

CITY OF TENAHA
“STAY HOME - STAY SAFE” ORDER
INSTITUTING EMERGENCY MEASURES DUE TO A PUBLIC HEALTH
EMERGENCY RELATED TO CORONA VIRUS (COVID-19)

WHEREAS, by declaration issued the 30th day of March, 2020, the City of Tenaha declared a Local Disaster Due to Public Health Emergency for the City of Tenaha, Texas, and Shelby County is expected to take similar actions resulting from the imminent threat and possibility of exposure and spread of COVID-19; and

WHEREAS, the President of the United States has declared a National Emergency due to the public health threat of the Coronavirus (COVID-19); and

WHEREAS, the Governor of Texas has declared a state of disaster for all counties in Texas due to the imminent public threat COVID-19 poses and has issued Executive Orders of the Governor Relating to Emergency Management and under the authority prescribed in Chapter 418 of the Texas Government Code; and

WHEREAS, said disaster requires certain emergency measures be taken to mitigate and prevent the spread of and control the risk of COVID-19, in order to protect and promote the public health, safety and welfare of residents of the City of Tenaha; and

NOW THEREFORE, pursuant to the authority granted under Chapter 418 of the Texas Government Code, the Mayor and City of Tenaha now issue the following orders:

SECTION 1. That this Order shall be given prompt and general publicity and filed with City Secretary.

SECTION 2. That I, Michael Baker, Mayor, with affirmation from City Council, have determined that extraordinary and immediate measures must be taken to respond quickly to prevent and slow down community spread of COVID-19.

SECTION 3. That a local state of disaster for public health emergency has been declared for the City of Tenaha, pursuant to Section 418.108 of the Texas Government Code.

SECTION 4. That all individuals currently living in the City of Tenaha, Texas (the "City"), are ordered to shelter at their place of residence. To the extent individuals are using shared or outdoor spaces, they must at all times as reasonably possible maintain social distancing of at least six feet from any other person when outside their residence. All persons may leave their residences only for Essential Activities, Essential Government Functions, or to operate Essential Businesses, all as defined below. Individuals experiencing homelessness are exempt from this Section, but are strongly urged to obtain shelter, and entities are strongly urged to make such shelter available as soon as possible and to the Maximum extent practicable, and to utilize Social Distancing Requirements in their operations.

SECTION 5. That all businesses with a facility in the City, except Essential Businesses as defined below, are required to cease all activities at facilities located within the County except Minimum Basic Operations, as defined below. For clarity, businesses may also continue operations consisting exclusively of employees or contractors performing activities at their own residences (i.e., working from home). All Essential Businesses are encouraged to determine essential staff necessary to operate and send non-essential staff home. To the greatest extent feasible, Essential Businesses shall comply with Social Distancing Requirements as defined below, including but not limited to when any customers are standing in line.

SECTION 6. All public and private gatherings of any number of people occurring outside a household or living unit are prohibited, except for the limited purposes as expressly permitted in below. Nothing in this Order prohibits the gathering of members of a household or living unit.

SECTION 7. All travel, except Essential Travel and Essential Activities as defined below, is prohibited. People must use public transit only for purposes of performing Essential Activities or to travel to and from work to operate Essential Businesses or maintain Essential Governmental Functions. People riding on public transit must comply with Social Distancing Requirements as defined below, to the greatest extent feasible. This Order allows travel into or out of the County to perform Essential Activities, operate Essential Businesses, or maintain Essential Governmental Functions.

SECTION 8. Definitions and Exemptions.

Essential Activities.

For purposes of this Order, individuals may leave their residence only to perform any of the following "**Essential Activities:**"

- To 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), such as, by way of example only and without limitation, obtaining medical supplies or medication, visiting a health care professional, or obtaining supplies they need to work from home;
- To 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, canned food, dry goods, fresh fruits and vegetables, pet supply, fresh meats, fish, and poultry, and any other household consumer products and products necessary to maintain the safety, sanitation, and essential operation of residences;
- To engage in outdoor activity, provided the individuals comply with Social Distancing Requirements as defined below, such as, by way of example and without limitation, walking, hiking, running or riding a bicycle;
- To perform work providing essential products and services at an Essential Business or to otherwise carry out activities specifically permitted in this Order, including Minimum Basic Operations; and
- To care for a family member or pet in another household.

However, 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.

Healthcare Operations

For purposes of this Order, individuals may leave their residence to work for or obtain services at any "**Healthcare Operations**" including hospitals, clinics, dentists, pharmacies, pharmaceutical, and biotechnology companies, other healthcare facilities, healthcare suppliers, home healthcare services providers, mental health providers, or any related and/or ancillary healthcare services.

