

STAY HOME STAY SAFE ORDER
April 3rd, 2020
JACK WHITLOW, MAYOR OF THE CITY OF PORT LAVACA

***Summary:** Because of the risk of the rapid spread of the virus causing COVID-19 and the resulting need to protect the most vulnerable members of the community have not subsided, this order imposes mandatory, enforceable social distancing requirements. This Order takes effect at 12:01 a.m. on April 4th, 2020 and will continue through April 30th, 2020.*

Whereas, I, Jack Whitlow, Mayor of the City of Port Lavaca, declared a State of Local Disaster due to a Public Health Emergency on March 17, 2020 and Order Relating to Preparedness on March 19, 2020; and

Whereas, the City Council of the City of Port Lavaca, at its meeting on March 23, 2020, ratified both orders of the Mayor; and

Whereas Greg Abbott, Governor of the State of Texas, issued Executive Order GA-14 on March 31, 2020, (“EO-GA-14”), which ordered that every Texan shall, except where necessary to provide or obtain essential services, minimize social gatherings and minimize in-person contact with people who are not in the same household; and

Whereas, section 418.108(g) of the Texas Government Code authorizes the mayor of a municipality, during a declared local disaster, to control the movement of persons and the occupancy of premises in that area, which 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; and

Whereas, section 122.006 of the Texas Health and Safety Code 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

Whereas section 18-2 of the City of Port Lavaca code of ordinances provides that the Mayor, operating as the Emergency Management Director has responsibility and authority for the issuance of reasonable rules, regulations, or directives which are necessary for the protection of life and property in the City; and

Whereas section 18-8 of the City of Port Lavaca Code of Ordinances provides that it is a violation of the Code 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 Chapter, or to do any act forbidden by any rule or regulation issued pursuant to the authority contained in this Chapter; and

Whereas Section 418.173 of the Texas Government Code provides that a state, local, or

interjurisdictional emergency management plan may provide that failure to comply with the plan or with a rule, order, or ordinance adopted under the plan is an offense punishable by a fine not to exceed \$1,000 or confinement in jail for a term not to exceed 180 days, or both; and

Whereas the City of Port Lavaca Emergency Management Plan provides that failure to comply with the terms of the plan, or with a rule, order, or ordinance adopted under the plan is an offense punishable by a fine of not more than \$1,000 or confinement in jail for a term not to exceed 180 days; and

Whereas this order seeks to provide the greatest degree of protection available to the Citizens of Port Lavaca, consistent with the limitations imposed by EO- GA-14;

Now therefore, I, Jack Whitlow, Mayor of the City of Port Lavaca, Texas, hereby find and order:

1. That this Order supersedes the prior orders dated March 17, 2020 and March 19, 2020.
2. That this Order is consistent with EO-GA-14, in that it does not restrict essential services allowed by EO-GA-14 or allow gatherings prohibited by EO-GA-14.
3. That, consistent with the Governor's Order that each Texan shall minimize in-person contact with people who are not in the same household, each person within the City of Port Lavaca is **ORDERED** to stay at home, except where necessary to provide or obtain "Essential Services," as that term is defined in EO-GA-14.
4. That day care services for children and adults are added to the definition of Essential services for the jurisdiction covered by this order, to the extent necessary to allow caregivers to provide or obtain Essential Services.
5. That, notwithstanding the foregoing, each person in the City seeking to provide or obtain Essential Services is hereby **ORDERED** to comply with mandatory social distancing requirements, by maintaining a space of 6-feet between all people, regardless of location. For the purpose of clarity, unless otherwise excepted below, this order applies to all locations outside of a household or living unit, regardless of the number of people in attendance, and is not intended to create a distinction between types of gatherings, whether indoor or outdoor, whether social, community, recreational, commercial, retail, or otherwise.
6. That, except where necessary to provide or obtain essential services, all

public or private gatherings occurring inside a single household or living unit, if the gathering includes a person who is not a member of that household or living unit, are **PROHIBITED**. Nothing in this Order prohibits the gathering of members of a household or living unit.

7. That all businesses operating within the City of Port Lavaca, and all persons responsible for any other type of group activity allowed to continue operation under this Order, are **ORDERED** to establish procedures to ensure compliance with this Order by, among other things enforcing social distancing requirements established herein and increasing cleaning of commonly and frequently touched surfaces. Procedures which establish physical barriers between people, such as a sneeze guard or similar shielding, would comply with the physical distancing requirements of this order.
8. That food establishments are **ORDERED** to close common dining areas to in-person dining, and strongly encouraged to provide take-out, drive through, curbside and delivery food services designed to limit exposure between individuals.
9. That the holder of a wine and beer retailer's permit or mixed beverage permit (collectively "bar") is **ORDERED** to close common bar spaces to the public and is **PROHIBITED** from allowing consumption within the bar.
10. That any person experiencing symptoms consistent with COVID-19 is **ORDERED** to isolate at home, except to the extent necessary to obtain health care services, until the later occurring of (a) such time as that person is symptom-free for a period of 72 hours, or (b) seven (7) days after the onset of symptoms; and that every member of the household or living unit is **ORDERED** to isolate at home for the same time period. Any person ordered to isolate at home by this paragraph cannot go to work or any other location unless expressly permitted by written order of the local health authority, or unless each member of the household or living unit has been cleared by the protocol established by the local health authority.
11. That any person who has received orders from a health care provider to be tested for COVID-19 is **ORDERED** to isolate at home, except to the extent necessary to take the COVID-19 test as instructed by the health care professional, and further that, if any person in a household or living unit has tested positive for COVID-19, every member of the household or living unit is **ORDERED** to isolate at home. Any person ordered to isolate at home by this paragraph cannot go to work or any other location unless expressly permitted by written order of the local health authority, until such time as each member of the household or living unit has been cleared by the protocol established by the local health authority.

12. That peace officers, City of Port Lavaca Code Enforcement Inspectors, City of Port Lavaca Building Inspectors and Officials, and the Office of the Port Lavaca City Fire Marshal, are hereby authorized to enforce this order to the extent of their authority under state and local law.
13. That any person who violates this Order commits an offense punishable by a fine of not more than \$1,000 and confinement in jail for a term not to exceed 180 days.
14. That the City of Port Lavaca will post this Order on the website www.portlavaca.org. In addition, the owner, manager, or operator of any facility that is likely to be impacted by this Order is strongly encouraged to post a copy of this Order onsite and to provide a copy to any member of the public asking for a copy.
15. That, if any subsection, sentence, clause, phrase or word of this Order or any application of it to any person, structure, gathering or circumstance is held to be invalid or unconstitutional by a decision of a court of competent jurisdiction, then such decision will not affect the validity of the remainder of this Order and its application.
16. That this **ORDER** shall take effect at 12:01 a.m. on April 4rd, 2020 and continue until April 30th, 2020, unless lifted or further extended by separate order.

ORDERED this the 3rd day of April, 2020.

CITY OF PORT LAVACA, TEXAS

By: _____



Jack Whitlow, Mayor

For questions you may call 361-676-0210 or message the City on Facebook or Messenger