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ORDINANCE NO. 2007.01.04

AN ORDINANCE OF THE CITY OF SAN ELIZARIO TO AMEND ORDINANCE NO. 2007.01.02, AS PREVIOUSLY AMENDED BY ORDINANCE NO. 2007.01.03, WHICH INSTITUED EMERGENCY MEASURES DUE TO A PUBLIC HEALTH EMERGENCY TO ALLOW PERSONS TO TEMPORARILY RESIDE IN TRAVEL TRAILERS TO AVOID THE POTENTIAL SPREAD OF COVID-19 DURING THE EMERGENCY, AND TO ESTABLISH AND IMPLEMENT EMERGENCY HEALTH REGULATIONS FOR THE CONDUCT OF GARAGE SALES; AND PROVIDING FOR THE FOLLOWING: FINDINGS OF FACT, 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, 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, by Ordinance No. 2007.01.03, the City Council of the City of San Elizario amended Ordinance 2007.01.02 by repealing Section 7; and

WHEREAS, it has come to the attention of the City that some health care and governmental workers desire to temporarily reside in a travel trailer on their property during the emergency to help prevent the spread of COVID-19; and

WHEREAS, the City believes that allowing such temporary living quarters is appropriate under the circumstances surrounding the health emergency; and

WHEREAS, the City also believes that it is necessary to address and specifically provide as to how the Orders of the City's Health Authority and the County Judge of El Paso County will apply to the conduct of any garage sales that may be permitted by the City and held; 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.

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. That Section 6 of Ordinance No.2007.01.02 be amended to add subsection c) which shall state as follows:

Section 6 c) The provisions of the Manufactured Housing Ordinance, No. 1515.26 as amended by Ordinance Nos. 1615.26A and 1815.11 shall be temporarily amended during the duration of this Ordinance by temporarily amending the definition of "travel trailer" in Section 1.02 of the Ordinance as follows:

TRAVEL TRAILER. A mobile structure used for temporary living quarters while traveling only and not used as permanent or temporary occupancies in the City of San Elizario, provided however, that during the duration of Ordinance No. 2007.01.02, as amended, a person who works for a business that meets the definition of “healthcare operations” as defined by Order No. 8 by the County Judge of El Paso County, Texas, as amended or as superseded, or performs “essential government functions” as defined in said Order may temporarily reside in a travel trailer parked on private property within the City of San Elizario provided that such person files a written notice of intent to temporarily occupy a travel trailer with the City Clerk and provides (1) the address on which the travel trailer is located and (2) a statement from the person’s employer that names the person’s employer and verifies that the person either works for a “healthcare operations” business or performs “essential government functions.”

Section 4. That Section 6 of Ordinance No.2007.01.02 be amended to add subsection d) which shall state as follows:

Section 6 d) the provisions of the Garage Sale Ordinance, No. 1617.01, shall be temporarily amended during the duration of this Ordinance:

i) Applications under the Garage Sale Ordinance will only be accepted during the times that City Hall is open for business or in such other time or manner as provided for by the Mayor or City Administrator.

ii) As part of the application for a permit to obtain a garage sale under Section B of Ordinance No. 1617.01, the applicant shall provide written documentation as required by the Mayor or City Administrator to show how the applicant will comply with the guidance issued by the Health Authority that relates to or applies to the conduct of a garage sale and the Orders of the County Judge, Order No. 9, as amended or as superseded, as are current and in effect at the time of the application.

iii) In the event that no guidance specific to garage sales has been issued by the Health Authority, the conduct of a garage sale then, for purposes of the conduct of a garage sale during the time this ordinance is in effect, a garage sale shall be deemed as a commercial activity or business operation for the purposes of the application of the Orders of the County Judge, Order No. 9, as amended or as superseded, as are current and in effect at the time of the application.

Accordingly, under the Orders of the County Judge, as part of the application for a permit to obtain a garage sale under Section B of Ordinance No. 1617.01, the applicant will be required to provide information to the City as to how he or she will comply with the requirements that all employees, volunteers and visitors to the premises will be required to wear face coverings while on the premises and provide information to the City as to how he or she will set up and operate the garage sale so as to enforce social distancing requirements such that persons at the garage sale will maintain at least six feet of distancing

from other individuals that are not part of a family group, to include six feet of separation of tables and displays of items at the garage sale.

iv) The provisions set for the above in ii) and iii) constitute additional standards for the issuance of a permit under Ordinance No. 1617.01 and the failure to comply with these standards will constitute grounds for the denial of an application or the revocation of an issued garage sales permit as provided in Section III B (8) of the Ordinance.

Section 4. REPEALER AND SEVERABILITY

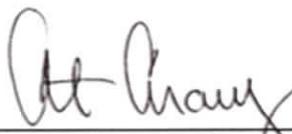
- A. REPEALER: All ordinances, or parts thereof, that are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters regulated, herein. Except as amended herein and as previously amended, Ordinance No. 2007.01.02 remains in full force and effect.
- B. 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.

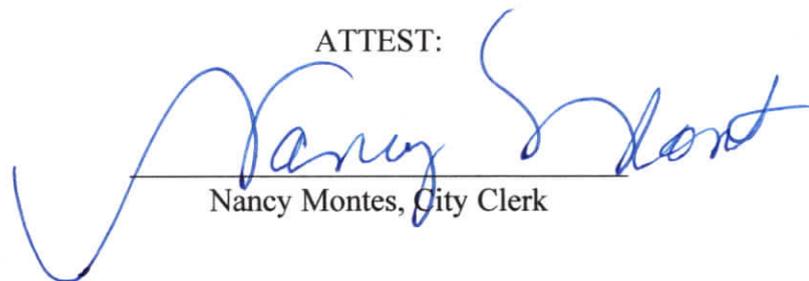
PASSED AND APPROVED this, the 23 day of June, 2020, by a vote of 5 (ayes) to 0 (nays) to 0 (abstentions) of the City Council of San Elizario, Texas.

CITY OF SAN ELIZARIO, TEXAS



Antonio Araujo, Mayor

ATTEST:



Nancy Montes, City Clerk