"Healthcare Operations" also includes veterinary care and all healthcare services provided to animals. This exemption shall be construed broadly to avoid any impacts to the delivery of healthcare, broadly defined. "Healthcare Operations" does not include fitness and exercise gyms and similar facilities.

Essential Infrastructure

For purposes of this Order, individuals may leave their residence to provide any services or perform any work necessary to the operations and maintenance of "**Essential Infrastructure**," including, but not limited to, construction, airport operations, water, sewer, gas, electrical, oil refining, roads and highways, public transportation, solid waste collection and removal, internet, and telecommunications systems (including the provision of essential global, national, and local infrastructure for computing services, business infrastructure, communications, and web-based services), provided that they carry out those services or they work in compliance with Social Distancing Requirements as defined below, to the extent possible.

For purposes of this Order, all first responders, emergency management personnel, emergency dispatchers, court personnel, and law enforcement personnel, and others who need to perform essential services are categorically exempt from this Order.

Essential Governmental Functions

Nothing in this Order shall prohibit any individual from performing or accessing "**Essential Governmental Functions**," as determined by the governmental entity performing those functions. All Essential Governmental Functions shall be performed in compliance with Social Distancing Requirements as defined in this Order, to the extent possible.

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.

Essential Businesses

For the purposes of this Order, "**Essential Businesses**" means:

- Healthcare Operations and Essential Infrastructure.
- Grocery stores, certified farmers' markets, farm and produce stands, supermarkets, food banks, convenience stores, and other establishments engaged in the retail sale of canned food, dry goods, fresh fruits and vegetables, pet supply, fresh meats, fish, and poultry, and any other household consumer products (such as cleaning and personal care products), and liquor stores. This definition 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.
- Food cultivation, including farming, livestock, and fishing.

- Businesses that provide food, shelter, and social services, and other necessities of life for economically disadvantaged or otherwise needy individuals.
- Newspapers, television, radio, and other media services.
- Gas stations and auto-supply, auto-repair, auto sales, and related facilities.
- Banks and related financial institutions.
- Hardware and construction supply stores.
- Plumbers, electricians, exterminators, and other service providers who provide services that are necessary to maintaining the safety, sanitation, and essential operation of residences, Essential Activities, and Essential Businesses.
- Businesses providing mailing and shipping services, including post office boxes; Laundromats, drycleaners, and laundry service providers.
- Restaurants and other facilities that prepare and serve food, but only for delivery, drive through or carry out. Schools and other entities that typically provide 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 pick-up 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.

Note: Patrons may not wait inside a restaurant for their food orders. If there is a line or gathering of persons (outside of their vehicles) waiting to be served, such places puts everyone in the line or gathering at a higher risk of transmission of COVID-19. Restaurants are urged to create a system that does not involve such lines or gatherings of people waiting to order or waiting to receive their order. For example, a system where the customers call in their order and stay in or at their vehicles until notified that their order is ready---with only one customer at the transaction point at a time, or other methods that assure that the purposes of this Order are served. Stressing the need for call ahead or internet ordering also will cut down on waiting time and could be used in conjunction with the customer calling in or texting when he or she has arrived to allow for straight to vehicle service. If lines cannot be avoided, it shall be the restaurant management's responsibility to assure that safe Social Distancing is practiced. This rule also applies to food trucks.

- Businesses that supply products needed for people to work from home.
- Businesses that supply other essential businesses with the support or supplies necessary to operate.
- Businesses that ship or deliver groceries, food, goods or services directly to residences.
- Airlines, taxis, and other private transportation providers providing transportation services necessary for Essential Activities and other purposes expressly authorized in this Order.
- Home-based care for seniors, adults, or children.

- Residential facilities and shelters for seniors, adults, and children.
- Professional services: legal, accounting, insurance, real estate services (including appraisal, survey, and title services).
- Childcare facilities providing services that enable employees exempted in this Order to work as permitted.
- Utilities, telecommunications, trash collection and disposal, law enforcement, EMS/ambulance, corrections, dispatch, animal shelters, and governmental employees who have not been specifically deemed non-essential and sent home by the government entity.
- Janitorial and maintenance services, funeral industry, defense industry, space and technology industry, technology support, and scientific research.
- Religious services provided in residences, healthcare operations, at funerals, or provided online while being broadcast from a religious facility. Religious services remain subject to Executive Orders issued by the Governor of the State of Texas.

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 below, to the extent possible, while carrying out such operations:

- The minimum necessary activities to maintain the, value of the business' inventory, ensure security, process payroll and employee benefits, or for related functions; and
- The minimum necessary activities to facilitate employees of the business being able to continue to work remotely from their residences.

