

FOURTH DECLARATION OF DISASTER
(COVID-19)

WHEREAS, it is critical for the City of Lubbock 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 Lubbock 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 13, 2020, Lubbock County, Texas declared a state of disaster; and

WHEREAS, on March 16, 2020, the City of Lubbock, Texas declared a state of disaster, which included restrictions on mass gatherings; and

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

WHEREAS, on March 20, 2020, the Mayor issued a Third Declaration of Disaster, to facilitate enforcement of the Governor's Order; and

WHEREAS, the Mayor's Third Declaration of Disaster imposed restrictions, which are still in effect, prohibiting social gatherings in groups of more than 10 people; restricting bars, restaurants, food courts, gyms and massage parlors; and prohibiting visitation at nursing homes or retirement or long-term care facilities; and

WHEREAS, on March 22, 2020, the Governor 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 at an essential job, to go to the doctor or a healthcare facility, or to go to the grocery store or a gas station; and

WHEREAS, on March 22, 2020, the Governor 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 LUBBOCK, TEXAS that COVID-19 poses an imminent threat of disaster to the City of Lubbock, and therefore:

- 1) Pursuant to §418.108(g) of the Government Code, the Mayor of the City of Lubbock may control ingress to and egress from a disaster area within the incorporated limits of the City of Lubbock and control the movement of persons and the occupancy of premises in that area.
- 2) Pursuant to §122.006 of the Health & Safety Code, the City of Lubbock 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 the 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:
 - i) **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, without limitation, hair salons, barbershops, hair stylists, nail salons, tattoo parlors, piercing businesses, tanning salons, and hair removal waxing businesses;
 - ii) **Non-essential Retail Establishments.** Retail businesses which do not primarily sell or provide the products or services described in 4), below;
 - iii) **Commercial Amusement and Entertainment Venues;**
 - iv) **Enclosed Shopping Malls.** Any premises which include multiple adjacent retail establishments connected by an enclosed common area; and
 - v) **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 6 feet is maintained:
 - i) **Grocery Stores, Pharmacies, and Package Stores;**
 - ii) **Pet Supply Stores and Veterinary Clinics;**

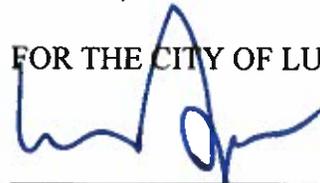
- iii) **Healthcare Providers**, including doctor and dental offices, physical therapists, hospitals, and clinics, provided they adhere to the Governor's Executive Order (GA 09) regarding elective procedures;
 - iv) **Vehicle Fuel Stations**;
 - v) **Banks and Financial Institutions**;
 - vi) **Day Care Centers**; and
 - vii) **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 6 feet 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 ½ 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 6 feet is maintained, including for customers waiting to enter the premises, and at no time are more than ten persons permitted to be inside the premises, inclusive of employees and customers.
- 7) The Lubbock Health Department may require additional sanitation and social distancing practices for any business which remains open.
- 8) The Mayor may update the restrictions set out in this order as necessary to respond to the evolving circumstances of this outbreak during the duration of the Disaster Declaration issued on March 16, 2020 and any extension of the Declaration by the City Council of the City of Lubbock.
- 9) Pursuant to Lubbock City Ordinance 1.04.007, the duties and powers of the chief of police, the chief of the fire department and the fire marshal are hereby amended such that if the owner or person responsible for the condition of a building or structure or premises, whether a resident or nonresident of the city, fails to comply with the order of the chief of police, the chief of the fire department and the fire marshal, to limit social gatherings in 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, the chief of the fire department and the fire marshal, the chief of police, the chief of the

fire department and the fire marshal may abate the use of nonresidential buildings or structures, and to that end the chief of police, the chief of the fire department and the fire marshal shall have authority to close said nonresidential building or structure and to prevent its use or occupancy until the order of the chief of police, the chief of the fire department and the fire marshal has been complied with.

- 10) Pursuant to Lubbock City Ordinance 1.04.010, it shall be unlawful for any person willfully to obstruct, hinder or delay any member of the civil defense 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 an emergency declaration.
- 11) Pursuant to §418.173, 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 or confinement in jail for a term not to exceed 180 days.
- 12) Peace officers, the Lubbock Police Department, Lubbock Code Enforcement Department, Lubbock Health Department, and Lubbock Fire Marshall's Office, are hereby authorized to enforce this order.
- 13) That this order shall take effect at 6:00 P.M. on March 24, 2020, and continuing until 11:59 P.M. on April 3, 2020, subject to extension thereafter based on the status of COVID-19 in Texas and the recommendations of the CDC.

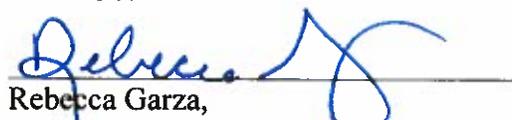
SO DECLARED and ORDERED on **March 23, 2020** at **6:00 P.M.**

FOR THE CITY OF LUBBOCK, TEXAS:



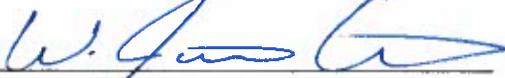
DANIEL M. POPE, Mayor

ATTEST:



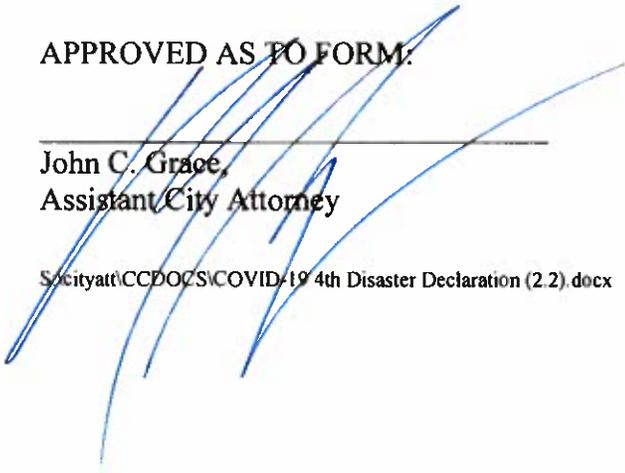
Rebecca Garza,
City Secretary

APPROVED AS TO CONTENT:



W. Jarrett Atkinson,
City Manager

APPROVED AS TO FORM:



John C. Grace,
Assistant City Attorney

S:\cityatt\CCDOCS\COVID-19 4th Disaster Declaration (2.2).docx