

**ORDER. 20-102(a)**

**CITY OF FORT STOCKTON, TEXAS  
FIRST AMENDED  
LIMITED SHELTER IN PLACE ORDER DUE TO PUBLIC HEALTH EMERGENCY**

**WHEREAS**, on March 11, 2020, a novel coronavirus, now designated SARS-CoV2 which causes the disease COVID-19, has been declared a global pandemic by the World Health Organization;

**WHEREAS**, the symptoms of COVID-19 can range from mild to severe illness and cause further complications including death;

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

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

**WHEREAS**, on March 13, 2020, President Donald Trump declared a State of National Emergency for the United States of America for COVID-19.

**WHEREAS**, on March 13, 2020, Governor Greg Abbott issued a State of Disaster for all Texas counties for COVID-19.

**WHEREAS**, on March 19, 2020, Governor Greg Abbott issued Executive Order GA 08 and Commissioner John W. Hellerstedt, M.D. issued a Declaration of Public Health Disaster in the State of Texas to implement statewide measures to address the spread of COVID-19.

**WHEREAS**, on March 23, 2020, Pecos County Judge Joe Shuster issued a Declaration of Disaster due to Public Health Emergency for Pecos County for COVID-19.

**WHEREAS**, On March 24, 2020, I issued an Order of Public Health Emergency to implement additional measures to ensure the protection of the general public in the City of Fort Stockton.

**WHEREAS**, On March 25, 2020, I issued a First Amended Order of Public Health Emergency to implement additional measures to ensure the protection of the general public in the City of Fort Stockton.

**WHEREAS**, the City of Fort Stockton, Texas, is taking extraordinary measures to prevent the spread of this potentially devastating disease in our community;

**WHEREAS**, said state of disaster requires that certain emergency protective measures be taken pursuant to the Texas Disaster Act of 1975 relating to Emergency Management and Public Health, pursuant to Chapter 418 of the Texas Government Code.

**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;

**WHEREAS**, by this Order of Shelter in Place, I declare all rules and regulations that may inhibit or prevent prompt response to this threat suspended for the duration of the incident;

**WHEREAS**, pursuant to the authority granted to the Mayor under the Texas Disaster Act of 1975, I authorize the use of all available resources of state government and political subdivisions to assist in the City's response to this situation;

**WHEREAS**, I, Chris Alexander, the Mayor of the City of Fort Stockton have determined that extraordinary and immediate measures must be taken to respond quickly, prevent and alleviate the suffering of people exposed to and those infected with the virus, as well as those that could potentially be infected or impacted by COVID-19.

**WHEREAS**, further restriction of movement of persons is necessary to reduce the substantial risk of harm to the public and, therefore, as long as this Order is in effect, all individuals anywhere in the City of Fort Stockton are required to shelter in place, except to perform certain essential activities, or to perform work in or obtain services from an essential business.

**NOW THEREFORE, BE IT ORDERED BY THE MAYOR OF THE CITY OF FORT STOCKTON, TEXAS:**

**SECTION 1.** That a local state of disaster for public health emergency is hereby declared for the City of Fort Stockton, Texas, pursuant to Section 418.108(a) of the Texas Government Code.

**SECTION 2.** That pursuant to Section 418.108(c) of the Texas Government Code this order of a local state of disaster for public health emergency shall be given prompt and general publicity and shall be filed promptly with the City Secretary.

**SECTION 3.** That pursuant to Section 418.108(d) of the Texas Government Code, this order of a local state of disaster activates the City of Fort Stockton's emergency management plan, and authorizes the furnishing of aid and assistance under the order.

**SECTION 4.** That pursuant to §418.108(f) of the Texas Government Code, the Mayor of the City of Fort Stockton may order the evacuation of all or part of the population from a stricken or threatened area under the jurisdiction and authority of the county judge or mayor if the county judge or mayor considers the action necessary for the preservation of life or other disaster mitigation, response, or recovery.

