

EMERGENCY ORDINANCE 2020-11

AN EMERGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BASTROP, TEXAS, CONFIRMING AND RATIFYING THE EMERGENCY ORDERS ISSUED BY THE MAYOR AS THE EMERGENCY MANAGEMENT DIRECTOR, AS DESCRIBED IN EXHIBIT A; PROVIDING FOR FINDINGS OF FACT, REPEALER, SEVERABILITY, ENFORCEMENT, AND PENALTY; ESTABLISHING AN EFFECTIVE DATE; AND PROPER NOTICE AND MEETING.

WHEREAS, the novel coronavirus (COVID-19) has been recognized globally as a contagious respiratory virus; and

WHEREAS, on March 13, 2020, Texas Governor Greg Abbott declared a State of Disaster for all counties in Texas, and the President of the United States of America declared a national emergency in relation to COVID-19; and

WHEREAS, on March 16, 2020, the Mayor issued a Declaration of Local Disaster to allow the City of Bastrop to take measures to reduce the possibility of exposure to COVID-19 and promote the health and safety of Bastrop residents; and

WHEREAS, Section 418.108 of the Texas Government Code provides that a declaration of local disaster activates the City's Emergency Management Plan; and

WHEREAS, in furtherance of the declaration of local disaster, the Mayor issued certain orders pursuant to Chapter 418 of the Texas Government Code; and

WHEREAS, Section 3.15(b) of the Bastrop City Charter allows the City Council to adopt an emergency ordinance relating to the immediate preservation of the public peace, health or safety, and such emergency ordinances shall take effect immediately upon adoption and execution without a second consideration; and

WHEREAS, Section 54.001 of the Texas Local Government Code generally provides the maximum penalties for violations of municipal ordinances, rules, or police regulations; and

WHEREAS, Section 418.173 of the Texas Government Code provides that a local emergency management plan may provide that failure to comply with the 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

WHEREAS, the City Council of the City of Bastrop, Texas, finds it reasonable and necessary for the protection of the health and safety of the residents of the City of Bastrop to confirm and ratify the orders issued by the Mayor pursuant to Chapter 418 of the Texas Government Code, as described in **Exhibit A**; and

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

SECTION 1. FINDINGS OF FACT: The foregoing recitals are incorporated into this Emergency Ordinance by reference as findings of fact as if expressly set forth herein.

SECTION 2. CONFIRMATION & RATIFICATION: The City Council of the City of Bastrop, Texas, in accordance with the authority vested in the governing body of the City of Bastrop, Texas, by Section 418.108 of the Texas Government Code, hereby confirms and ratifies the emergency orders issued by the Mayor in furtherance of the declaration of local disaster, as described in **Exhibit A**.

SECTION 3. PUBLIC NOTICE: The City Secretary is hereby directed to give prompt and general publicity to this Emergency Ordinance.

SECTION 4. CONFLICTS: In the case of any conflict between other provisions of this Emergency Ordinance and any existing Ordinance of the City, the provisions of this Emergency Ordinance will control.

SECTION 5. SEVERABILITY: If any provision of this Emergency Ordinance or the application thereof to any person or circumstance is held invalid, that invalidity or the unenforceability will not affect any other provisions or applications of this Emergency Ordinance that can be given effect without the invalid provision.

SECTION 6. ENFORCEMENT: The City shall have the power to administer and enforce the provisions of this Emergency Ordinance as may be required by governing law. Any person violating any provision of this Emergency Ordinance violates Section 1.08.011 of the Bastrop City Code. In accordance with Section 418.173 of the Texas Government Code, a violation is a misdemeanor punishable by a fine not to exceed \$1,000 or confinement in jail for a term not to exceed 180 days. Nothing in this ordinance shall be construed as a waiver of the City's right to bring a civil action to enforce the provisions of this ordinance and to seek remedies as allowed by law and/or equity.

SECTION 7. EFFECTIVE DATE: In accordance with Section 3.15(b) of the Bastrop City Charter, this Emergency Ordinance shall be *effective immediately* upon passage.

