

# **EMERGENCY DECLARATION**

**CONTINUE TO STAY HOME AND WORK SAFELY**

**BY**

**THE COUNTY JUDGE**

**NOLAN COUNTY, TEXAS**

**April 13, 2020**

Relating to COVID-19 preparedness and mitigation

**WHEREAS** on March 13, 2020, Governor Abbott issued a Public Health Disaster Declaration and Executive Order calling for the People of the State of Texas to follow the recommendations of the CDC; and

**WHEREAS** the Texas Department of State Health Services determined on March 19, 2020 that COVID-19 posed a public health disaster under Chapter 81 of the Texas Health and Safety Code; and

**WHEREAS** Governor Greg Abbott issued Executive Order GA-08 on March 19, 2020 calling for all persons in the state to abide by the recommendations of the Centers for Disease Control; and

**WHEREAS** On March 20, 2020, Nolan County Judge Whitley May declared that Nolan County was experiencing a Local Disaster for Public Health due to the COVID-19 virus; and

**WHEREAS** In that Declaration and the subsequent one on March 23, 2020, Judge May imposed guidelines limiting interaction and calling for the immediate closure of some businesses and all schools; and

**WHEREAS** the COVID-19 virus is contagious and spreads through person to person contact, especially in group settings; and

**WHEREAS** the COVID-19 virus causes property loss or damage due to its ability to attach to surfaces for prolonged periods of time; and

**WHEREAS** given the ongoing evaluation of circumstances related to the COVID-19 virus, the updated recommendations of the Centers for Disease Control and the Texas Department of State Health Services, and the substantial risks posed by the COVID-19 virus to Nolan County residents and their property, the following extraordinary measures must be taken to protect the public's safety; and

**WHEREAS** Governor Greg Abbott issued Executive Order GA-14 on March 31, 2020, calling for the People of the State of Texas to minimize in person contact.

**NOW, THEREFORE**, I, Judge Whitley May, by the authority given me by the Texas Government Code §418, hereby find and order:

That the findings and recitations set out in the preamble to this ORDER are found to be true and correct, and they are hereby adopted by the County Judge and made part a part hereof for all purposes. This Order is in addition to any previous orders issued by the Nolan County Judge and hereby incorporates all previous orders by reference.

**SUMMARY** It is essential that the spread of the COVID-19 virus be slowed to protect the ability of public and private healthcare providers to safeguard public health and safety. Because of the risk of the rapid spread of the virus and the need to protect the most vulnerable members of the community, this Order requires all individuals anywhere in Nolan County to stay home with the exception of certain Essential Activities and work to provide Essential Business and Government Services as specified below. This Order shall take effect on Monday, April 13, 2020 at 11:59 P.M. and continue through on Monday, April 27, 2020 at 11:59 P.M.

- 1) All individuals currently living within Nolan County are ordered to stay at their place of residence except for Essential Activities and Travel as defined in this order. All persons may leave their residences only for Essential Activities, Essential Travel, or to provide or perform Essential Governmental Functions, or to operate Essential Businesses as defined below.
  - a. Residence includes homes, hotels, motels, shared rentals, and similar facilities. To the extent that individuals are using shared or outdoor spaces, they must at all times, as reasonably as possible, maintain social distancing of at least six feet from any other person when they are outside their residence.
  - b. Homeless individuals are exempt from this Order, except that, to the extent that they are using shared or outdoor spaces, they shall, to the greatest extent feasible, maintain social distancing of at least six feet from any other person. Individuals experiencing homelessness are strongly encouraged to obtain shelter.
  - c. All businesses operating in Nolan County with the exception of Essential Businesses as designated below are required to cease all activities at facilities within Nolan County. For clarity, businesses may continue operations consisting of employees or contractors who work from their own residences, provided that a six-foot distance is maintained between both employees and the public. Nonessential businesses which can adapt to a call in / delivery means of operation may continue, provided that their premises are not open to the general public.
  - d. All public or private gatherings are specifically discouraged; however, if necessary, a gathering of up to ten persons may be permitted. Nothing in this Order prohibits the gathering of members of a household or living unit. Nothing in this Order affects orders or agreements regarding child related visitation or custody arrangements.

