

ORDINANCE NO. 1214

AN ORDINANCE OF THE CITY OF CLEVELAND, TEXAS PROHIBITING COMMUNITY GATHERINGS WITHIN THE CITY OF CLEVELAND, TEXAS; AUTHORIZING MAYOR TO CHANGE NUMBER OF GATHER AS NEEDED; AUTHORIZING CITY MANAGER TO CLOSE CITY FACILITIES AS NEEDED; PROVIDING FOR A FINE IN AN AMOUNT NOT TO EXCEED \$2,000 FOR EACH OFFENSE.

WHEREAS, in December 2019, a novel respiratory disease named "SARS-CoV-2" that the causes a disease named "coronavirus disease 2019" ("COVID-19") was detected in Wuhan City, Hubei Province, China; and

WHEREAS, symptoms of COVID-19 include fever, cough, and shortness of breath that may result in mild to severe illness, and in some cases death; and

WHEREAS, on January 30, 2020, the World Health Organization Director General declared the outbreak of COVID-19 as a Public Health Emergency of International Concern and advised countries to prepare for the containment, including active surveillance, early detection, isolation and case management, contact tracing, and prevention of onward spread of the disease; and

WHEREAS, on January 31, 2020, the U.S. Health and Human Services Secretary declared a public health emergency for the United States to aid the nation's healthcare community in responding to COVID-19; and

WHEREAS, the identification of "community spread" cases of COVID-19 in the United States could potentially signal that transmission of the virus may no longer be limited to travel to outbreak areas or contact with travelers who have visited outbreak areas; and

WHEREAS, according to the Center for Disease Control ("CDC"), it is likely that at some point, widespread transmission of COVID-19 in the United States will occur; and

WHEREAS, the CDC warns that widespread transmission of COVID-19 would translate into large numbers of people needing medical care at the same time; and

WHEREAS, the CDC also warns that schools, childcare centers, workplaces, and other places for mass gatherings may experience more absenteeism; public health and healthcare systems may become overloaded with elevated rates of hospitalizations and deaths; other critical infrastructure, such as law enforcement, emergency medical services, and transportation industry may also be affected; and health care providers and hospitals may be overwhelmed; and

WHEREAS, given, among other things, including the CDC's guidance, there is an ongoing risk and likelihood of COVID-19-positive patients being identified in the City of Cleveland; and

WHEREAS, the City, local health agencies, and political subdivisions within the region have been working diligently to implement CDC guidelines, but now require additional tools and resources

to protect the public health given the current state of the epidemic and the need for a sustained response;

WHEREAS, the CDC has determined that large events and mass gatherings can contribute to the spread of COVID-19 in the United States via travelers who attend these events and introduce the virus to new communities.

WHEREAS, the CDC in accordance with its guidance for large events and mass gatherings, recommends that for the next 8 weeks, organizers (whether groups or individuals) cancel or postpone in-person events that consist of ten (10) persons or more throughout the United States now therefore,

BE IT ORDAINED BY THE CITY OF CLEVELAND, TEXAS:

Section 1. Pursuant to §122.006 of the **Texas Health and Safety Code**, the City is authorized take any actions necessary to promote health and suppress disease, including quarantine, examining and regulating hospitals. The City of Cleveland prohibits Community Gatherings within the City of Cleveland.

Section 2. PROHIBITED GATHERINGS.

Public or private Community Gatherings are prohibited anywhere in the City of Cleveland.

a. For purposes of these regulations, a “Community 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 other single confined or enclosed space, such as an auditorium, theatre, stadium (indoor or outdoor), arena or event center, meeting hall, conference center, large cafeteria, or any other confined indoor or confined outdoor space.

b. An outdoor “Community Gathering” under these regulations is limited to events in confined outdoor spaces, which means an outdoor space that (i) is enclosed by a fence, physical barrier, or other structure and (ii) where people are present and they are within arm’s length of one another for extended periods.

c. These regulations do not prohibit gatherings of people in multiple, separate enclosed spaces in a single building such as a multiplex movie theater, school or office tower, so long as ten (10) people are not present in any single space at the same time. These regulations also do not prohibit the use of enclosed spaces where ten (10) or more people may be present at different times during the day, so long as ten (10) or more people are not present in the space at the same time.

d. For purposes of clarity, a “Community Gathering” does not include the following so long as visitors are generally not within arm’s length of one another for extended periods:

- (i) spaces where ten (10) or more persons may be in transit or waiting for transit such as airports, bus stations, or terminals;
- (ii) office space or residential buildings;
- (iii) grocery stores, shopping malls, or other retail establishments where large numbers of people are present, but it is unusual for them to be within arm's length of one another for extended periods; and
- (iv) hospitals and medical facilities.


Section 3. The City Council of Cleveland Texas has determined that extraordinary measures must be taken to contain COVID-19 and prevent its spread throughout the City of Cleveland and Liberty County, including the banning of community gatherings of over 10 people, excepting gatherings as defined in Section 2, authorizing the Mayor of the City of Cleveland to change the number of people to be gathered as needed, authorizing the City Manager to suspend late fees on utility bills, the closure of non-essential City facilities and to undergo additional measures that prevent or control the spread of disease.

Section 4. In the event any clause phrase, provision, sentence, or part of this Ordinance or the application of the same to any person or circumstances shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part or provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of the City of Cleveland, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, whether there be one or more parts.

Section 5. Any person who shall violate any provision of this Ordinance shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined in an amount not to exceed \$2,000. Each day of violation shall constitute a separate offense.

Section 6. This Ordinance shall take effect immediately upon its approval.

APPROVED AND ADOPTED this 17th day of March, 2020.



Carolyn McWaters, Mayor Pro Tem

ATTEST 

Angela Smith, City Secretary