



Antonio Araujo
Mayor

Leticia Miranda
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Aldersperson Place 3

Maria Covernali
Aldersperson Place 4

George Almanzar
Aldersperson Place 5

ORDINANCE NO. 2007.01.03

AN ORDINANCE OF THE CITY OF SAN ELIZARIO TO REPEAL SECTION 7, RELATING TO THE MOVEMENT OF PEOPLE AND OCCUPANCY OF PREMISES, OF ORDINANCE NO. 2007.01.02, WHICH INSTITUED EMERGENCY MEASURES DUE TO A PUBLIC HEALTH EMERGENCY; AND PROVIDING FOR THE FOLLOWING: FINDINGS OF FACT, ADOPTION, ENACTMENT, REPEALER, SEVERABILITY, EFFECTIVE DATE

RECITALS

WHEREAS, on March 13, 2020, the Governor of the State of Texas declared state of disaster and the President of the United States of America declared a national emergency in relation to COVID-19; and

WHEREAS, Chapter 418 of the Government Code governs Emergency Management at state and local levels, and Chapters 418, 121 and 122 of the Texas Health and Safety Code, establishes the powers and authority of local regulation of public health; and

WHEREAS, by order issued on March 13, 2020 the County Judge of the County of El Paso has declared a county state of disaster for El Paso County, Texas; and

WHEREAS, by proclamation issued on March 16, 2020, the Mayor declared a local state of disaster for the City of San Elizario resulting from a public health emergency; and

WHEREAS, by Ordinance No. 2007.01, the City Council of the City of San Elizario renewed and extended the declaration of a local state of disaster for the City of San Elizario resulting from a public health emergency; and

WHEREAS, under Texas Health and Safety Code Section 122.005, Type A general-law municipalities have the power to adopt rules to protect the health of persons in the municipality, including, but not limited to, the authority to fine a person who fails or refuses to observe the orders and rules of the health authority; and

WHEREAS, on March 20, 2020, the City Council of the City of San Elizario adopted Ordinance No. 2007.01.02, implementing a number of different emergency measures due to a public health emergency; and

WHEREAS, the County Judge of El Paso County issued the Second Amendment to Order No. 7 by the County Judge of El Paso County, Texas on April 23, 2020, and the City now desires to repeal Section 7 of Ordinance No. 2007.01.02 relating to the movement of people and occupancy of premises, for the reason that the provisions in the County’s current Order appropriately address and penalize these actions and also address the new requirements imposed by Executive Order of the Governor No GA 16, Relating to the safe, strategic reopening of select services as the first step to Open Texas in response to the COVID-19 disaster issued by the Governor of the State of Texas on April 17, 2020.

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

Section 1. FINDINGS OF FACT: The foregoing recitals are adopted as facts and are incorporated fully herein.

Section 2. AN EMERGENCY CONTINUES TO EXIST.

Section 3. REPEAL OF SECTION 7 OF ORDINANCE NO. 2007.01.02.

That Section 7, MOVEMENT OF PEOPLE AND OCCUPANCY OF PREMISES, or Ordinance No. 2007.01.02 is hereby repealed. All other provisions of Ordinance No. 2007.01.02 shall remain in full force and effect.

Section 4. REPEALER AND SEVERABILITY

- A. Section 7 of Ordinance No. 2007.01.02 is hereby repealed effective immediately.
- B. REPEALER: All ordinances, or parts thereof, that are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters regulated, herein.
- C. SEVERABILITY: It is hereby declared to be the intention of the City Council that the phrases, sentences, paragraphs and sections of this ordinance are severable. If any part of this ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent

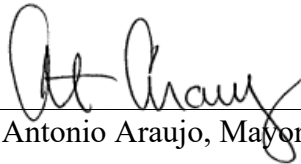
jurisdiction, such unconstitutionality shall not affect the remaining phrases, sentences, paragraphs and sections of this ordinance.

Section 5. EFFECTIVE DATE

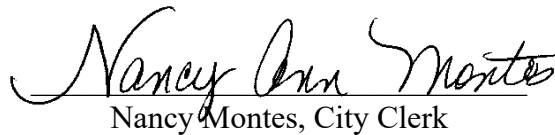
This Ordinance shall be effective immediately.

PASSED AND APPROVED this, the 25th day of April, 2020, by a vote of 5 (*ayes*) to 0 (*nays*) to 0 (*abstentions*) of the City Council of San Elizario, Texas.

CITY OF SAN ELIZARIO, TEXAS


Antonio Araujo, Mayor

ATTEST:


Nancy Montes, City Clerk