

ORDINANCE NO. 4-20B

AN ORDINANCE ESTABLISHING AN EXTENSION OF DISASTER AND PUBLIC HEALTH EMERGENCY DECLARATION; REPEALING CONFLICTING ORDINANCES; AND, PROVIDING FOR A SEVERABILITY CLAUSE.

WHEREAS: The City of Devine, Texas is a duly incorporated Type A general law municipality existing under the laws of the State of Texas; and,

WHEREAS: On March 25, 2020, the Mayor of the City of Devine, Texas, issued a proclamation declaring a local disaster and public health emergency for the City of Devine, Texas, resulting from COVID-19 (novel coronavirus);

WHEREAS: The conditions necessitating declaration of a local disaster and public health emergency continue to exist; and,

WHEREAS: The Devine City Council approved, modified and extended the proclamation on March 27, April 2, and April 7, 2020; and,

WHEREAS: Section 418.108(b) of the Texas Government Code provides that a local state of disaster and/or public health emergency may not be continued for a period in excess of seven days without the consent of the governing body of the political subdivision;

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

Section 1. EXTENSION OF DISASTER AND PUBLIC HEALTH EMERGENCY DECLARATION.

- A. That the local disaster and public health emergency proclaimed for the City of Devine, Texas, by the Mayor on March 25 and April 7, 2020, and as approved, modified and extended by the Devine City Council on March 27, April 2, and April 7, 2020, shall continue until May 7, 2020 and shall be subject to further modification and extension by the Devine City Council.
- B. The original Public Health Emergency Rules and Regulations contained in the Mayor's proclamation of March 25 and April 7, 2020 are hereby modified as set forth in Exhibit A attached hereto, and said Exhibit A is hereby incorporated in this Ordinance at this point as if copied herein verbatim.

Section 2. REPEAL. Any provision contained in the City of Devine's Code of Ordinances that is in conflict with the terms of this Ordinance is hereby repealed.

Section 3. CODE OF ORDINANCES. It is the intention of the City Council of the City of Devine that this ordinance shall become a part of the Code of Ordinances of the City of Devine and may be renumbered and codified therein accordingly.

Section 4. EFFECTIVE DATE. This ordinance shall take effect immediately upon its passage.

Section 5. SEVERABILITY. If any section, provision, subdivision, clause, or part of this ordinance shall be adjudged or held unconstitutional or invalid, it shall not affect the validity of this ordinance as a whole or any other part of provision contained herein.

PASSED AND ADOPTED, this 23rd day of April, 2020.


CORY THOMPSON, MAYOR

ATTEST:


DORA V. RODRIGUEZ, City Secretary



EXHIBIT A
Public Health Emergency Rules and Regulations

1. City Hall – the lobby of City Hall is closed to the public until further notice. City employees will continue to report for work as usual or work from home as needed. City employees will clean and disinfect City Hall as required. City business will continue to be transacted through the drive-thru window, online and by call-in.
2. Utility Cut Offs and Late Fees – utility cut-offs and late penalties will be suspended for the duration.
3. Community Center – all activities at this location are hereby cancelled until further notice.
4. City Parks –
 - A. The Briscoe City Park is closed until further notice. All playground equipment, picnic tables, pavilion and benches shall not be used. Restrooms shall be locked and unavailable for use. The walking track will remain open; however, social distancing of 6 feet between persons shall remain in effect. Everyone shall follow the guidelines previously established of no more than 10 people in a gathering at any time and personal hygiene guidelines.
 - B. Curcio City Park will be closed until further notice. No playground equipment, picnic tables or benches shall be used.
5. Municipal Court – due to the fact that municipal court is conducted in City Hall, remaining court dockets for March and April 2020 shall be rescheduled to May, June and July 2020.
6. City Gatherings – all city gatherings with the potential of involving more than 10 people are hereby cancelled until further notice. Everyone shall not participate in gatherings involving ten or more people and the social distance of six feet between persons shall be maintained.
7. City Council Meetings – City Council meetings may be cancelled as required. The necessity of conducting City Council meetings will be continually evaluated. If meetings are necessary, only essential items will be placed on the agenda.
8. Library – the interior of the Library will be closed to the public until further notice. Books or other reading material may be ordered online or by telephone and will be delivered curbside to Library patrons by Library employees. Library employees will print emails on request and will deliver curbside at the Library. All emailing printing fees will be waived for the duration. Fax services will not be available. The Library WIFI services may be used from the Library Parking lot. Library Employees will report for work as usual or work from home as needed. Library Employees may be reassigned to other City facilities to perform City tasks. Library Employees will clean and disinfect the Library as required. Library Hours for curbside books and other reading material and printing are from 10 am to 5 pm Monday – Friday.
9. Animal Shelter – the interior of the Animal Shelter shall be closed to the public until further notice. Employees will continue to report for work as usual or work from home as needed. Contact with the public in the field shall be limited. Animal Control will not be picking up or transporting animals unless exigent circumstances are present. No traps will be deployed,

except in the event of an emergency. We strongly encourage citizens who own traps not to set them out during the duration.

