

EMERGENCY ORDINANCE NO. 2020-02

AN EMERGENCY ORDINANCE PROVIDING FOR A PENTALTY FOR VIOLATION OF RULES AND ORDERS PASSED IN ORDER TO DEAL WITH THE COVID-19 VIRUS PANDEMIC AND FURTHER, PROVIDING FOR EFFECTIVE DATE, READING, PUBLICATION, AND SEVERANCE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PORT ARANSAS, COUNTY OF NUECES, STATE OF TEXAS:

SECTION 1. This is an emergency ordinance passed in accordance with Section 3.13 of the Charter of the City of Port Aransas.

SECTION 2. A public emergency exists which adversely affects the life, health, property, and public peace of the City and its citizens as follows: COVID-19, a virus which constitutes a pandemic, threatens the health, safety and welfare of the citizens of the City. Said emergency necessitates emergency passage of this ordinance.

SECTION 3. Section 418.173. Texas Government Code provides:

- (a) 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.

- (b) The plan may prescribe a punishment for the offense but may not prescribe a fine that and/or exceeds \$1,000 or confinement in jail for a term that exceeds 180 days.

SECTION 4.

Port Aransas Code of Ordinances Section 2-88 is hereby amended, deletions shown by interlining and additions by underlining.

Section 2-88. Offenses; penalties.

- (a) It shall be unlawful 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 article, or to do any act forbidden by any rule or regulation issued pursuant to the authority contained in this article. Failure to comply with the City Emergency Management Plan or with a disaster declaration, rule, order, or ordinance adopted under the plan is an offense. Failure to comply with a rule, order or ordinance adopted by State, County or City officials in order to deal with a declared disaster is an offense.

- (b) It shall likewise be unlawful for any person to wear, carry or display any emblem, insignia or any other means of identification as a member of the emergency management organization of the City of Port Aransas, unless authority to do so has been granted to such person by the proper officials.

- (c) Any unauthorized person who shall operate a siren or other device so as to simulate a warning signal, or the termination of a warning, shall be deemed guilty of a violation of this article and shall be subject to the penalties imposed by this article.

- (d) Convictions for violations of the provisions of this article shall be punishable as follows: ~~two hundred dollars (\$200.00)~~ (1) First Offense - a fine not to exceed \$1,000.00; (2) Second and subsequent Offenses - a fine not to exceed \$1,000.00 and confinement in jail for a term not to exceed 180 days.

SECTION 5. Term Limit. In accordance with Section 3.13 of the City Charter, this emergency ordinance will automatically expire on the sixty-first (61st) day after its enactment.

SECTION 6. Effective Date. As provided by Sections 3.12 and 3.13 of the City Charter, this ordinance shall be effective upon adoption and, in addition, if any penalty, fine or forfeiture is imposed by this ordinance, then this ordinance shall be effective only after publication of this ordinance in its entirety or in summary form once in the official newspaper of the City of Port Aransas.

SECTION 7. Reading. As provided by Section 3.13 of the City Charter, this ordinance or the caption of it shall be read at one city council meeting.

SECTION 8. Severance. If any part of this ordinance is invalid or void or is declared to be so, then said part shall be severed from the balance of this ordinance and said invalidity shall not affect the

balance of this ordinance, the balance of the ordinance to be read as if said invalid or void portion thereof were not included.

SECTION 9. Publication. As provided by Sections 3.12 and 3.13 City Charter this ordinance shall be published one time in the official newspaper of the City, which publication shall contain the caption of this ordinance stating in substance the purposes of same.

PASSED, ORDAINED, APPROVED AND ADOPTED on one reading by the City Council on this 9th day of April, 2020.



CITY OF PORT ARANSAS

By: *Charles Bujan*
Charles Bujan, Mayor

ATTEST:

Francisca Nixon
Francisca Nixon, City Secretary