**SECTION 5.** That pursuant to §418.108(g) of the Texas Government Code, the Mayor of the City of Fort Stockton may control ingress to and egress from a disaster area within the incorporated limits of the City of Fort Stockton and control the movement of persons and the occupancy of premises in that area

**SECTION 6.** Pursuant to §122.006 of the Health & Safety Code, the City of Fort Stockton may adopt rules to protect the health of persons in the municipality, including quarantine rules to protect the residents against communicable disease.

**SECTION 7.** All businesses or operations located within the incorporated limits of the City of Fort Stockton, except Essential Businesses and Essential Government Functions, as defined in Section 9 below, for which social distancing guidelines are impractical or impossible, are hereby prohibited and are ordered to cease operation and close except Minimum Basic Operations as defined in Section 9 below.

- a. Non-essential Businesses. Businesses which engage in direct, person-to-person services to the public which are not time-sensitive and which are not required for the immediate health or safety of the recipient including, but not limited to, hair and nail salons, barbershops, tattoo parlors, piercing businesses, tanning salons, hair removal waxing businesses, gym facilities and fitness centers, and massage parlors;
- b. Non-essential Retail Establishments. Retail businesses which do not primarily sell or provide the products or services described in Section 9 below;
- c. Commercial amusement facilities, entertainment venues, game rooms, park equipment and pavilions;
- d. Group meeting spaces. Meeting rooms, ballrooms, conference centers, or event spaces.

**SECTION 8.** All Essential Businesses, Essential Government Service, and Critical Infrastructure are strongly encouraged to remain open, especially those that provide the basic necessities for food, water, and shelter. To the greatest extent feasible, Essential Businesses shall comply with Social Distancing Requirements as defined in Section 9 below.

This Order shall not be construed to hinder the ability of the industries identified in the U.S. Department of Homeland Security Cyber and Infrastructure Security Agency's ("CISA") Essential Critical Infrastructure Workforce Memorandum dated March 19, 2020, incorporated in this Order by reference as Exhibit A, to continue their operation appropriately modified to account for CDC workforce and consumer protection guidance, and the list of industries identified on that memorandum is incorporated in this Order by reference.

### **SECTION 9. Definitions and Exemptions**

- a. Essential Activities. For purposes of this Order, individuals may leave their residence only to perform any of the following "Essential Activities." But people at high risk of severe illness from COVID-19 and people who are sick are urged to stay in their residence to the extent possible, except as necessary to seek medical care.
  1. For Health and Safety. Individuals may engage in activities or perform tasks essential to their health and safety, or to the health and safety of their family or household members (including, but not limited to, pets), to work for or obtain services at any "Healthcare Operations," as defined in Section 9 f, below;
  2. For Necessary Supplies and Services. Individuals may obtain necessary services or supplies for themselves and their family or household members, or to deliver those services or supplies to others, such as, by way of example only and without limitation, groceries and food, including pet supplies and food, supplies they need to work from home, household consumer products, and products necessary to maintain the safety, sanitation, and essential operation of residences;

3. For Outdoor Activity. Individuals may engage in outdoor activity, such as, by way of example and without limitation, walking, hiking, bicycling, or running, provided the individuals comply with Social Distancing Requirements as defined in this section. Individuals shall not use public playground equipment, public picnic tables, public basketball courts, and other public sports and recreational equipment;
  4. For Certain Types of Work. Individuals may perform work providing essential products and services at an Essential Business, Government Service, or Critical Infrastructure, or to otherwise carry out activities specifically permitted in this Order, including Minimum Basic Operations; or
  5. To Take Care of Others. Individuals may care for a family member or pet in another household.
- b. Essential Critical Infrastructure. As defined in Exhibit A, including, but not limited to, public works construction; residential, commercial, and school construction; critical trades such as water, sewer, gas, electrical, plumbing, exterminators, pool cleaners; oil and gas operations; roads and highways, public transportation; solid waste collection and removal; defense and national security-related operations, and essential manufacturing operations; and any other services that are necessary to maintaining the safety, sanitation, and essential operation of residences and businesses.
- c. Essential Government Functions. All sworn Police Department, Fire Department, and Emergency Medical Services personnel, emergency management personnel, and emergency dispatchers; essential court personnel, legal personnel; child protection and child welfare personnel; all military personnel; all personnel working for companies (including their subcontractors) who perform under contract to the Department of Defense providing materials and services to the Department of Defense; all personnel working for companies (including their subcontractors) who perform work under contract to State or Federal Governmental Entities for which they are required under state or federal law to remain open; and all law enforcement personnel, housing and shelter personnel, and others working for or to support Essential Businesses or Critical Infrastructure are categorically exempt from this Order. This Order does not apply to the Federal or State Government.

