

**ORDINANCE NO. 10825-2020**

**AN ORDINANCE THE CITY OF GRAND PRAIRIE, TEXAS, EXTENDING THE LOCAL STATE OF DISASTER INDEFINATELY; ADOPTING AND APPROVING CERTAIN RULES TO PROTECT THE HEALTH OF PERSONS IN THE CITY DUE TO THE IMPACT OF COVID-19; MAKING VARIOUS FINDINGS AND PROVISIONS RELATED TO THE SUBJECT; AUTHORIZING THE CITY MANAGER TO EXECUTE ALL CONTRACTS AND LEGAL DOCUMENTS NECESSARY FOR CONDUCTING BUSINESS FOR THE DURATION OF THE DECLARATION OF DISASTER; PROVIDING A PENALTY CLAUSE UNDER SECTION 1-8 OF THE CODE OF ORDINANCES OF THE CITY OF GRAND PRAIRIE, TEXAS; PROVIDING A SAVINGS CLAUSE AND A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE**

**WHEREAS**, COVID-19 has spread world-wide and has been declared a global pandemic by the World Health Organization; and

**WHEREAS**, confirmed cases have occurred in Dallas and Tarrant counties and community spread is continuing; and

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

**WHEREAS**, the State of Texas, Dallas County, Tarrant County, and the mayors of the cities of Fort Worth, Arlington, Irving and other cities near Grand Prairie have declared or are considering the declaration of a disaster for a public health emergency; 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 Grand Prairie on March 13, 2020, which was ratified and extended by the Grand Prairie City Council on March 17, 2020 by Resolution Number 5076-2020; and

**WHEREAS**, it is in the public interest to provide rules to protect the health of persons in the City;

**WHEREAS**, the City wishes to revise rules previously set forth in Resolution 5076-2020; extend indefinitely the local state of disaster declared by the Mayor and previously extended by the Council; and establish additional rules to protect the health of persons in the City;

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRAND PRAIRIE, TEXAS:**

**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.** Pursuant to Sections 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 other laws, the City Council adopts and approves the following to have the force and effect

of law and enforceable under the terms of this Ordinance. Regulations promulgated by executive orders of the Office of the Governor of the State of Texas, other governmental bodies, agencies, or authorities having jurisdiction may also apply to those subject to this ordinance. Review all County, State and Federal Orders to determine any necessary compliance.

**SECTION 3.** 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 Mayor.

**SECTION 4.** Pursuant to Government Code §418.108(d), the City of Grand Prairie Emergency Management Plan shall remain active through the duration of the Disaster Declaration.

**SECTION 5.** The provisions of this Ordinance shall become effective at 12:01 a.m. on Friday, March 20, 2020, unless otherwise provided by law, and shall remain in effect until terminated by the City Council.

**SECTION 6.** That the City Manager and Deputy City Managers are hereby authorized to execute any and all contracts, agreements, regardless of dollar amount, or other legal instruments as they deem necessary to carry out the business of the City for the duration of this declaration, as it may be continued, amended or renewed; that the terms of Resolution Number 4521-2011, to the extent in conflict with this Ordinance, are suspended; and, that upon final expiration of the declaration of local disaster, the provisions of this section shall automatically be repealed and Resolution No. 4521-2011 shall take effect once more. The City Manager shall provide a weekly report to the City Council regarding the contracts and other legal instruments executed pursuant to the authority granted hereunder. Additionally, any City ordinance or regulation imposing a time requirement for payment, filing or appealing a decision may be extended by the City Manager during the term of the local disaster.

**SECTION 7.** Pursuant to Government Code §418.020(d), the City of Grand Prairie is authorized to: (1) temporarily or permanently acquire by lease, purchase, or other means sites required for installation of temporary housing units or emergency shelters for disaster victims; and (2) enter into arrangements necessary to prepare or equip the sites to use the housing units or shelters, including arrangements for the purchase of temporary housing units or shelters and the payment of transportation charges.

**SECTION 8.** This Ordinance hereby limits the size of gatherings to no more than 10 people and mandates the cancellation of all such gatherings of more than 10 people until further notice. This Ordinance does not prohibit gatherings of people in multiple, separate enclosed spaces (including separate cubicles) in a single building such as different floors of a multi-level office building, residential building, hotel, so long as 10 people are not present in any single space at the same time. This Ordinance also does not prohibit the use of enclosed spaces where more than 10 people may be present at different times during the day, so long as more than 10 people are not present in the same space at the same time. The uses in Sections 9, 10, and 11 are not considered “gatherings” but are limited as provided in Sections 9, 10, and 11.

**SECTION 9.** This Ordinance hereby orders that a restaurant, with or without drive-in or drive-through services, drive in restaurant, drive-through restaurant, sidewalk café, coffee shop, food court, or microbrewery, micro-distillery, or winery may only provide take out, delivery, or drive-in or drive-through services as allowed by law.

