

**FIFTH DECLARATION OF DISASTER**  
**(COVID-19)**

WHEREAS, the novel coronavirus (COVID-19) outbreak has been recognized as a pandemic by the World Health Organization and is a contagious respiratory virus; 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, as of March 16, 2020, certain schools, universities, and other governmental entities had begun to alter their schedules, and some venues were beginning to temporarily close, as precautionary responses to the increasing presence of COVID-19 in Texas; and

WHEREAS, costs incurred to prepare for and respond to COVID-19 are expected to mount at the local level; and

WHEREAS, the City of Lubbock has already taken numerous steps to prepare for COVID-19, such as coordinating preparedness efforts across state and local agencies, and working with local partners to promote appropriate mitigation efforts; and

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, declaring a state of disaster will facilitate and expedite the use and deployment of resources to enhance preparedness and response; and

WHEREAS, in light of recommendations from the Centers for Disease Control regarding social distancing protocols, it is necessary to issue guidance regarding public and private gatherings in order to mitigate the spread of the disease and preserve and protect public health.

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 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, 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; and

WHEREAS, on March 23, 2020, the Mayor issued a Fourth Declaration of Disaster, closing non-essential retail businesses and providing guidance for conducting essential businesses; and

WHEREAS, as of March 24, 2020 there have been 14 confirmed cases of COVID-19 infections and 1 COVID-19 related death in our region; and

WHEREAS, it is necessary to provide additional guidance and clarification to the Mayor's prior Declarations and incorporate them into one document.

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

- 1) COVID-19 poses an imminent threat of disaster to the City of Lubbock; and
- 2) Pursuant to §418.108(a) of the Government Code, a local state of disaster is hereby declared for the City of Lubbock, Texas; and
- 3) Pursuant to §418.108(b) of the Government Code, the state of disaster shall continue for a period of not more than seven days from the date of this declaration unless continued or renewed by the City Council of Lubbock; and
- 4) Pursuant to §418.108(c) of the Government Code, this declaration shall be given prompt and general publicity and shall be filed promptly with the City Secretary; and
- 5) Pursuant to §418.108(d) of the Government Code, this declaration of a local state of disaster activates the city's emergency management plan. The furnishing of aid and assistance under the declaration is hereby authorized. The appropriate preparedness and response aspects of the plan are activated and take effect immediately after this local state of disaster is declared; and

- 6) The use of all available resources of the City of Lubbock that are reasonably necessary to cope with this disaster are hereby authorized; and
- 7) To the extent permitted by law, any local ordinance or administrative rule prescribing the procedures for conduct of City business or any local ordinance or administrative rule that would in any way prevent, hinder, or delay necessary action in coping with this disaster, including any local ordinance or administrative rule regarding contracting or procurement which would impede the City's emergency response necessary to cope with this declared disaster, are hereby suspended, but only for the duration of this declared local disaster and only for that limited purpose; and
- 8) 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; and
- 9) 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; and
- 10) The virus that causes COVID-19 is easily transmitted, especially in group settings, and it is essential that the spread of the virus be slowed to protect the ability of public and private health care providers to handle an influx of patients and safeguard public health and safety; and
- 11) This order does not mandate sheltering in place. All critical infrastructure will remain operational, domestic travel will remain unrestricted, and government entities and businesses will continue providing essential services.

#### **SPECIFIC PROHIBITIONS**

- 12) In accordance with the Guidelines from the Governor, the President and the CDC, social gatherings in groups of more than 10 people are hereby prohibited; and
- 13) In accordance with the Guidelines from the Governor, the President and the CDC, eating or drinking at bars, restaurants, and food courts, or visiting gyms or massage parlors is hereby prohibited; provided, however, that the use of drive-thru, pickup, or delivery options is allowed and highly encouraged throughout the limited duration of this Declaration; and

- 14) In accordance with the Guidelines from the Governor, the President and the CDC, visiting at nursing homes or retirement or long-term care facilities is hereby prohibited unless to provide critical assistance.

### **SPECIFIC CLOSURES**

- 15) 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 16), 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.

### **ESSENTIAL SERVICES**

- 16) 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, Convenience Stores, Drug Stores, Pharmacies, and Package Stores;**
  - ii) **Pet Supply Stores, Veterinary Clinics, and Boarding Kennels (but not groomers);**
  - iii) **Healthcare Providers and Healthcare Facilities,** 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 Fueling, Maintenance, and Repair Facilities;**
  - v) **Banks and Financial Institutions;**
  - vi) **Professional Services**, including attorneys, accountants, engineers, title companies, insurance agents, and other licensed professionals;
  - vii) **Office Buildings**, where people work in individual enclosed spaces in groups of 10 or less;
  - viii) **Day Care Facilities;**
  - ix) **Homeless Shelters** providing services for people experiencing homelessness;
  - x) **Non-profit Providers of Essential Services;**
  - xi) **Essential Government Services and Facilities;**
  - xii) **Residential Buildings**, including hotels and motels (except Group Meeting and Event Spaces);
  - xiii) **Transit Facilities**, where people may be in transit or waiting for transit, such as airports, bus stops, or bus stations;
  - xiv) **Manufacturing, Distribution, and Logistics Facilities;**
  - xv) **Laundromats and Dry Cleaners;**
  - xvi) **Call Centers;** and
  - xvii) **Critical Infrastructure Businesses** which support critical infrastructure or supply chain needs, as described by the Cyber & Infrastructure Security Agency (CISA).
- 17) **Residential, Commercial, and Industrial Construction Sites and 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 of a retail store, and only if occupancy inside the retail premises is limited to no more than 100 persons or ½ of the posted occupancy limit, inclusive of employees, whichever is less; and

- 18) **Retail Establishments not specifically described above as “Essential” are closed to customers;** however, the use of drive through Pickup, Delivery, and Curb-side Delivery for merchandise is allowed and encouraged, 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 pick up merchandise.

#### **ALL OTHER BUSINESSES**

- 19) Any business which is permitted to remain open and which does not specifically 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 anyone 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.

#### **ADDITIONAL REQUIREMENTS**

- 20) The Lubbock Health Department may require additional sanitation, signage, and social distancing practices for any business which remains open.
- 21) This order does not prohibit people from visiting a variety of places, including grocery stores, gas stations, parks, and banks, so long as the necessary precautions are maintained to reduce the transmission of COVID-19; and
- 22) For ANY workplace that remains open, management of the business should facilitate and encourage practicing social distancing and good hygiene and, where feasible, require employees to work from home in order to achieve optimum isolation from COVID-19; and
- 23) 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.

#### **ENFORCEMENT**

- 24) 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; and

- 25) 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; and
- 26) 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; and
- 27) 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; and
- 28) That this Declaration shall take effect at 6:00 P.M. on March 24, 2020, shall supercede and supplant all prior Declarations, and shall continue 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 24, 2020** at **5:00 P.M.**

FOR THE CITY OF LUBBOCK, TEXAS:

  
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DANIEL M. POPE, Mayor

ATTEST:

  
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Rebecca Garza,  
City Secretary



APPROVED AS TO CONTENT:



W. Jarrett Atkinson,  
City Manager

APPROVED AS TO FORM:



John C. Grace,  
Assistant City Attorney

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