For purposes of this Order, "Essential Government Functions" means all services and agencies needed to ensure the continuing operation of the government agencies and provide for the health, safety and welfare of the public. The City Manager shall determine its Essential Government Functions for the City and identify employees and/or contractors necessary to perform those functions. To the extent feasible, all Essential Governmental Functions shall be performed in compliance with Social Distancing Requirements as defined in this section.

- d. Businesses Covered by this Order. For the purposes of this Order, covered businesses include any for-profit, non-profit, or educational entities, regardless of the nature of the service, the function they perform, or its corporate or entity structure.
- e. Essential Businesses. The following businesses are hereby deemed essential and may continue to operate, provided federal and CDC guidelines are followed,

including affirmative steps to ensure that Social Distancing Requirements as defined herein are followed. It is recommended that businesses limit customers to no more than 100 persons or 50% of the posted occupancy limit, whichever is less, and place marks on the floor or in other visible places throughout the business to help customers respect the minimum distance allowed. It is also recommended that all employees who have face to face contact with the public to wear Personal Protective Equipment (PPE). PPE includes face masks and gloves and any other PPE appropriate to prevent the spread of the virus.

1. Stores that sell Groceries and Certain Other Essential Supplies. Grocery stores, supermarkets, big-box stores, food banks, convenience stores, liquor stores and other establishments engaged in the retail sale of canned food , dry goods, fresh fruits and vegetables, pet supplies, fresh meats, fish, and poultry, and any other household consumer products (such as cleaning and personal care products). This includes stores that sell groceries and also sell other non-grocery products, and products necessary to maintaining the safety, sanitation, and essential operation of residences;
2. Food Cultivation. Food cultivation, including farming livestock, and fishing ;
3. Social Services and Charitable Organizations. Businesses that provide food, shelter (including homeless), and social services, and other necessities of life for economically disadvantaged or otherwise needy individuals;
4. News Media. Newspapers, television , radio, and other news media services;
5. Gas Stations and Businesses Needed for Transportation. Gas stations, auto-manufacturing and assembly, auto mechanics, auto supply, autorepair, and other related facilities;
6. Financial Institutions. Banks and related financial institutions, consumer lenders, sales and finance lenders, credit unions, appraisers, title companies, pawn shops, entities that issue bonds, insurance companies, underwriters, agents, brokers, and related insurance claims and agents;
7. Hardware and Supply Stores. Hardware stores and businesses that sell electrical, plumbing, and other material necessary to support Essential Businesses, Critical Infrastructure, and Essential Government Functions;
8. Mail and Delivery Services. Businesses providing mailing and shipping services, including post office boxes;
9. Laundry Services. Laundromats, dry cleaners, and laundry service providers;
10. Restaurants for Consumption Off-Premises. Restaurants and other facilities that prepare and serve food or alcohol, but only for delivery, drive-through, or carry out. All individuals who obtain food or beverages from these establishments are required to leave the premises of said establishment within five minutes of receiving their food or beverage. Premises of these establishments includes all indoor and outdoor facilities, including parking lots. Individuals shall not consume food or beverages on the premises of any establishment regulated under this subsection. Truck drivers holding CDL licenses and who are operating a semi-tractor-trailer truck for commercial purposes are exempt from the food requirements of this subsection while they are on the premises of any truck stop or travel center. Said truck drivers are limited to eating only in their semi-trucks while on said premises. Schools and other entities that typically provide free food services to students or members of the public may continue to do so under this Order on the condition that the food is provided to students or members of the public on a pickup and take-away basis only. Schools and other entities that

provide food services under this exemption shall not permit the food to be eaten at the site where it is provided, or at any other gathering site;

