

ORDINANCE NO. 431

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BEE CAVE DECLARING A LOCAL MEDICAL DISASTER; ESTABLISHING RULES AND REGULATIONS FOR THE DURATION OF THE DISASTER; RESTRICTING CERTAIN ACTIVITIES; AND ESTABLISHING PENALTIES FOR VIOLATIONS.

WHEREAS, in December 2019 a novel coronavirus, now designated COVID-19, was detected in Wuhan City, Hubei Province, China. Symptoms of COVID-19 include fever, cough, and shortness of breath. Outcomes have ranged from mild to severe illness, and in some cases death; and

WHEREAS, on January 30, 2020, the World Health Organization Director General declared the outbreak of COVID-19 as a Public Health Emergency of International Concern (PHEIC), advising countries to prepare for the containment, detection, isolation and case management, contact tracing and prevention of onward spread of the disease; and

WHEREAS, on March 5, 2020, the World Health Organization Director General urged aggressive preparedness and activation of emergency plans to aggressively change the trajectory of this epidemic; and

WHEREAS, on March 11, 2020, the World Health Organization declared that the COVID-19 outbreak should be characterized as pandemic; and

WHEREAS, President Trump declared a national emergency on March 13, 2020; and

WHEREAS, Governor Greg Abbott declared a public health disaster on March 13, 2020 and issued Executive Orders on March 19, 2020; and

WHEREAS, the Center for Disease Control and Prevention is closely monitoring the growing number of COVID-19 cases that have spread into the United States; and

WHEREAS, over 54,00 cases of COVID-19 have been reported in the United States, including 737 deaths; and

WHEREAS, reports received as of March 24, 2020, report more than 950 cases in Texas and 98 cases in Travis County with 12 deaths in the State; and

WHEREAS, The County Judge of Travis County issued Order No. 2020-5 Relating [sic] the Declaration regard[sic] COVID-19 on March 24, 2020 which included, among other declarations and orders a Stay at Home or Place of Residence order; and,

WHEREAS, DSHS, the Texas Division of Emergency Management, and other state agencies continue their ongoing preparations so that all of state government is working together to limit the spread of the virus and protect Texans; and

WHEREAS, the responsibility of local, state and national government is dependent on how we respond when the difference in fatality rates demands extreme measures be taken to combat the coronavirus as compared to the seasonal flu; and

WHEREAS, the Center for Disease Control recommends the use of videoconferencing for meetings when possible, and adjusting or postponing large meetings or gatherings; and

WHEREAS, a large gathering of unidentifiable individuals without necessary mitigation for the spread of infection may pose a risk of the spread of infectious disease; and

WHEREAS, the COVID-19 virus spreads between people who are in close contact with one another through respiratory droplets produced when an infected person coughs or sneezes; and

WHEREAS, the continued worldwide spread of COVID-19 presents an imminent threat of widespread illness, which requires emergency action; and

WHEREAS, a declaration of local disaster includes the ability to take measures to reduce the possibility of exposure to disease, control the risk, and promote the health and safety of Bee Cave residents; and

WHEREAS, a declaration of local disaster and public health emergency includes the ability to reduce the possibility of exposure to disease, control the risk, promote health, compel persons to undergo additional health measures that prevent or control the spread of disease, including isolation, surveillance, quarantine, or placement of persons under public health observation, including the provision of temporary housing or emergency shelters for persons misplaced or evacuated and request assistance from the governor of state resources; and

WHEREAS, the City of Bee Cave will work collaboratively with Travis County to ensure that all appropriate and necessary measures are taken to limit the development, contraction and spread of COVID-19.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BEE CAVE, TEXAS:

- Section 1. The recitals contained in the preamble hereof are hereby found to be true, and such recitals are hereby made a part of this Ordinance for all purposes and are adopted as a part of the judgment and findings of the City Council.
- Section 2. That a local state of disaster and public health emergency is hereby declared by City Council of the City of Bee Cave.

- Section 3. Pursuant to §122.006 of the Health and Safety Code, and pursuant to the general police powers of the City of Bee Cave, this declaration authorizes the City to take any actions necessary to promote health and suppress disease, including quarantine, examining and regulating hospitals, regulating ingress and egress from the City, and fining those who do not comply with the City's rules.
- Section 4. The City Council hereby finds and determines that the rules regarding the use of Bee Cave Central Park are hereby suspended and the Park is closed. This action is necessary to promote health and suppress disease within the City of Bee Cave and is hereby adopted until repealed by the City Council.
- Section 5. All ordinances or parts thereof, which are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters herein.
- Section 6. This Ordinance shall be construed and enforced in accordance with the laws of the State of Texas and the United States of America.
- Section 7. If any provision of this Ordinance or the application thereof to any person or circumstance shall be held to be invalid, the remainder of this Ordinance and the application of such provision to other persons and circumstances shall nevertheless be valid, and the City Council hereby declares that this Ordinance would have been enacted without such invalid provision.
- Section 8. It is officially found, determined, and declared that the meeting at which this Ordinance is adopted was open to the public and public notice of the time, place, and subject matter of the public business to be considered at such meeting, including this Ordinance, was given, all as required by Chapter 551, Texas Government Code, as amended.
- Section 9. A violation of the rules provided for in this declaration is a Class C misdemeanor punishable by a fine not to exceed \$2,000.00
- Section 10. This Ordinance shall be in force and effect from and after its final passage, and any publication required by law.

[SIGNATURE PAGE FOLLOWS]

PASSED, ADOPTED, APPROVED, AND EFFECTIVE THE 28TH DAY of MARCH, 2020.

CITY OF BEE CAVE, TEXAS

By: _____
_____, Mayor

ATTEST:

Kaylynn Holloway, City Secretary

EXHIBIT A