**SECTION 10.** This Ordinance hereby orders the closure of bars, taverns, lounges, gyms, banquet halls, bingo parlors, massage parlors, bowling alleys, nightclubs, private clubs/fraternal organizations, indoor recreation, skating rinks, teen clubs, arcades, indoor theatres, hotel meeting spaces, bowling alleys, ballrooms, conference centers, meeting halls, event centers, arenas, large cafeteria, theaters, auditoriums, stadiums, and any other entertainment or amusement uses.

**SECTION 11.** This Ordinance hereby limits the occupancy of the following locations to 50% occupancy as set forth on the business's certificate(s) of occupancy or 125 individuals, whichever is less:

- a. Retail Sales and Service;
- b. Convenience Stores;
- c. Places of Worship; and
- d. Malls (the occupancy of a mall is limited as follows: (i) common areas in a mall to 50% occupancy as set forth in the business's certificate(s) of occupancy or 125 individuals, whichever is less, and (ii) individual, separate, enclosed Retail Stores within a mall to 50% occupancy as set forth in the business's certificate(s) of occupancy or 125, whichever is less).

**SECTION 12.** This Ordinance does not apply to government buildings, critical infrastructure such as airport and transit facilities, residential buildings, grocery stores, manufacturing, industrial and warehouse locations, non-profit service providers, big box stores, warehouse stores, pharmacies, homeless and emergency shelters, day cares, and medical facilities.

**SECTION 13.** This Ordinance hereby prohibits a person from visiting nursing homes, retirement, or long-term care facilities unless to provide critical assistance.

**SECTION 14.** Except as changed by this ordinance, the terms and provisions of Resolution 5076-2020 shall remain in full force and effect. In the event of any conflict or inconsistency between this ordinance and Resolution 5076-2020, this ordinance shall govern.

**SECTION 15.** A violation of any provision of this Ordinance shall be a misdemeanor punishable in accordance with Section 1-8 of the Code of Ordinances of the City of Grand Prairie, Texas. The penalty provided for in this Ordinance is in addition to any other remedies that the City may have under City ordinances and state law.

**SECTION 16.** All of the regulations provided in this ordinance are hereby declared to be governmental and for the health, safety, and welfare of the general public. Any member of the City Council or any City official or employee charged with enforcement of the ordinance, acting for the City of Grand Prairie in the discharge of his/her duties, shall not thereby render himself/herself personally liable; and he/she is hereby relieved from all personal liability for any damage that might accrue to persons or property as a result of any act required or permitted in the discharge of his/her said duties.

**SECTION 17.** Any violation of this ordinance can be enjoined by a suit in the name of the City of Grand Prairie in a court of competent jurisdiction, and this remedy shall be in addition to any penal provision in this ordinance or in the Code of Ordinances of the City of Grand Prairie.

**SECTION 18.** Pursuant to Section 122.006 of the Texas Health and Safety Code, the City of Grand Prairie is authorized to adopt rules to protect the health of persons in the City of Grand Prairie, including quarantine rules to protect its residents against communicable disease and provide for the establishment of quarantine stations, emergency hospitals, and other hospitals.

**SECTION 19.** With the exception of extending the term of the state of disaster, the City's Emergency Management Director (the Mayor and City Manager) shall have the authority, without further action by the City of Grand Prairie City Council and pursuant to Section 12-31 of the Code of Ordinances and Government Code Chapter 418, 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. When determining what orders are appropriate, the Emergency Management Director shall take into consideration the recommendations and orders of the Health Authority and Centers for Disease Control.

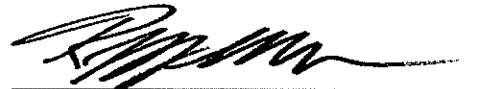
**SECTION 20.** That the terms and provisions of this Ordinance are severable and are governed by Section 1-4 of the Code of Ordinances of the City of Grand Prairie, Texas.

**SECTION 21.** That this Ordinance shall be and become effective immediately upon and after its passage and approval.

**SECTION 22.** That this Ordinance shall expire upon the earlier to occur of the termination of the state of emergency declared by the President or by the affirmative vote of the City Council.

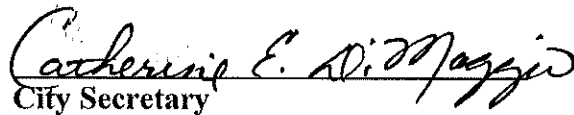
**PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF GRAND PRAIRIE, TEXAS, ON THIS THE 19<sup>TH</sup> DAY OF MARCH 2020.**

**APPROVED:**



**Ron Jensen, Mayor**

**ATTEST:**

  
Catherine E. DiMaggio  
City Secretary

**APPROVED AS TO FORM:**

  
Megan Mahan  
City Attorney