11. Supplies to Work from Home. Businesses that supply products needed for people to work from home;
12. Supplies for Essential Businesses. Essential Critical Infrastructure and Essential Government Functions. Businesses that supply other Essential Businesses, Essential Critical Infrastructure, and Essential Government Functions with the support, supplies, or components necessary to operate, including but not limited to computers, audio and video electronics, microelectronics, semiconductors, hardware, paint, electrical and plumbing material, sanitary equipment, medical equipment, and food and beverages;
13. Food Delivery Services. Businesses that ship or deliver groceries, food, goods or services directly to residences;
14. Transportation. Transportation providers that provide transportation services necessary for the performance of Essential Activities, Essential Businesses, Essential Critical Infrastructure, Essential Government Functions, or Essential Travel;
15. Home-Based Care and Services. Home-based care for seniors, adults, or children, including caregivers who may travel to provide care;
16. Residential Facilities and Shelters. Residential facilities and shelters for seniors, adults, children, and animals;
17. Professional Services. Professional services, such as legal or accounting services, and insurance services when necessary to assist in compliance with legally mandated activities or to further Essential Businesses, Essential Government functions, or Essential Critical Infrastructure;
18. 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 Requirements as defined herein.
19. Lawn Maintenance Services. Essential lawn maintenance services are limited to the mowing of weeds and grass and to the emergency removal of trees that pose a health and safety hazard.
20. Automobile Dealerships. Car dealerships may provide repairs and parts services. Car dealers may remain open only for individuals who need to purchase vehicles to perform Essential Functions and Essential Travel and for businesses that need vehicles for Essential Business and Essential Government Functions. Showrooms are to be open to such individuals by appointment only.
21. Information Technology 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 telecommunications services, internet access, and broadband/communications services;
22. Moving Supply Services. Businesses that provide rental and/or commercial moving services and necessary moving supplies;
23. Hotels and Motels. Hotels and motels, to the extent used for lodging or delivery or carry-out food services;
24. Funeral, mortuary, cremation, burial cemetery, related services, and weddings. provided that social distancing of six feet per person is maintained to the greatest extent possible and no more than ten (10) persons are present during the activity;

25. Educational Institutions. Educational institutions-including public and private K-12 schools, colleges, and universities for purposes of facilitating distance learning, or performing other essential functions, including the delivery of student meals, provided that social distancing of six-feet per person is maintained to the greatest extent possible; and,
26. Childcare Facilities. Childcare facilities providing services that enable individuals exempted in this Order to work as permitted. To the extent possible, childcare facilities must operate under the following mandatory conditions;
- i. Childcare must be carried out in stable groups of 10 or fewer ("stable" means that the same 10 or fewer children are in the same group each day);
  - ii. Children shall not change from one group to another;
  - iii. If more than one group of children is cared for at one facility, each group shall be in a separate room. Groups shall not mix with each other.
  - iv. Childcare providers shall remain solely with one group of children.
- f. Healthcare Operations. Healthcare Operations and Critical Infrastructure, including but not limited to caregivers, hospital and laboratory personnel, and pharmacy employees, including hospitals, clinics, dentists, pharmacies, pharmaceutical and biotechnology companies, other healthcare facilities, healthcare suppliers, home healthcare services providers, mental health providers, and related retail sales or any related and/or ancillary healthcare services. "Healthcare Operations" also includes veterinary care and all healthcare and life-saving services provided to animals. This shall be construed broadly to avoid any impacts to the delivery of healthcare, broadly defined. "Healthcare Operations" does not include fitness and exercise gyms or other similar facilities and does not include retail outlets that specialize in the selling of electronic cigarette products or cannabidiol products;
- g. Minimum Basic Operations. For the purposes of this Order, "Minimum Basic Operations" include the following, provided that employees comply with Social Distancing Requirements as defined in this section, to the extent possible, while carrying out such operations:
1. The minimum necessary activities to maintain the value of the business's inventory, ensure security, process payroll and employee benefits, or for related functions; or
  2. The minimum necessary activities to facilitate employees of the business being able to continue to work remotely from their residences.
- h. Essential Travel. For the purposes of this Order, "Essential Travel" includes travel for any of the following purposes. Individuals engaged in any Essential Travel must comply with all Social Distancing Requirements and curfew restrictions.
1. Any travel related to the provision of or access to Essential Activities, essential Governmental Functions, Essential Businesses, Essential Critical Infrastructure, or Minimum Basic Operations;
  2. Travel to care for elderly, minors, dependents, persons with disabilities, or other vulnerable persons;
  3. Travel to or from educational institutions for purposes of receiving materials for distance learning, for receiving meals, or any other related services;
  4. Travel to return from or to a place of residence from outside the jurisdiction (e.g., returning home from an essential activity in another jurisdiction);