10. Public Works – Public Works shall continue all operations as usual. Public Works employees shall continue to report to work as usual or work from home as needed. The on-call workers will continue being on-call. We encourage citizens to contact after hours with a true emergency for Water, Sewer and Streets. The City Water supply and Wastewater Plant meet all State Health requirements and will continue to do so.
11. Police Department - the Police Department will continue normal operations. The Police Secretary and Police Dispatcher shall continue to report to work as usual or work from home as needed. In case of an emergency, please contact 911. Police Officers will be handling dispatched calls by phone, and we encourage the citizens calling instead of coming to the Police Department, when possible. Officers will be practicing social distancing (6-foot distancing) for your safety and theirs.
12. Municipal Airport – the Municipal Airport will continue normal operations at this time.
13. Travel – all City Employees and Officers shall limit personal travel to essential travel. Personal travel of the City Employees and Officers may be restricted as required by the existing facts and circumstances.
14. Code Compliance – the Code Compliance Employees shall continue to report to work as usual or work from home as needed. The citizens can call, email, or use the drive-thru for Code Compliance business. If Plats that cannot be emailed and have to be dropped off, please call to make arrangements so that someone can meet with you.
15. Businesses – all businesses located in Devine shall clean and disinfect their premises as required by the existing facts and circumstances. All businesses shall display State Health Agency promulgated COVID-19 precaution posters. All businesses shall use best industry standards to limit the number of patrons allowed on their premises in order to maintain social distances. Citizens are encouraged to patronize local businesses while maintaining social distances. In the event that social distances cannot be maintained, more restrictive measures may be enforced.
16. Signs of Illness – if any person or any members of a person’s family should exhibit signs of COVID-19 infection, they should remain at home and seek medical help from their doctor. Signs of COVID-19 infection include:
 - Fever
 - Cough
 - Shortness of breath
 - Difficulty breathing
 - Have been in close contact with a person known to have COVID-19 or if you live in or have recently been in an area with ongoing spread of COVID-19.

17. Curfew –
 - A. As a result of school closures, no one under seventeen (17) years of age shall be allowed to stand, drive, or ride about, in or upon any public place in the City of Devine during school days without the supervision of a parent, guardian or adult 18 or over approved by the parent or guardian during the hours of 8:30 AM to 3:30 PM, Monday through Friday, unless engaged in lawful employment or volunteer work at a recognized charity institution or other organization or is going to or coming directly from such activity without detour or stop or unless any other defense recognized in Section 66-12(c) of the City of Devine Code of Ordinances shall apply.
 - B. As a result of the pandemic, no one under seventeen (17) years of age shall be allowed to stand, drive, or ride about, in or upon any public place in the City of Devine during any day of the week without the supervision of a parent, guardian or adult 18 or over approved by the parent or guardian during the hours of 10:00 PM to 6:00 AM, unless engaged in lawful employment or volunteer work at a recognized charity institution or other organization or is going to or coming directly from such activity without detour or stop or unless any other defense recognized in Section 66-12(c) of the City of Devine Code of Ordinances shall apply.
18. Golf Course – It is recommended that the Devine Golf Course take the following actions:
 - A. Close the clubhouse and pro shop.
 - B. Do not allow face to face interaction between the staff and customers.
 - C. Only take payments online or over the phone.
 - D. Allow only one person per cart. Players will always have the option to walk.
 - E. Wipe down carts immediately after being used.
 - F. Do not allow any socializing on the golf course premises before tee time or after the conclusion of play.
 - G. Space tee times at least 10 minutes apart with a maximum of 4 people occupying each hole.
 - H. Remove all objects on the course that could be touched, including but not limited to ball washers, rakes, water coolers and benches.
 - I. Remove flag sticks.
 - J. Raise cups to keep balls from going into the hole and touching inside cup or liner.
 - K. Enforce social distancing and personal hygiene.
19. City Advisory Boards and Committees – All meetings of City advisory boards or committees are canceled until further notice.
20. Devine Food Pantry – It is recommended that the Devine Food Pantry take the following actions:
 - A. Go to curbside delivery for all patrons.
 - B. Have all patrons remain in their vehicles.
 - C. Require that all patrons make room in the trunk of their vehicle for food items; if trunk space is not available, require sufficient room in the back seat or bed of the vehicle for food items.
 - D. Provide food items on a first-come, first-serve basis.
 - E. Provide a telephone number for patrons who do not have transportation so that delivery of food items may be arranged.

21. Operating Businesses – It is recommended that all essential businesses adhere to the following guidelines and it is required that all non-essential businesses shall adhere to the following guidelines:
 - A. All businesses that are in operation shall provide their employees with personal protective equipment (PPE). All businesses shall allow their employees to wear masks and gloves while at work. If a business cannot provide PPE to its employees, the employees shall be allowed to use their own masks and gloves while at work.
 - B. All businesses shall clean and sanitize all areas subject to being touched by the general public; for example, shopping cart handles, countertops, keypads, ATM machines, gas pumps and nozzles, door handles and check out line conveyor belts. Cleaning and sanitizing shall take place as often as needed.

General:

All citizens working (including city employees), please make sure to follow policies related to sick time; isolate and stay home and out of the public except for securing medical care.

Violation shall be considered a Class C Misdemeanor with a penalty not to exceed \$2,000.00.

No part of this Declaration applies to Devine Independent School District or a place of worship.

We will continue to update our Website to keep the citizens of Devine updated. You can go to cityofdevine.com for up-to-date information.