, motorcycle, automobile, or public transit is prohibited, except for purposes of Essential Activities or to perform or obtain services from an Essential Business, Essential Governmental Function, or Critical infrastructure, as defined below.

7. ESSENTIAL ACTIVITIES – For purposes of this Ordinance, individuals may leave their residence only to perform any of the following Essential Activities:

- a) To engage in activities or perform tasks essential to their health and safety, or to the health and safety of their family or household members (for example, obtaining medical supplies or medication, visiting a healthcare professional or obtaining supplies needed to work from home).
- b) To obtain necessary services or supplies for themselves and their family or household members, or to deliver those services or supplies to others (for example, food, pet supplies, and any other household consumer products, and products necessary to maintain safety, sanitization, and essential operation of residences).
- c) To engage in outdoor recreational or fitness activity, provided the individuals comply with social distancing requirements of six feet (for example, walking, biking, hiking, or running).
- d) To perform work providing essential products and services at an Essential Business or Essential Governmental Functions, or to otherwise carry out activities specifically permitted in this Ordinance.
- e) To care for a family member or pet in another household.
- f) To perform or obtain services from an Essential Business, or from an Essential Government Function, as defined in this Ordinance.
- g) To return home from or to another jurisdiction.

8. ESSENTIAL BUSINESSES – For purposes of this ordinance, “Essential Businesses” means:

- a) **Essential Healthcare Operations.** Healthcare operations, including hospitals, clinics, dentists, pharmacies, pharmaceutical and biotechnology companies, other healthcare facilities, healthcare suppliers, mental health providers, substance abuse service providers, blood banks, medical research, laboratory services, or any related and/or ancillary healthcare services. Home-based and residential-based care for seniors, adults, or children are also considered healthcare operations. Healthcare operations also includes veterinary care and all health and welfare services provided to animals. This exemption shall be viewed broadly to avoid any impacts to the delivery of healthcare. Healthcare operations do not include fitness and exercise gyms and similar facilities. Healthcare operations do not include elective medical surgical, dental, or scanning procedures.
- b) **Essential Critical Infrastructure.** Work necessary to the operations and maintenance of the critical infrastructure sectors, including public works construction, residential and commercial construction, airport operations, water, sewer, gas, electrical, oil refining,

roads and highways, public transportation, solid waste collection and removal, internet, and telecommunications systems (including the provision of essential global, national, and local infrastructure for computing services, business infrastructure, communications, and web-based services), financial institutions, defense and national security-related operations, essential government functions, essential manufacturing operations provided that they carry out those services or that work in compliance with social distancing requirements of six feet, to the extent possible. Essential Businesses providing Essential Critical Infrastructure should implement precautions to protect employees and all activity shall be performed in compliance with social distancing guidelines attached hereto. Construction sites should limit site visitation to a single trade at one time in order to maintain social distancing standards.

- c) **Grocery Stores and Other Suppliers.** Grocery stores, warehouse stores, big-box stores, liquor stores, gas stations and convenience stores, and/or farmers' markets that sell food products, household staples, office supplies, hardware (e.g. electrical, plumbing, etc.), or suppliers of Essential Businesses or Essential Government Functions. Business that provide products to those businesses, including farming, fishing, and livestock. Businesses that ship or deliver groceries, food, goods or services directly to residences.
- d) **Food Services.** Restaurants and other facilities that prepare and serve food, but only for delivery or carry out. Schools and other entities that typically provide free services to students or members of the public on a pick-up and take-away basis only. Businesses that ship or deliver groceries, food, goods or services directly to residences. The restriction of delivery or carry out does not apply to cafes and restaurants located within hospital and medical facilities, except that all activity shall be performed in compliance with social distancing guidelines attached hereto.
- e) **Providers of Basic Necessities to Economically Disadvantaged Populations.** Businesses that provide food, shelter, and social services, and other necessities of life for economically disadvantaged or otherwise needy individuals.
- f) **Essential Services Necessary to Maintain Essential Operations of Residences or Other Essential Businesses.** Trash and recycling collection, processing and disposal, mail and shipping services, building cleaning, lawn and property maintenance and security, warehouse distribution and fulfillment, trucking, storage for essential businesses, funeral homes, crematoriums and cemeteries. Professional services, such as legal or accounting services, when necessary to assist in compliance with legally mandated activities. Businesses that supply other essential businesses with support or supplies needed to operate, including laundromats, dry cleaners, and laundry service providers. Firearm and ammunition suppliers and retailers for purposes of safety and security.
- g) **News Media.** Newspapers, television, radio, and other media services.
- h) **Childcare Services.** Childcare facilities providing services that enable employees

exempted in this ordinance to work as permitted. Except that the following practices shall be observed: Childcare must be carried out in groups of 10 or fewer children, each within the same group each day. Children shall not change from one group to another, and groups shall not comingle. If a facility cannot prevent comingling of more than one group of children, then that facility should limit its total number of children to 10. Unless necessitated by overriding health and safety considerations, childcare providers shall remain solely with one group of children and not change groups.

