

IMPLEMENTATION OF CONTROL MEASURES ON PROPERTY RELATED TO THE COVID-19 VIRUS

WHEREAS, on March 19, 2020 Dr. John Hellerstedt, Commissioner of the Department of State Health Services (“Commissioner”) Issued a Public Health Disaster Declaration in the state of Texas for the purpose of reducing and delaying the spread of COVID-19; and

WHEREAS, under Texas Health and Safety Code §81.082, the Public Health Authority has the authority and control over disease control measures within its jurisdiction; and

WHEREAS, under Texas Health and Safety Code §81.082(c) those measures can imposed on a place; and

WHEREAS, under Texas Health and Safety Code §81.082(f) those measures can include prevention; and

WHEREAS, under Texas Health and Safety Code §81.084(k) the health authority may impose control measures he considers necessary and most appropriate to arrest, control, and eradicate the threat to the public health; and

WHEREAS, under Texas Health and Safety Code §122.006 the City may adopt rules to protect the health of persons, and additionally under §121.024, it is the duty of the health authority to aid in the enforcement of such rules; and

WHEREAS, in the March 19, 2020 declaration the Commissioner required each person to act responsibly to prevent and control COVID-19 pursuant to Texas Health and Safety Code §82.002 including the following:

1. Limiting trips into the public to essential outings. Traveling to work, the grocery store, the pharmacy or to seek medical care would be considered essential trips.
2. Limit as much as possible close contact with other people
3. Do not gather in social groups of more than ten (10) individuals
4. Allow employees to work at home to the greatest extent possible
5. Restaurants should not allow dine in options, either inside or outside.

WHEREAS, on March 19, 2020 Greg Abbott, Governor of the State of Texas issued the following four executive orders:

Order No. 1 - In accordance with the Guidelines from the President and the CDC, every person in Texas shall avoid social gatherings in groups of more than 10 people.

Order No. 2 - In accordance with the Guidelines from the President and the CDC, people shall avoid eating or drinking at bars, restaurants, and food courts, or visiting gyms or massage parlors; provided, however, that the use of drive-thru, pickup, or delivery options is allowed and highly encouraged throughout the limited duration of this executive order.

Order No. 3 - In accordance with the Guidelines from the President and the CDC, people shall not visit nursing homes or retirement or long-term care facilities unless to provide critical assistance.

Order No. 4 - In accordance with the Guidelines from the President and the CDC, schools shall temporarily close.

WHEREAS, on March 19, 2020 the City Council of the City of San Angelo and the Tom Green County Judge issued orders which, amongst other things, prohibited Public or Private Community Gatherings and prohibited any gym, restaurant or bar activity with the exception of carry out or delivery services.

WHEREAS, since that the number of positive cases of COVID-19 within Tom Green County has stabilized and compliance with the distancing restrictions has dramatically improved.

NOW, THEREFORE, I, Dr. James Vretis, Tom Green County Public Health Authority, pursuant to Texas Health and Safety Code §81.082, hereby issue the following control measure order clarifying restrictions on recreation and entertainment facilities:

The following private or public recreational or entertainment facilities within Tom Green County must remain closed: theatres, sexually oriented businesses, skating rinks, bowling alleys, swimming pools, dance studios, basketball courts, beaches, pavilions, and camping areas.

Beginning at 8 AM on April 25, 2020, playgrounds and tennis courts may reopen with the following requirements:

1. Masks should be worn by anyone utilizing a playground.
2. There should continue to be no interaction between households at tennis courts or playgrounds.
3. Congregating is prohibited.
4. All CDC hand cleaning requirements should be followed.

Any other facilities not listed may remain open but must ensure no persons from different households can interact while at the facility and operate in accordance with past orders.

Hunting, fishing, and other solo recreation is not limited by this order if it does not occur with people outside of a single household.

A FAILURE TO FOLLOW THIS ORDER SHALL SUBJECT EACH PERSON IN VIOLATION TO COURT ACTION AND WILL CONSTITUTE A CLASS B MISDEMEANOR PURSUANT TO §81.087 OF THE TEXAS HEALTH AND SAFETY CODE. SUCH COURT ACTION MAY INCLUDE APPLICATION FOR A COURT ORDER TO AUTHORIZE LAW ENFORCEMENT TO USE REASONABLE FORCE TO SECURE THE PROPERTY, AND TO PREVENT INDIVIDUALS FROM ENTERING THE PROPERTY. SEE §81.084(L).

This Order is issued under my authority as Public Health Authority for Tom Green County, Texas on this the 23th day of April, 2020.

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James G. Vretis, D.O., Public Health Authority