

SECOND DECLARATION OF DISASTER  
(COVID-19)

WHEREAS, it is critical for the City of Lamesa to take additional steps to prepare for, respond to, and mitigate the spread of COVID-19 to protect the health and welfare of the citizens of Lamesa and the surrounding area; and

WHEREAS, on March 13, 2020, pursuant to Section 418.014 of the Texas Government Code, the Governor declared a state of disaster for the State of Texas; and

WHEREAS, on March 16, 2020, President Donald J. Trump and the Centers for Disease Control (the CDC) promulgated Coronavirus Guidelines for America; and

WHEREAS, on March 17, 2020, the Mayor of the City of Lamesa issued a Declaration of Disaster and declared a state of disaster for the City of Lamesa which included restrictions on mass gatherings; and

WHEREAS, the Texas Department of State Health Services has determined that, as of March 19, 2020, COVID-19 represents a public health disaster within the meaning of Chapter 81 of the Texas Health and Safety Code; and

WHEREAS, on March 19, 2020, Texas Governor Greg Abbott issued statewide orders; and

WHEREAS, on March 20, 2020, the Mayor of the City of Lamesa issued an amended Declaration of Disaster further restricting mass gatherings; and

WHEREAS, on March 22, 2020, Texas Governor Greg Abbott advised that all Texans should remain at home as much as possible unless they have a pressing need to leave home to go to work as an essential job, to go to the doctor or a healthcare facility, or to go to the grocery store or a gasoline station; and

WHEREAS, on March 22, 2020, Texas Governor Greg Abbott encouraged local leaders to issue guidance in support of his Executive Orders which are tailored to the unique issues facing the local communities.

NOW, THEREFORE, BE IT PROCLAIMED BY THE MAYOR OF THE CITY OF LAMESA, TEXAS, that COVID-19 poses an imminent threat of disaster to the City of Lamesa, and therefore:

- 1) Pursuant to §418.108(g) of the Texas Government Code, the Mayor of the City of Lamesa may control ingress to and egress from a disaster area within the incorporated limits of the City of Lamesa and control the movement of persons and the occupancy of premises in that area.
- 2) Pursuant to §122.006 of the Texas Health & Safety Code, the City of Lamesa may adopt rules to protect the health of persons in the municipality, including quarantine rules to protect the residents against communicable disease.

- 3) In accordance with the Guidelines from the Governor, the President and CDC, the following commercial businesses, for which social distancing guidelines are impractical or impossible, are hereby prohibited and are ordered to cease operation and close:
  - A. Non-essential Personal Services 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 salons, barbershops, hair stylists, nail salons, tattoo parlors, piercing businesses, tanning salons, and hair removal waxing businesses;
  - B. Non-essential Retail Establishments. Retail businesses which do not primarily sell or provide the products or services described in 4) below;
  - C. Commercial Amusement and Entertainment Venues;
  - D. Enclosed Shopping Malls. Any premises which include multiple adjacent retail establishments connected by an enclosed common area; and
  - E. Group Meeting Spaces. Meeting rooms, ballrooms, or event spaces operated by multi-family apartment complexes or hotels.
  
- 4) 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 of six (6) feet between persons is maintained:
  - A. Grocery Stores, Pharmacies and Package Stores;
  - B. Pet Supply Stores and Veterinary Clinics;
  - C. Healthcare Providers, including doctor and dental offices, physical therapists, hospitals and clinics, provided they adhere to the Governor's Executive Order (GA 09) regarding elective procedures;
  - D. Insurance Agencies and Brokerages;
  - E. Vehicle Service Centers, including fueling stations, convenience stores, oil change establishments, body shops, and general automotive repair;
  - F. Florists, Growing Nurseries, Floriculturists, Garden Centers, and Farm Supply Stores;
  - G. Banks and Financial Institutions;
  - H. Day Care Centers; and
  - I. Critical Infrastructure Businesses which support critical infrastructure or supply chain needs as described by the Cyber & Infrastructure Security Agency (CISA).
  
- 5) Building Supply and Home Improvement Retailers may remain open, provided federal and CDC guidelines are followed, including affirmative steps to ensure that social distancing of six (6) feet between persons is maintained, including for customers waiting to enter the premises, and only if occupancy inside the premises is limited to no more than 100 persons or one-half (1/2) of the posted occupancy limit, inclusive of employees, whichever is less.
  
- 6) Any business which is permitted to remain open and which does not meet one of the categories described above is hereby required to adhere to federal and CDC guidelines, including affirmative steps to ensure that social distancing of six (6) feet between persons is maintained, including for customers waiting to enter the premises, and at no time are more than ten (10) persons permitted to be inside the premises, inclusive of employees and customers.

- 7) The South Plains Health District may require additional sanitation and social distancing practices for any business remaining open.
- 8) The Mayor of the City of Lamesa may update the restrictions set out in this order as necessary to respond to the evolving circumstances of this COVID-19 outbreak during the duration of the Disaster Declaration issued on March 17, 2020, as amended on March 20, 2020, and any extension of the Declaration by the City Council of the City of Lamesa.
- 9) Pursuant to the Ordinances of the City of Lamesa, the duties and powers of the Chief of Police and the Lamesa Fire Marshall are hereby amended such that if the owner or person responsible for the condition of the building or structure or premises, whether a resident or non-resident of the city, fails to comply with the order of the Chief of Police or Fire Marshall, to limit social gatherings with compliance with this Declaration in or on the building or structure or on the lot, tract or parcel of land or premises where such health hazard exists, as directed by the Chief of Police or Fire Marshall, the Chief of Police or Fire Marshall may abate the use of non-residential buildings or structures, and to that end the Chief of Police or Fire Marshall shall have authority to close said non-residential building or structure and to prevent its use or occupancy until the order of the Chief of Police or Fire Marshall has been complied with.
- 10) Pursuant to the Ordinances of the City of Lamesa, it shall be unlawful for any person to willfully obstruct, hinder or delay any member of the civil defense organization in the enforcement of any rule or regulation issued pursuant to this Declaration of Disaster or to do any act forbidden by any rule or regulation issued pursuant to an emergency declaration.
- 11) Pursuant to §418.173 of the Texas Government Code, failure to comply with an emergency management plan or with a rule, order or ordinance adopted under the plan, is an offense punishable by a fine not to exceed \$1,000.00 or confinement in jail for a term not to exceed 180 days.
- 12) Peace Officers, the Lamesa Police Department, Lamesa Code Enforcement Officers, South Plains Health District and the Lamesa Fire Marshall are hereby authorized to enforce this Declaration of Disaster.
- 13) That this Declaration shall take effect at 6:00PM on March 28, 2020, and continue until 11:59 P. M. on December 31, 2020, or until the Governor of the State of Texas declares the disaster terminated.

SO DECLARED and ORDERED on March 27, 2020, at 10:00AM.

FOR THE CITY OF LAMESA TEXAS:

  
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Josh Stevens, Mayor

ATTEST:

  
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Betty Conde, City Secretary