- i) **Gas Stations and Businesses Needed for Transportation.** Gas stations, automobile dealerships, auto-manufacturing and assembly, auto-supply, auto repair, RV sales/repair, bicycle sales/repair, and other related facilities. To the greatest extent possible, interaction with the public should be provided outdoors or in open areas where social distancing may be maintained. Indoor activities should be limited to closing sales or other transactions.
- j) **Financial Institutions.** Banks and related financial institutions, consumer lenders, sales and finance lenders, credit unions insurance companies, appraisers, title companies and payroll and accounting services.
- k) **Critical Trades.** Plumbers, electricians, exterminators, pool cleaners, HVAC providers, sign companies, and other service providers only to the extent that services are necessary to maintaining the safety, sanitation, and essential operation of residences, Essential Activities, Essential Businesses, Essential Government Functions, and Essential Critical Infrastructure, including but not limited to utilities such as electricity, gas, water and wastewater, and other public works. Critical Trades does not include discretionary maintenance or improvements.
- l) **Real Estate Services.** Services related to the marketing, sale, lease, or value of real estate, including but not limited to real estate brokers, title companies, surveyors, and/or appraisers, except that all activities shall be performed in compliance with social distancing of six feet per person.
- m) **Mail and Delivery Services.** Businesses providing mailing and shipping services, including post office boxes.
- n) **Certain Educational Activities.** Educational functions, including those of public and private K12 schools, colleges, and universities for purposes of distance education, temporary closure or maintenance of facilities, performing critical research, or performing essential administrative functions, provided that compliance with social distancing of six feet per person is maintained to the greatest extent possible.
- o) **Transportation.** Airlines, taxis, UPRR, AMTRAK, and other private transportation providers (such as Uber and Lyft) that provide transportation services necessary for the performance of Essential Activities, Essential Businesses, Critical Infrastructure, and/or Essential Government Functions. Alpine-Casparis Municipal Airport shall remain open.

- p) **Home-Based Care and Services.** Home-based care for seniors, adults, or children, including caregivers who may travel to provide care.
- q) **Residential Facilities and Shelters.** Residential facilities and shelters for seniors, adults, children and animals (including students who have no other option but to remain on campus at a lower or higher education institution).
- r) **Professional Services.** Professional services, such as legal services, accounting services, or insurances services, only to the extent that the activity has been ordered to continue by a state entity (such as Office of Court Administration), or to the extent that service can be provided in compliance with social distancing of six feet per person is maintained to the greatest extent possible.
- s) **Information Technology Services and Telecommunications Services.** IT and IT services and their essential services vendors, including the provision of essential global, national, and local infrastructure for computing services, business infrastructure, communications, web-based services, and critical manufacturing, as well as telecommunication sales and services, internet access and broadband/communications services.
- t) **Moving Services.** Businesses that provide residential and/or commercial moving services and necessary moving supplies.
- u) **Religious Services.** Religious and worship services may only be provided by video and teleconference. Religious institutions must limit in-person staff to ten (10) people or less when preparing for or conducting video or teleconference services, and all individuals must follow the Social Distancing Guidelines including the six-foot social distancing rule.
- v) **Funeral Services.** Funeral, mortuary, cremation, burial, cemetery, and related services, provided that social distancing of six feet per person is maintained to the greatest extent possible.

## 9. ESSENTIAL GOVERNMENT FUNCTIONS

All services provided by local governments needed to ensure the continuing operation of the government agencies to provide for the health, safety and welfare of the public shall continue. Further, nothing in this ordinance shall prohibit any individual from accessing "Essential Government Functions." Each government body shall determine its Essential Government Functions and identify employees and/or contractors necessary to the performance of those functions, including but not limited to support services such as Chambers of Commerce, non-profit support services and the like. To the extent feasible, all Essential Government Functions shall be performed in compliance with the social distancing of six feet per person is maintained. This Ordinance does not apply to the Federal, State or County Government.

## 10. ADDITIONAL PROVISIONS

- a) **Quarantine.** If someone in a household has tested positive for COVID-19, the entire household is ordered to isolate at home. Members of the household cannot go to work, school, or any other community function. Any person who displays symptoms of COVID-19, including fever, shortness of breath, or dry cough should refrain from leaving home and call Big Bend Regional Medical Center, 432-837-3447.
- b) **Elder Care Facilities.** Nursing homes, retirement, and long-term care facilities are instructed by this ordinance to prohibit non-essential visitors from accessing their facilities unless to provide critical assistance or for end-of-life visitation.
- c) **Curfew.** Unless conducting or traveling to or from an Essential Activity, work at an Essential Business, or work at an Essential Governmental Function, members of the public shall remain at their residential properties between the hours of 10 p.m. and 5 a.m.

## 11. PENALTIES

- a) These regulations shall have effect of ordinances when duly filed with the City Secretary.
- b) A person who violates any provision of these regulations, upon conviction, is guilty of a misdemeanor punishable by fine of not more than five hundred dollars (\$500.00)

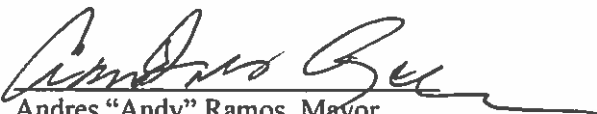
## 12. EMERGENCY

This emergency ordinance shall take effect immediately upon its adoption and publication and it is accordingly so ordained. This ordinance shall remain in effect through April 30, 2020, or until state of disaster is terminated, whichever is sooner.


## 13. SEVERABILITY CLAUSE

It is hereby declared to be intention of the City Council that the phrases, sentences, paragraphs and sections of this ordinance severable. If any part of this ordinance shall be declared unconstitutionally by the valid judgement or decree of any court of competent jurisdiction, such unconstitutionality shall not affect the remaining phrases, sentences, paragraphs and sections.

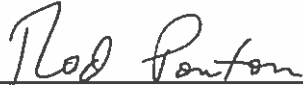
**PASSED AND ADOPTED THIS 7<sup>th</sup> DAY OF APRIL 2020 BY THE CITY COUNCIL OF THE CITY OF ALPINE, TEXAS.**

  
Andres "Andy" Ramos, Mayor  
City of Alpine

ATTEST:

  
Cynthia Salas, City Secretary  
City of Alpine

APPROVED AS TO FORM:

  
Rod Ponton, City Attorney  
City of Alpine