

ORDINANCE NO. 2020-599

AN ORDINANCE OF THE CITY OF SMITHVILLE, TEXAS AMENDING EMERGENCY ORDINANCE #2020-591 DECLARING THAT A PUBLIC HEALTH EMERGENCY EXISTS BECAUSE OF THE WORLD-WIDE COVID-19 PANDEMIC; ESTABLISHING REQUIREMENTS RELATED TO THE POSTING OF A PUBLIC NOTICE BY COMMERCIAL ENTITIES AND THE WEARING OF FACE COVERINGS AND PROVIDING FOR A SAVINGS CLAUSE AND REPEALING CONFLICTING ORDINANCES AND RESOLUTIONS.

WHEREAS, the City Council is Extending the Effective date continuing through 11:59 p.m. on January 11, 2021.

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

- 1. Findings of Fact.** The foregoing recitals are incorporated into this Ordinance# 2020-599 by reference as findings of fact as if expressly set forth herein.
- 2. Enactment.** Emergency Ordinance Declaring That A Public Health Emergency Exists Because Of The World-Wide Covid-19 Pandemic; Establishing Requirements Related to The Posting of A Public Notice By Commercial Entities And The Wearing Of Face Coverings of the City of Smithville, Texas are amended in accordance with Exhibit A, attached hereto.
- 3. Repealer.** All ordinances, resolutions, or parts thereof, that are in conflict or are inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict or inconsistency, and the provisions of this Ordinance shall be and remain controlling as to the matter regulated herein.
- 4. Severability.** Should any section, subsection, sentence, provision, clause, or phrase be held to be invalid for any reason, such holding shall not render invalid any other section, subsection, sentence, provision, clause, or phrase of this ordinance and same are deemed severable for this purpose.
- 5. Effective Date.** This Ordinance shall be effective as of the date of adoption.

EXHIBIT A

EMERGENCY ORDINANCE # 2020-591

THIS IS AN EMERGENCY ORDINANCE DECLARING THAT A PUBLIC HEALTH EMERGENCY EXISTS BECAUSE OF THE WORLD-WIDE COVID-19 PANDEMIC; ESTABLISHING REQUIREMENTS RELATED TO THE POSTING OF A PUBLIC NOTICE BY COMMERCIAL ENTITIES AND THE WEARING OF FACE COVERINGS AND PROVIDING FOR A SAVINGS CLAUSE AND REPEALING CONFLICTING ORDINANCES AND RESOLUTIONS.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SMITHVILLE, TEXAS:

I.

DECLARATION OF PUBLIC HEALTH EMERGENCY

1.01 Pursuant to Sections 121.003 and 122.005 of the Texas Health and Safety Code, the City Council hereby declares that a public health emergency exists in the City of Smithville because of the world-wide novel coronavirus ("Covid-19") pandemic.

1.02 On March 13, 2020 Greg Abbott, Governor of Texas issued a disaster proclamation that Covid-19 poses an imminent threat of disaster for all counties in the State of Texas.

1.03 The Commissioner of the Texas Department of State Health Services has determined that Covid-19 continues to represent a public health disaster.

1.04 The Public Health Officer for Bastrop County, Dr. Desmar Walkes, has announced that Covid-19 continues to represent a serious public health disaster. Dr. Desmar Walkes is hereby appointed as the Public Health Officer for the City.

II.

MANDATORY NOTICE FOR COMMERCIAL ENTITIES

2.01 Effective as of 11:59 a.m. on November 9, 2020, and continuing through 11:59 p.m. on January 11, 2021, all commercial entities in the city that provide goods or services directly to the public shall post a notice to the public that all employees and visitors to the commercial entity's business premises or other facilities are required to wear face coverings when in an area or performing an activity which will necessarily involve close contact or proximity to co-workers or the public, where six feet (6-ft) of separation is not feasible.

2.02 The aforesaid notice shall be posted in a conspicuous location sufficient to provide notice to employees and visitors of the health and safety requirements.

2.03 A sample Health and Safety Notice containing the minimum requirements is attached as Exhibit A and may be used by a commercial entity. A commercial entity may add its own additional requirements as determined by the entity.

III.

MANDATORY FACE COVERINGS FOR INDIVIDUALS

3.01 Except as provided below, **effective as of 11:59 a.m. on November 9, 2020, and continuing through 11:59 p.m. on January 11, 2021**, all persons 10 years or older shall wear a face covering over their nose and mouth when:

- a) inside a commercial entity or other building open to the public, where it is difficult to keep six feet away from other persons or where working in areas that involve close proximity with other people or co-workers; or
- b) outside with a group of people where it is difficult to keep six feet away from other persons in the group.

3.02 The requirement to wear face coverings in public does not apply to the following situations:

- a) When exercising or engaging in physical activity;
- b) When in a building that requires security surveillance or screening, such as banks;
- c) While consuming food or drink;
- d) When outside with a group of only members of a single household.
- e) When doing so poses a mental or physical health, safety, or security risk as determined by a licensed physician or health care practitioner.

IV

PENALTIES

4.02 Any owner / agent of a commercial business entity or person violating this ordinance may receive a citation resulting in a fine not to exceed \$200.00 per violation.

V

EXPIRATION DATE

5.01 This Emergency Ordinance shall be automatically repealed on the sixty-first day following the day of its adoption, unless terminated sooner, or re-enacted by the Council.

VI.


6.01 All ordinances, parts of ordinances, or resolutions in conflict herewith are expressly repealed.

6.02 The invalidity of any section or provision of this ordinance shall not invalidate other sections or provisions thereof.

6.03 The City Council hereby finds and declares that written notice of the date, hour, place and subject of the meeting at which this Emergency Ordinance was adopted was posted and that such meeting was open to the public as required by law at all times during which this Emergency Ordinance and the subject matter hereof were discussed, considered and formally acted upon, all as required by the Open Meetings Act, Chapter 551, Texas Government Code, as amended.

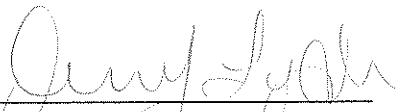
PASSED, APPROVED, AND ADOPTED THIS 9th DAY OF NOVEMBER, 2020.

APPROVED:



Scott Saunders, Mayor

ATTEST:



Jennifer Lynch, City Secretary