

# CITY OF VICTORIA

Established 1824, Founded by Congress, Republic of Texas, 1839



## ORDER TO CONTROL SOCIAL GATHERINGS DUE TO A PUBLIC HEALTH EMERGENCY

March 21, 2020

BY

MAYOR OF THE CITY OF VICTORIA

**Whereas**, the Governor of the State of Texas issued Executive Order GA-08 Relating to COVID-19 preparedness and mitigation, which provided, among other things, that citizens of the State of Texas should avoid social gatherings in groups of more than 10 people from 11:59 p.m. on March 20, 2020, and continuing until 11:59 p.m. on April 3, 2020; and

**Whereas**, in his public comments related to Executive Order GA-08 Relating to COVID-19 preparedness and mitigation, the Governor stated the importance of relying on strong local government officials to interpret and carry out his executive order; and

**Whereas**, section 418.108(g) of the Texas Government Code authorizes the mayor of a municipality, during a declared local disaster, to control the movement of persons and the occupancy of premises in that area, which includes the ability to reduce the possibility of exposure to disease, control the risk, promote health, compel persons to undergo additional health measures that prevent or control the spread of disease; and

**Whereas**, section 122.006 of the Texas Health and Safety Code authorizes the City to take any actions necessary to promote health and suppress disease, including quarantine, examining and regulating hospitals, regulating ingress and egress from the City, and fining those who do not comply with the City's rules;

**Whereas** section 7-3 of the City of Victoria code of ordinances provides that the Mayor, operating as the Emergency Management Directors has responsibility and authority for the issuance of reasonable rules, regulations, or

directives which are necessary for the protection of life and property in the City;  
and

**Whereas** section 7-6 of the City of Victoria Code of Ordinances provides that it is a Class “C” misdemeanor for any person willfully to obstruct, hinder, or delay any member of the emergency management organization in the enforcement of any rule or regulation issued pursuant to this Chapter, or to do any act forbidden by any rule or regulation issued pursuant to the authority contained in this Chapter;  
and

**Whereas** Section 418.173 of the Texas Government Code provides that a state, local, or interjurisdictional 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 Victoria County/City of Victoria Emergency Management Plan provides that failure to comply with the terms of the plan, or with a rule, order, or ordinance adopted under the plan is an offense punishable by a fine of not more than \$1,000 or confinement in jail for a term not to exceed 180 days; and

**Whereas** this order seeks to provide clarity on the scope and enforceability of Executive Order GA-08 to the citizens of the City of Victoria;

**Now therefore, I, Rawley McCoy, Mayor of the City of Victoria, Texas, hereby find and order:**

1. That there is an imminent danger to public health and safety from COVID-19.
2. That it is necessary to protect the citizens of the City of Victoria from the community transmission of COVID-19 to control the movement of people and the occupancy of premises within the City of Victoria in order to preserve life, mitigate the damage that will be caused thereby, and to protect the public’s health, safety, and welfare.
3. That for purposes of this Order, a "Social Gathering" is any indoor or outdoor event or convening, subject to the exceptions and clarifications below, that brings together or is likely to bring together ten (10) or more persons at the same time in a single room or space or an outdoor location where ten (10) or more people will be gathered within six (6) feet of each other. For clarity, this includes, but is not limited to, churches and other houses of worship, weddings, parties, funerals, sporting events, conferences, and other gatherings.
  - i. “Social Gathering” does not include
    1. gatherings of people in multiple, separate enclosed spaces (including separate cubicles or similarly partitioned spaces) in a single building such as an office, residential building, or hotel, so long as 10 people are not present in any single space at the same time; or
    2. the use of enclosed spaces where 10 or more people may be present at different times during the day, so long as 10 or more people are not present in the space at the same time.

ii. “Social Gathering” does not include gatherings of people in any of the following:

1. Critical infrastructure, including airport facilities and operations, transit, and transit facilities;
2. Government buildings providing essential services;
3. Day care facilities, schools or institutions of higher learning;
4. Grocery stores and pharmacies;
  - a. For purposes of this Order, "grocery stores" includes warehouse stores, big-box stores, bodegas, mercados, gas stations, farmers' markets, or food pantries that provide or sell food products or household staples.
5. Hospitals and medical offices and facilities; and
6. A private residence

4. That for any gathering excepted from the definition of a “Social Gathering,” the Mayor of the City of Victoria, relying on the advice of the Victoria County Health Authority, strongly encourages compliance with the CDC recommendations, including social distancing, providing hand sanitizer and tissues, and increasing cleaning of commonly and frequently touched surfaces.

5. That each person within the City of Victoria is **ORDERED** to avoid “Social Gatherings” as defined herein.

6. That the community's critical infrastructure, which includes communications, emergency services, energy, transportation systems, and water and wastewater systems, are **ORDERED** to continue operating and encouraged to implement screening precautions to protect employees.

7. That food establishments are **ORDERED** to close common dining areas to in-person dining, and strongly encouraged to provide take-out, drive through, curbside and delivery food services designed to limit exposure between individuals.

8. That the holder of a wine and beer retailer's permit or mixed beverage permit (collectively "bar") is **ORDERED** to close common bar spaces to the public and is **PROHIBITED** from allowing consumption within the bar.

9. That peace officers, City of Victoria Code Enforcement inspectors, City of Victoria Building Officials, and the Office of the Victoria City Fire Marshal, are hereby authorized to enforce this order to the extent of their authority under state and local law.

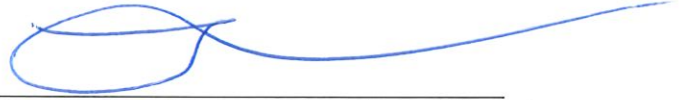
10. That any person who violates this Order commits an offense punishable by a fine of not more than \$1,000 and confinement in jail for a term not to exceed 180 days.

11. That the Victoria County Public Health Department will post this Order on its website. In addition, the owner, manager, or operator of any facility that is likely to be impacted by this Order is strongly encouraged to post a copy of this Order onsite and to provide a copy to any member of the public asking for a copy. If any subsection, sentence, clause, phrase or word of this Order or any application of it to any person, structure, gathering or circumstance is held to be

invalid or unconstitutional by a decision of a court of competent jurisdiction, then such decision will not affect the validity of the remainder of this Order and its application.

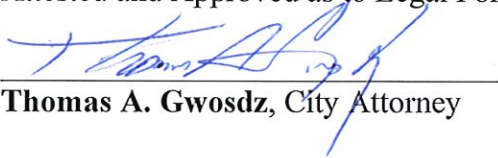
12. That this **ORDER** shall take effect immediately, and continue until 11:59 p.m. on April 3, 2020, unless further extended by separate order.

**ORDERED this the 21<sup>th</sup> Day of March, 2020.**



**Rawley McCoy, Mayor of the City of Victoria**

Attested and Approved as to Legal Form:

  
**Thomas A. Gwosdz, City Attorney**