SECTION 8. OPEN MEETING: It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public, and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Texas Government Code, Chapter 551.

READ, ACKNOWLEDGED & APPROVED on the First & Final Reading on this, the 28th day of April 2020.

APPROVED:



Connie B. Schroeder, Mayor

ATTEST:



Ann Franklin, City Secretary

APPROVED AS TO FORM:



Alan Bojorquez, City Attorney

Exhibit A



EMERGENCY ORDER OF THE MAYOR

RE: COVID-19
E.O. # 2020- 3.A.
April 28, 2020

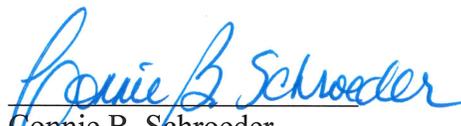
1. **Closing Public Access to City Facilities:** Public access to certain City Facilities is hereby closed and suspended. Members of the public are not allowed to enter into or upon City Facilities, except for the particular premises specifically authorized herein.
2. **Purpose:** This restriction is intended to hinder the spread of the COVID-19 virus by furthering social distancing as advised by the U.S. CDC and Texas DSHS.
3. **Application:** This restriction applies to persons, generally, and the public at-large. This restriction does not apply to those with official positions with the City of Bastrop, including City officers, employees, board / commission / committee members, or the invited guests of City officers or employees who are on-duty and have a business-related purpose for being at the City Facility.
4. **Definition:** *City Facilities* is hereby defined as City Hall, municipal Historic Sites, the City of Bastrop Convention and Exhibit Center, the Bastrop Public Library, Municipal Court, Police Department, Fire Department, and all other city offices. The term includes certain City parks, including municipal sports fields, park restrooms, playgrounds, ballfields, sport courts, and stairwells at parks.
5. **Exceptions:** This restriction does not apply to the following City premises, which are hereby expressly deemed to be open for public use as provided below for those persons physically separated by a distance of at least six feet from persons of other households, and not congregating in groups of more than ten cumulative:
 - a. **Hike & Bike Trails:** for pedestrians and cyclists.
 - b. **Fisherman's Park Boat Ramp:** for boaters, kayakers, canoers, and operators of other watercrafts.
 - c. **Bob Bryant Park Boat Ramp:** for boaters, kayakers, canoers, and operators of other watercrafts.

Persons opting to utilize the premises allowed under this section are highly encouraged to wear personal protection equipment such as face masks and gloves for their personal safety and the safety of others.

6. **Effective:** This order is effective commencing *Friday, May 8, 2020*.
7. **Duration:** This restriction is temporary and shall be in effect for the duration of the Local State of Disaster unless earlier repealed.
8. **Penalty:** It shall be unlawful for any person willfully to do any act forbidden by this Emergency Order. Violations shall be punishable by a fine not to exceed one thousand dollars (\$1,000.00) for each violation in accordance with City of Bastrop Code of Ordinances Section 1.08.011 and 1.01.009, and Texas Government Code Section § 418.173.
9. **Repealer:** Any prior or conflicting Emergency Order is hereby *repealed* to the extent necessary to effectuate this Emergency Order.
10. **Authority:** This Emergency Order is hereby enacted in accordance to the authority vested in my office pursuant to:
 - Texas Government Code Chapter 418,
 - City of Bastrop Home Rule Charter Section 3.08,
 - City of Bastrop Code of Ordinances Article 1.08,
 - City of Bastrop Emergency Management Plan,
 - Bastrop County Preparedness & Response Plan (Pandemic Influenza), and
 - Declaration of Local Disaster executed on March 16, 2020 (as confirmed and extended by the City Council via Resolution R-2020-32 on March 16, 2020).
11. **Official Determination:** In my official capacity as Mayor, Emergency Management Director, and member of the Policy Coordination Group for Bastrop County, I consider this action to be reasonable, prudent, and necessary for the preservation of life, and disaster mitigation, response, and recovery. This Order is critical to protecting the public health, safety and welfare.