- e. Public parks and open outdoor recreations areas are still available for walking, jogging and running; provided, however, that the use of public playgrounds is strongly discouraged. Public parks are open for gatherings of ten or fewer, provided that those involved practice social distancing and do not involve the use of picnic tables, restrooms, or any fixture.
- f. Swimming Pools are closed, unless they are private, residential pools. Private pools are defined as those which are available for members of the immediate family only.
- g. Restaurants, bars, convenience stores, food trucks, truck stops and other food service facilities, may prepare food for delivery, take out or drive through. Consumption of food in dining areas or on the premises except within a private vehicle is strictly forbidden.
- h. Gyms, fitness centers, swimming pools and similar facilities used or intended to be used for any type of training, martial arts, sport or recreation shall close.
- i. Hair and nail salons, barber shops, licensed massage businesses, tattoo parlors, live performances, movie theaters, game rooms, flea markets, arcades, tanning salons, in person auctions, estate, garage, and yard sales and any business or sale similar in nature, whether normally operating for a single day or multiple days, shall close.
- j. Religious and worship services, as outlined in the guidance provided by Attorney General Paxton, “must, whenever possible, conduct their activities from home or through remote audio or video services.” If that is not possible, they must follow all CDC guidelines, including having no more than 10 persons in a room or sanctuary at a time. The room or sanctuary is to be sanitized between uses.
- k. Funerals and weddings may be held, provided that there are not more than ten people in attendance. Social distancing is required.
- l. Celebratory Parades, that is, organized parades of vehicles shall be allowed provided:
  - i. Permission has been granted by the appropriate law enforcement agency; and
  - ii. All persons abide by traffic laws, including traffic control devices and signs;
  - iii. Nothing is to be thrown or passed from any vehicle;
  - iv. There shall be no touching or physical interaction between persons in vehicles and person(s) outside;
  - v. Immediate family only in any vehicle.

## 2) Definitions

- a. Essential Activities For purposes of this Order, individuals may leave their residence only to perform any of the following:

- i. Obtaining medical assistance or supplies or to otherwise engage in activities or perform tasks necessary for the health and safety of family or household members, including pets. (such as trips to the pharmacy, medical doctor or veterinarian.)
  - ii. Obtaining necessary supplies such as food, pet supplies or other household consumer products necessary to maintain the safety, sanitation, and operation of a home.
  - iii. Engage in outdoor activity, including walking, hiking, biking, hunting, running or fishing, provided that there is compliance with the requirements of social distancing.
  - iv. To care for another, be it family member, neighbor, friend or pet.
  - v. To perform work providing essential products and services as specified below.
- b. Essential Businesses shall include the following for purposes of this Order (if lack of sufficient space prevents or prohibits proper social distancing measures, employees shall make use of proper PPE devices such as gloves, face shields, and masks which provide sufficient coverage to the mouth and nose):
- i. Essential Government Functions All services provided by local governments and municipalities in Nolan County needed to ensure their continuing operation to provide for the health, safety and welfare of the public, including law enforcement, jail operations and other services. All essential government functions shall be performed in compliance with social distancing requirements of six feet to the extent possible.
  - ii. Essential School Functions Those services provided by local school districts intended to facilitate distance learning or the providing of nutrition for children in their districts.
  - iii. Essential Healthcare Operations Healthcare operations, including hospitals, clinics, dentists, optometrists, pharmacies, other healthcare facilities, healthcare suppliers, mental health providers, substance abuse service providers and all ancillary healthcare services. Home based and residential based care for seniors, adults or children are considered healthcare operations. Healthcare operations also include veterinary care and all health and welfare services provided to animals. This exemption shall be viewed broadly to avoid any impacts to the delivery of healthcare.
  - iv. Essential Retail Food producers and service providers including grocery stores, warehouse stores, big box stores, liquor stores, gas stations, convenience