Essential Travel

For the purposes of this Order, "Essential Travel" includes travel for any of the following purposes:

- Any travel related to the provision of or access to Essential Activities, Essential Governmental Functions, Essential Businesses, or Minimum Basic Operations.
- Travel to care for elderly, minors, dependents, persons with disabilities, or other vulnerable persons.

- Travel to or from educational institutions for purposes of receiving materials for distance learning, for receiving meals, and any other related services.
- Travel to return to a place of residence from outside the jurisdiction.
- Travel required by law enforcement or court order; or
- Travel required for non-residents to return to their place of residence outside the County. Individuals are strongly encouraged to verify that their transportation out of the County remains available and functional prior to commencing such travel. Individuals engaged in any Essential Travel must comply with all Social Distancing Requirements as defined below.

For purposes of this Order, residences include hotels, motels, shared rental units, and similar facilities.

Social Distancing Requirements

For purposes of this Order, "**Social Distancing Requirements**" includes maintaining at least six (6) foot social distancing from other individuals, washing hands with soap and water for at least twenty (20) seconds as frequently as possible or using hand sanitizer, covering coughs or sneezes (into the sleeve or elbow, not hands), regularly cleaning high-touch surfaces, and not shaking hands.

Non-essential businesses shall shut down except for maintaining Minimum Basic Operations as defined herein. Essential Businesses exempted from shut down are encouraged to determine staff who are essential to operations and to send non-essential staff home.

When people need to leave their places of residence, whether to obtain, or perform vital services, or to otherwise facilitate authorized activities necessary for continuity of social and commercial life, they should at all times as reasonably possible comply with Social Distancing Requirements as defined in this Order.

All provisions of this Order should be interpreted to effectuate this intent.

SECTION 9. Failure to comply with any of the provisions of this Order constitutes an imminent threat to public health.

SECTION 10. City of Tenaha will promptly provide copies of this Order to the public by posting it on a prominent location at City Hall, posting a copy on the City of Tenaha Facebook page, and to the extent possible on the websites of other overlapping jurisdictions (e.g., the Shelby County website). In addition, the

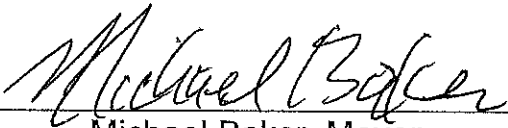
owner, manager, or operator of any facility that is likely to be impacted by this Order is strongly encouraged to post a copy of this Order onsite and to provide a copy to any member of the public asking for a copy.

SECTION 11. 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 remaining portions or applications of this Order.

SECTION 12. Everyone is asked to comply with this order voluntarily, but, pursuant to Section 418.173 of the Texas Government Code, a person who knowingly fails to comply with this declaration commits an offense punishable by a fine not to exceed \$1,000.00 or confinement in jail for a term not to exceed 180 days. Additionally, this Order authorizes the use of any other lawfully available enforcement tools.

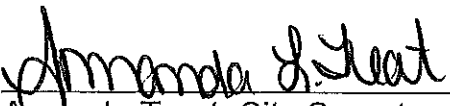
SECTION 13. That this order remains in effect from 9:00 p.m., March 30, 2020, for a period ending at 9:00 p.m., April 6, 2020.

DECLARED this 30 day of March, 2020, at 6:05pm p.m.



Michael Baker, Mayor
City of Tenaha

Attest:



Amanda Treat, City Secretary

CITY OF TENAHA, TEXAS

**ORDER SETTING CURFEW
FROM 9:00 P.M. THROUGH 6:00 A.M., CST
MARCH 30, 2020 - APRIL 6, 2020**

WHEREAS, the City of Tenaha, Texas, has declared a local state of disaster due to a public health emergency related to the novel virus COVID-19, and many businesses and residences are exposed to losses from looting, vandalism and further spread of the virus, thus necessitating immediate protection against further loss; and,

WHEREAS, a curfew between the hours of 9:00 P.M. and 6:00 A.M. preventing persons without proper authority from being upon the public streets or rights-of-way located within the City of Tenaha will greatly assist law enforcement in protection against further loss; and

NOW THEREFORE, THE CITY COUNCIL AND MAYOR OF THE CITY OF TENAHA HEREBY FIND AND ORDER:

SECTION 1: That the findings and recitations set out in the preamble to this ORDER are found to be true and correct and they are hereby adopted and made a part hereof for all purposes.