THUS ORDERED:

by:



Connie B. Schroeder
Mayor, City of Bastrop



EMERGENCY ORDER OF THE MAYOR

RE: COVID-19

E.O. # 2020- 6

April 28, 2020

1. **Purpose:** This order is intended to provide a limited opportunity to rectify certain building permit violations for remodels and other construction-related work performed during the initial phase of the 2020 COVID-19 virus pandemic State of Disaster without having applied for and received the applicable building permit. This order is issued as an incentive for owners of commercial property to remedy any failure to apply for and receive the applicable building permit under the City of Bastrop's Code of Ordinances when City Hall was closed to the public but still operating under emergency circumstances.

2. **Grace Period for Certain After-the-Fact Building Permits:**
 - a. **Temporary Suspension:** A grace period is hereby ordered, as provided herein, temporarily suspending strict code enforcement for work performed on a pre-existing commercial establishment in the City Limits (e.g., building, structure, electrical, gas, mechanical, or plumbing system) without having first obtained the appropriate permit from the City of Bastrop.

 - b. **Penalty Suspended:** Under the City of Bastrop Code of Ordinances, 3.01.003 [Work Commencing Prior to Permit Issuance], work performed without the necessary permits from the City is subject to a penalty in addition to the required permit fee, as provided for in the City's Fee Schedule, sections A3.01.003 and A3.04.002 of appendix A. The penalty is the greater of:
 - (1) \$150; or
 - (2) an amount equal to the permit application fee and inspection fee.

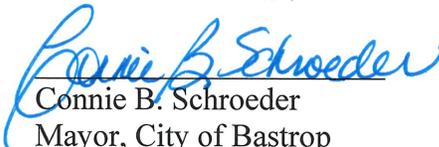
This order temporarily suspends imposition of the penalty as provided herein.

 - c. **Foregoing Citations:** The City will not issue criminal citations to owners, contractors, and subcontractors who performed work on eligible projects (as defined below) and who timely submit *administratively complete* applications for the applicable after-the-fact building permits as provided in this order.

3. **Eligible Projects:** Projects eligible for the grace period created by this order are limited to construction-related work performed between March 25, 2020, and April 28, 2020, on pre-existing commercial properties in the City Limits.
4. **Deadline:** May 15, 2020, 5:00 p.m., is the deadline to submit *administratively complete* permit applications to the City for after-the-fact building permits for eligible projects.
5. **Permit & Inspection Fees:** All applicable permit fees and inspection fees remain in full force and effect. Anyone applying for after-the-fact building permits under the terms and conditions of this order must remit payment to the City of all applicable permit and inspection fees at the time of submission.
6. **Duration:** This order is temporary and shall automatically expire and be of no further effect upon the City's final disposition (i.e., approval or denial) of all permit applications filed hereunder before the deadline established above.
7. **Reservation of Rights:** The City of Bastrop expressly reserves the right to fully and vigorously enforce its Code of Ordinances and all standard, international codes adopted therein, except as narrowly provided herein. Nothing in this order is to be construed to waive any rights of the City of Bastrop to pursue all remedies available at law (civil and criminal) to achieve code compliance, subject to the terms established in this order.
8. **Repealer:** Any prior or conflicting Emergency Order is hereby *repealed* to the extent necessary to effectuate this Emergency Order.
9. **Authority:** This Emergency Order is hereby enacted in accordance to the authority vested in my office pursuant to:
 - Texas Government Code Chapter 418,
 - City of Bastrop Home Rule Charter Section 3.08,
 - City of Bastrop Code of Ordinances Article 1.08,
 - City of Bastrop Emergency Management Plan,
 - Bastrop County Preparedness & Response Plan (Pandemic Influenza), and
 - Declaration of Local Disaster executed on March 16, 2020 (as confirmed and extended by the City Council via Resolution R-2020-32 on March 16, 2020).
10. **Official Determination:** In my official capacity as Mayor, Emergency Management Director, and member of the Policy Coordination Group for Bastrop County, I consider this action to be reasonable, prudent, and necessary for the preservation of life, and disaster mitigation, response, and recovery. This Order is critical to protecting the public health, safety and welfare.

THUS ORDERED:

by:


Connie B. Schroeder
Mayor, City of Bastrop