stores, farmer's markets that sell food products, auto supply and repair, hardware stores, businesses that sell household staples and those that sell products needed to facilitate working from home. Laundromats, dry cleaners and laundry service providers. Businesses which can adapt to call in and delivery. Food cultivation including farming, ranching, fishing, and livestock processing. Providers of feed for livestock. Businesses that ship or deliver groceries, food, goods or services directly to residences. Restaurants and other facilities that prepare and serve food but only for delivery, drive through or carry out. Schools and other entities that typically provide free services to students or members of the public may continue those services on a pick up and take away basis only. The restriction of delivery or carry out does not apply to food services located within hospitals and medical facilities.

- v. Providers of basic necessities for seniors, disabled and disadvantaged populations (including economic, mental and or physical disadvantages). Businesses that provide food, shelter, social services and other necessities of life for economically disadvantaged or otherwise needy individuals. Caregivers and helpers who provide services for seniors and disabled individuals.
- vi. Essential services necessary to maintain essential operations of residences and essential businesses Trash and recycling collection, processing and disposal; mail and shipping services; cleaning, maintenance and security of commercial buildings; storage for essential businesses, funeral homes and cemeteries. Plumbers, electricians, exterminators, yard and maintenance crews, janitorial staff, pool cleaners and other service providers who provide services that are necessary to maintaining the safety, sanitation and essential operation of businesses and residences.
- vii. Professional services such as legal or accounting services, insurance services and "real estate services" when necessary to assist in compliance with legally mandated activities or to further essential businesses or essential government functions.
- viii. News media Newspapers, radio, television and other media services. Those individuals who deliver these services.
- ix. Childcare and adult care Childcare and adult care facilities providing services that enable employees exempted in this order to work as permitted.
- x. Transportation Businesses related to the operation, maintenance, and construction of transportation services. For example, parts departments, distributors, maintenance and repair facilities; car dealerships; public transportation; street and highway construction and maintenance; gas

stations and other fuel distribution. People riding on public transit must comply with the six-foot social distancing requirements to the extent feasible.

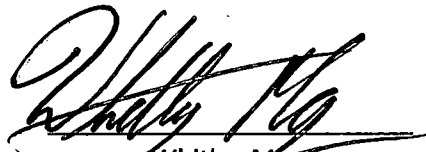
- xi. Airports Airport activities, operations, maintenance and repairs, and the hotels which serve this essential business.
  - xii. Construction and manufacturing businesses may continue; however, they must practice social distancing and comply with the CDC recommendations. If the distancing requirement is not feasible, employees shall wear face coverings of some sort.
- c. Essential travel may be conducted with only the minimum number of persons required to accomplish the reason for the trip. It includes:
- i. Any travel related to the provision of or access to Essential Activities, or Essential Businesses;
  - ii. Travel to care for the elderly, minors, dependents, persons with disabilities or other vulnerable persons;
  - iii. Travel to or from educational institutions for the purpose of receiving materials or meals;
  - iv. Travel to return to a place of residence from outside Nolan County;
  - v. Travel required by law enforcement or court order;
  - vi. Travel by church staff or clergy for the purpose of remote delivery of religious services and other ministries requiring travel;
  - vii. Travel related to a funeral service; or
  - viii. Travel required for non residents to return to their place of residence.

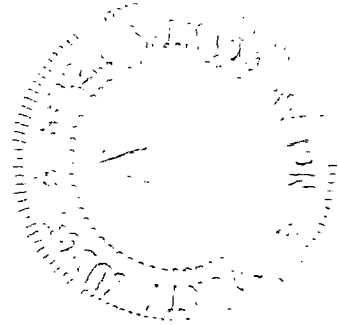
3) Infection Control Precautions applicable to ALL businesses:

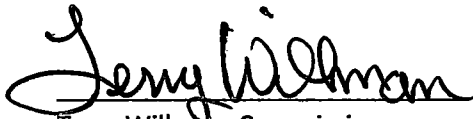
- a. Social Distancing Practice social distancing by requiring all patrons, visitors and employees to be separated by six feet, to the extent possible;
- b. Access to Hand Washing with soap and water or hand sanitizer that contains at least 60 percent alcohol;