SECTION 2: That it shall be unlawful for any person, without proper authority, to be upon the public streets, public property or rights-of-way located within the City of Tenaha between the hours of 9:00 P.M. through 6:00 A.M. the next morning, Central Standard Time (CST), from March 30, 2020 through April 7, 2020 (ending at 6:00 a.m. April 7), with the following exceptions:

For the purposes of this CURFEW, this order does not apply to:

- 1) Persons identified in the March 30, 2020 City of Tenaha Stay Home Order as part of the critical infrastructure industry and services;
- 2) Persons that are part of governmental workplaces that remain open as determined by the local governing authority;
- 3) Persons traveling directly to and from essential businesses and retail establishments as defined in the March 30, 2020 City of Tenaha Stay Home Order, including but not limited to grocery stores, gas stations, hospitals and medical

offices or facilities, bus, train, or airplane terminals, whether such facilities are located inside or outside the City of Tenaha;

- 4) Persons authorized to travel by the Chief of Police as the Emergency Management Coordinator; and
- 5) Persons serving a law enforcement role, first responders, and emergency medical services personnel.

SECTION 3. That the Chief of Police is hereby authorized to designate other areas and to restrict access, ingress and egress to those areas, as warranted by circumstances.

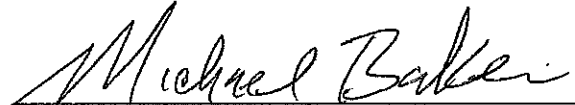
SECTION 4. That it shall be unlawful for any person, without proper authority, to be in an affected area that has been designated with limited or denied access, ingress, or egress and any person or entity who shall violate any provision of this ORDER shall be guilty of a misdemeanor and upon conviction shall be fined in a sum not to exceed \$1,000.00 and/or confinement in jail up to 180 days. Each unauthorized entry into a designated, restricted area shall constitute a separate violation.

SECTION 5. That this ORDER shall be in effect from 9:00 p.m., CST, March 30, 2020, through 6:00 a.m., CST, April 7, 2020.

SECTION 6. That, in accordance with the Texas Disaster Act, this declaration shall take effect at 9:00 p.m., CST, Monday, March 30, 2020.

SO DECLARED AND ORDERED this the 30 day of March, 2020.

APPROVED:



Michael Baker, Mayor
City of Tenaha, Texas

APPROVED AS TO FORM:

KARCZEWSKI BRADSHAW SPALDING

Miles T. Bradshaw
City Attorney

**CITY OF TENAHA, TEXAS
DECLARATION OF LOCAL STATE OF DISASTER
DUE TO PUBLIC HEALTH EMERGENCY**

WHEREAS, beginning in December 2019, a novel coronavirus, now designated SARS-CoV2 which causes the disease COVID-19, has been declared a global pandemic by the World Health Organization; and

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

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; and

WHEREAS, on March 19, 2020, the Governor of the State of Texas issued a proclamation and Executive Order No. GA-8 certifying that COVID-19 poses an imminent threat of disaster in the state and declaring a state of disaster for all counties in Texas; and

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

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.

NOW THEREFORE, BE IT PROCLAIMED BY THE MAYOR OF THE CITY OF TENAHA, TEXAS:

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

SECTION 2. That pursuant to Section 418.108(b) of the Texas Government Code the state of disaster for public health emergency shall continue for a period of not more than seven (7) days from the date of this declaration, unless continued or renewed by the City Council of the City of Tanaha, Texas.

SECTION 3. That pursuant to Section 418.108(c) of the Texas Government Code this declaration 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 4. That pursuant to Section 418.108(d) of the Texas Government Code, this declaration of a local state of disaster activates the City of Tenaha, Texas emergency management plan, and authorizes the furnishing of aid and assistance under the declaration.

SECTION 5. That this declaration authorizes the City to take any actions necessary to promote health and suppress the virus, including the quarantine of persons and occupied structures, examining and regulating hospitals, regulating ingress and egress from the City, regulating ingress and egress to occupied structures, establishment of quarantine stations, emergency hospitals, and other hospitals, and insuring compliance for those who do not comply with the City's rules, pursuant to Section 122.006 of the Health and Safety Code.


SECTION 6. That this declaration hereby limits the size of gatherings to not more than 10 people and mandates the cancellation of all such gatherings until further notice. A "gathering" refers generally to a common endeavor where 10 or more persons are present in a confined space, room, or area.

SECTION 7. In accordance with Texas Government Code §418.173, a person who knowingly or intentionally violates this declaration commits an offense, punishable by a fine up to \$1,000.00 and/or confinement in jail up to 180 days.

SECTION 8. That this declaration hereby authorizes the use of all lawfully available enforcement tools.

SECTION 9. That this declaration shall take effect at 8:00 p.m., Monday, March 30, 2020.

DECLARED this 30 day of March, 2020.



Michael Baker, Mayor
City of Tenaha, Texas