

ORDINANCE

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DESOTO, TEXAS, CONTINUING THE DECLARATION OF LOCAL DISASTER; PROVIDING FOR IMPLEMENTATION OF THE CITY'S EMERGENCY MANAGEMENT PLAN; ADOPTING THE GOVERNOR'S EXECUTIVE ORDERS BY REFERENCE AS MAY BE AMENDED FROM TIME TO TIME; ADOPTING DALLAS COUNTY'S EMERGENCY ORDERS BY REFERENCE AS MAY BE AMENDED FROM TIME TO TIME; GRANTING THE MAYOR THE POWER AND AUTHORITY TO REVIEW, ADOPT, RATIFY, AND EXECUTE ANY SUBSEQUENT EMERGENCY ORDERS ON BEHALF OF THE CITY COUNCIL; PROVIDING FOR A PENALTY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

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

WHEREAS, symptoms of COVID-19 include fever, coughing, and shortness of breath. In some cases, the virus has caused death; and

WHEREAS, extraordinary measures must be taken to contain COVID-19 and prevent its spread throughout Dallas County, including the quarantine of individuals, groups of individuals, and property and, additionally, compelling individuals, groups of individuals, or property to undergo additional health measures that prevent or control the spread of the disease; and

WHEREAS, the State of Texas, Dallas County, and the Mayor of the City of DeSoto, have declared a Declaration of Disaster and have passed Orders related thereto to protect the health or person; and

WHEREAS, the City's emergency management plan has been activated by the Declaration of Local Disaster signed by the Mayor of the City of DeSoto on March 13, 2020, which was further extended by the City Council on March 26, 2020;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DESOTO, TEXAS, THAT:

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

SECTION 2. A local state of disaster for public health emergency is hereby declared for DeSoto, Texas, pursuant to section 418.108(a) of the Texas Government Code.

SECTION 3. The City's Emergency Management Plan has been implemented in accordance with the Code of Ordinances and Government Code Section 418.108(d) and shall remain active through the duration of the Disaster Declaration.

SECTION 4. Pursuant to Section 121.003 and 122.006 of the Texas Health and Safety Code, Section 418.108 of the Texas Government Code, and such other powers the City may have under the City Charter and laws, the City Council adopts and approves the following orders to have the force and effect of law and the same shall be enforceable under the terms of this Ordinance, provided further that in the event of a conflict as to any term in the orders, the orders shall be given priority according to the following order of precedence as to such term (i) Executive orders promulgated by the Office of the Governor of the State of Texas; (ii) Emergency Orders of Dallas County; and Emergency Orders of the Mayor pursuant to the powers under Section 418.108 of the Texas Government Code and Article 1.800 titled "Emergency Management" of the City of DeSoto Code of Ordinance.

SECTION 5. Pursuant to Texas Government Code 418 and Article 1.800 of the Code of Ordinances, the Mayor shall be delegated and given the full power and authority, without further action of the City Council, to issue, modify or terminate any lawful order necessary to protect the public health so long as the order does not conflict with this Ordinance.

SECTION 6. The City Council hereby extends indefinitely the local state of disaster declared by the Mayor and previously extended by the Council unless and until terminated by the subsequent order of the Mayor.

SECTION 7. A violation of any provision set forth in any of the orders adopted herein, and thus a violation of this Ordinance, shall be subject to criminal penalties as provided for in the City of DeSoto Code of Ordinances Section 1.106 titled "General Penalty for Code Violations".

SECTION 8. This Ordinance shall take effect immediately from and after its passage as the law and charter in such case provide.

IT IS ACCORDINGLY SO ORDAINED.

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF DESOTO, TEXAS ON THIS THE 7TH DAY OF APRIL, 2020.

APPROVED:

Curtistene S. McCowan
Curtistene S. McCowan, Mayor

ATTEST:

Kisha R. Morris-Perkins
Kisha R. Morris-Perkins, City Secretary

APPROVED AS TO FORM:

Joseph J. Gorfida, Jr.
Joseph J. Gorfida, Jr., City Attorney