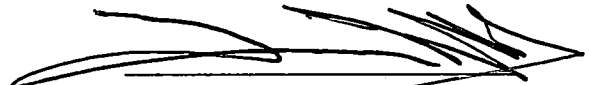
- c. Post a Sign in a conspicuous place at the public entrance to the venue instructing members of the public not to enter if they are experiencing symptoms of a respiratory illness, including cough or fever; and
  - d. Adhere to other general communicable disease control recommendations by public health authorities.
  - e. Disinfect any equipment, cleaning materials, cans or other tools moved from one residence or business to another.
- 4) If someone in the household has tested positive for COVID-19, all residents of the household are ordered to isolate at home until cleared by a public health authority or medical provider.
  - 5) Nursing homes, retirement and long-term care facilities are instructed by this Order to prohibit nonessential visitors from accessing their facilities unless to provide critical assistance or for end of life visitation.
  - 6) Any peace officer or other person with lawful authority may enforce the provisions of this Order in accordance with the authority granted under the Texas Disaster Act of 1975. Any person who violates this Order may be subject to a fine not exceeding \$1000 and / or confinement for a period not exceeding 180 days.
  - 7) This Order incorporates the attached table, as set forth herein.
  - 8) This Order shall be effective until Monday, April 27 at 11:59 P.M., or until it is renewed, rescinded, superseded or amended pursuant to law.
  - 9) A copy of this Order shall be available on the Nolan County website. In addition, the owner, manager or operator of any facility likely to be impacted by this Order is strongly encouraged to post a copy onsite and to provide a copy to any member of the public asking for a copy. If any portion of this Order is determined by a Court of competent jurisdiction to be invalid or unconstitutional, said decision shall not affect the validity of the remainder of the Order.

Signed this 13<sup>th</sup> day of April, 2020 as approved by the Commissioners Court of Nolan County, sitting in regular session on motion of Commissioner White, second by Commissioner Ortega.

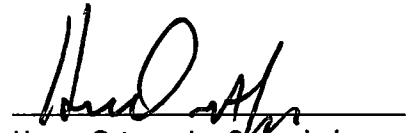
  
Whitley May,  
Nolan County Judge




  
Terry Willman, Commissioner  
Precinct 1

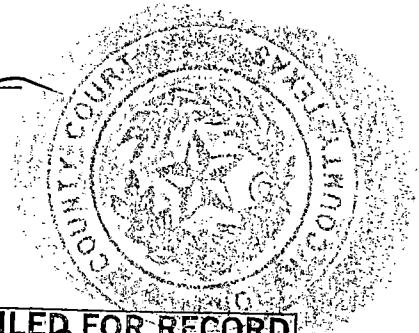
  
Tommy White, Commissioner  
Precinct 3

  
Seth Mahaffey, Commissioner  
Precinct 2

  
Henry Ortega, Jr., Commissioner  
Precinct 4

ATTEST

  
Sharla Keith  
Nolan County Clerk



**FILED FOR RECORD**  
Time 9:10 o'clock a/m  
**APR 13 2020**  
SHARLA KEITH  
NOLAN COUNTY CLERK



Summary of Nolan County Restrictions

Effective April 13, 2020 at 11:59 P.M.

(Please see full Order for details)