5. Travel required by law enforcement or court order;
  6. Travel by church staff/clergy for the purpose of producing of remote delivery of religious services or other ministries requiring travel; or,
  7. Travel required for non-residents to return to their place of residence outside the City. Individuals are strongly encouraged to verify that their transportation out of the City remains available and functional prior to commencing such travel.
- i. Residences. For purposes of this Order, residences include single family homes, multiple family homes, hotels, motels, shared rental units, and similar facilities. Homeless citizens should seek local shelter.
  - j. Social Distancing Requirements. For purposes of this Order, Social Distancing Requirements include only leave home if you absolutely have to, maintain at least a six-foot distance from other individuals, washing hands with soap and water for at least 20 seconds as frequently as possible or using hand sanitizer, covering coughs or sneezes into the sleeve or elbow (not hands) or with a tissue, then throw the tissue away, regularly cleaning and sanitizing high touch surfaces, avoid touching your face with unwashed hands, and not shaking hands.
    1. Only one person per vehicle will be allowed to enter any Essential Business or Essential Government Service with the exception of assisting **elderly, disabled, and children**.

**SECTION 10.** This order imposes a curfew for all citizens of the City of Fort Stockton. No individuals shall purposefully remain, walk, run, stand, drive or ride about in or upon any public place in the City between the hours of 11:00 pm and 6:00 am, with the exception of travelling to and from a place of work.

**SECTION 11.** If someone in a household has tested positive for COVID-19, the household is ordered to isolate at home. Members of the household cannot go to work, school, or any other community function until cleared by a medical professional but may seek medical services as needed from medical personnel and facilities.

**SECTION 12.** The Mayor may update the restrictions set out in this order as necessary to respond to the evolving circumstances of this outbreak.

**SECTION 13.** It shall be unlawful for any person willfully to obstruct, hinder, or delay any member of the emergency management organization in the enforcement of any rule or regulation issued pursuant to this article, or to do any act forbidden by any rule or regulation issued pursuant to the authority contained in this order.

**SECTION 14.** In accordance with Texas Government Code §418.173, a person who knowingly or intentionally violates this Order commits an offense, punishable by a fine up to \$1,000.00.

**SECTION 15.** That this order hereby authorizes the use of all lawfully available enforcement tools.

**SECTION 16.** This First Amended Limited Shelter In Place order shall remain in full force unless it is modified, amended, rescinded, or superseded by the Mayor or City Council.

**SECTION 17.** This First Amended Limited Shelter In Place order shall supersede the Limited Shelter In Place Order due to public health emergency issued April 2, 2020 and shall take effect at 11:59 p.m., Thursday, April 9, 2020.

**ORDERED** this 9<sup>th</sup> day of April, 2020.



Chris Alexander, Mayor  
City of Fort Stockton, Texas