<u>Locations / Activities</u>	<u>Restrictions</u>
Persons residing in Nolan County	<ul style="list-style-type: none"><li>✓ Stay at place of residence;</li><li>✓ Practice social distancing;</li><li>✓ Leave residence for essential activities or to work at Essential Businesses</li></ul>
All businesses except Essential Businesses (including auctions, yard, garage, and estate sales)	<ul style="list-style-type: none"><li>✓ Closed</li></ul>
Public or private gatherings occurring outside a single household	<ul style="list-style-type: none"><li>✓ Only when absolutely necessary; limit 10</li></ul>
Parks & Pools	<ul style="list-style-type: none"><li>✓ Parks are open for use of space or trails; NO tables, play or sports equipment to be used; NO gatherings of ten or more people.</li><li>✓ Private (immediate family only) pools may be used; all others are closed</li></ul>
Celebratory Parades	<ul style="list-style-type: none"><li>✓ Must be cleared with law enforcement</li><li>✓ All traffic laws to be followed</li><li>✓ Nothing to be thrown / passed in or out of Vehicles</li><li>✓ No physical contact / interaction between persons in vehicles and those outside</li><li>✓ Immediate family only in vehicle</li></ul>
Food establishments (including truck stops, convenience stores, food trucks etc.) Excluding hospital food service	<ul style="list-style-type: none"><li>✓ No public occupancy</li><li>✓ No dining on premises except in private vehicles</li><li>✓ Drive through, delivery, take out is permitted;</li><li>✓ Social Distancing Required</li></ul>

<p>Worship services</p>	<ul style="list-style-type: none"> <li>✓ SHALL use home or remote audio / video services if at all possible;</li> <li>✓ Staff may attend to produce audio/video services.</li> <li>✓ If services MUST be in person, no more than 10 persons in the room / sanctuary; area (pews, chairs, hymnals, etc) to be sanitized prior to each use.</li> <li>✓ <b>Social Distancing Required</b></li> </ul>
<p>Elective medical, surgical, dental procedures</p>	<ul style="list-style-type: none"> <li>✓ Prohibited</li> </ul>
<p>Price Gouging</p>	<ul style="list-style-type: none"> <li>✓ Prohibited</li> </ul>
<p>Nursing homes retirement, and long term care facilities</p>	<ul style="list-style-type: none"> <li>✓ Prohibit non-essential visitors unless to provide critical assistance or for end of life visits</li> </ul>
<p>Essential travel</p>	<ul style="list-style-type: none"> <li>✓ Minimum number of people</li> <li>✓ To perform Essential Activity</li> <li>✓ <b>Must practice Social Distancing</b></li> </ul>
<p>✓ Essential Activity</p>	<ul style="list-style-type: none"> <li>✓ Obtain food, household necessities</li> <li>✓ Obtain medical assistance or supplies (including pet supplies)</li> <li>✓ Outdoor activity (walk, bike, golf, run, fish, etc)</li> <li>✓ Provide care for another</li> <li>✓ Personal Banking (drive through/ATM only)</li> <li>✓ <b>Must practice Social Distancing</b></li> </ul>
<p>Essential Businesses (summary)</p> <p>hospitals, clinics, doctors, dentists</p> <p>pharmacies, mental health providers</p> <p>substance abuse providers, veterinary care</p> <p>home / residential based care for seniors, adults or children</p> <p>all health, safety and welfare services</p>	<ul style="list-style-type: none"> <li>✓ Allowed to remain open</li> <li>✓ <b>Must practice Social Distancing</b></li> <li>✓ Essential businesses should implement screening precautions to protect employees</li> </ul>

**Essential Businesses (summary, continued)**

<p>food service providers / liquor stores food cultivation (farming, ranching) delivery / shipping services, premises not open to the public laundromats / dry cleaners / laundry service gas stations auto supply and repair hardware stores social services, charitable organizations trash collection / recycling services mail and shipping services building cleaning / maintenance / security storage for essential businesses funeral homes, cemeteries weddings plumbers electricians exterminators legal / accounting / financial / real estate as necessary to assist in legally mandated businesses news media financial institutions child care construction/manufacturing Governmental services at all levels.</p>	<p>and all activities shall be performed in compliance with Social Distancing</p> <p>✓ Allowed to remain open ✓ Social Distancing required; if not possible, masks to be used.</p> <p>✓ Should implement screening precautions to protect employees and all activity shall be performed in compliance with Social Distancing.</p>
<p>Other businesses which can operate as call in and delivery</p>	<p>✓ The public / customers shall not enter the premises</p>

Note: this three page summary is subject to the preceding Order;  
In case of conflicting interpretations, the Order takes precedence.