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County / District Court
Stonewall Co., Texas

MAR 30 2020

12:03 pm

HOLLY MCLAURY, Clerk
Holly McLaury Clerk/Deputy

**AMENDED ORDER OF COUNTY JUDGE OF STONEWALL COUNTY,
TEXAS
FOR MANDATORY SHELTER-IN-PLACE**

WHEREAS, on **March 27, 2020**, Stonewall County Judge Ronnie Moorhead issued an order declaring a local state of disaster for Stonewall County, Texas after making a determination based on statements and information provided to him by the Office of the Texas Governor, Stonewall County Emergency Management personnel, the Local Health Authority, health professionals and other emergency services agencies serving Stonewall County, Texas, and other health agencies serving the State of Texas, that extraordinary measures had to be taken in order to protect the health and safety of the Stonewall County Residents;

WHEREAS, on **March 27, 2020**, Stonewall County Judge Ronnie Moorhead issued a Mandatory Shelter-in-Place Order for Stonewall County, restricting the movement of persons and the occupancy of premises in a disaster area for Stonewall County pursuant to Sections 418.108(g-h) of the Texas Government Code;

WHEREAS, pursuant to Section 418.108(g) of the Texas Government Code, a County Judge may control the movement of persons and the occupancy of premises in a disaster area;

WHEREAS, pursuant to Section 418.108(h) of the Texas Government Code, the jurisdiction and authority of a county judge to control the movement of persons and the occupancy premises in a disaster area includes the incorporated and unincorporated areas of a county and to the extent of a conflict between decisions of a county judge and a mayor, the decision of the county judge prevails;

WHEREAS, gatherings of individuals continue to pose a threat to the health and safety of the people due to the risk of spread of infectious disease;

AND WHEREAS, after a meeting of the full Commissioner's Court of Stonewall County, the Commissioner's Court and the County Judge are in agreement that minor changes to the order should be made to alter provisions.

NOW, THEREFORE PURSUANT TO AND IN ACCORDANCE WITH THE TEXAS DISASTER ACT OF THE TEXAS GOVERNMENT CODE CHAPTER 418, BE IT ORDERED BY THE COUNTY JUDGE OF STONEWALL COUNTY THAT:

SECTION 1. The findings and recitations set out in the preamble to this **MANDATORY SHELTER-IN-PLACE ORDER** are found to be true and correct and they are hereby adopted by the Stonewall County Judge and made a part hereof for all purposes.

SECTION 2. The intent of this **MANDATORY SHELTER-IN-PLACE ORDER** is to ensure that the maximum number of people self-isolate in their places of Residence to the maximum extent feasible, while enabling essential services to continue, and to reduce the risk to the health and safety of the people to the maximum extent possible. When people need to leave their places of Residence, whether to obtain or perform authorized services, or to otherwise facilitate authorized activities necessary for continuity of social and commercial life, they should at all times reasonably possible comply with Social Distancing Requirements as defined in **Section 9**, below. All provisions of this **MANDATORY SHELTER-IN-PLACE ORDER** should be interpreted to effectuate this intent. Failure to comply with any of the provisions of this **MANDATORY SHELTER-IN-PLACE ORDER** constitutes an imminent threat to the health and safety of the public.

THE FAILURE OR REFUSAL TO COMPLY WITH THE PROVISIONS OF THIS ORDER IS PUNISHABLE BY A FINE NOT TO EXCEED \$1,000.00 AND IMPRISONMENT IN THE COUNTY JAIL FOR A PERIOD NOT TO EXCEED 180 DAYS.

SECTION 3. All individuals currently living within Stonewall County, Texas ("the County") are ordered to shelter and stay at their place of Residence. To the extent individuals are using shared or outdoor spaces as allowed hereunder, they must at all times as reasonably possible maintain social distancing of at least six feet from any other person when they are outside their Residence. All persons may leave their Residences only for Essential Activities or for performing or accessing Essential Governmental Functions, Healthcare Operations, Essential Businesses, and Essential Critical Infrastructure, all as defined in **Section 9**.

SECTION 4. All businesses operating in the County, except Essential Businesses as defined below in **Section 9** are required to cease all activities at facilities located within the County except Minimum Basic Operations, as defined in **Section 9**. For clarity, businesses may also continue operations consisting exclusively of employees or contractors performing activities at their own Residences (i.e., working from home). To the greatest extent feasible, Essential Businesses shall comply with Social Distancing Requirements as defined in **Section 9**, below, including six-foot social distancing for both employees and the general public.

Businesses and activity specifically deemed non-essential that shall cease operations which engage in direct, person to person services to the public which are not health care related and/or

time sensitive and are not required for the immediate health or safety of the recipient include, but not limited to, the following:

- A) Hair Salons
- B) Barbershops

SECTION 4a. Any businesses allowed to still operate as defined in **Section 9**, with the exceptions of restaurants which are to operate by delivery, drive-through, or curb-side service only pursuant to **Section 9(g)(18)**, are **ORDERED** to limit the number of customers inside of the business at any given time to ten people. Employees of the business shall not count towards this order. The responsibility and liability for compliance with this Order shall fall to the manager on duty at the time.

SECTION 5. All public and private gatherings of any number of people are prohibited, except for the limited purposes as expressly permitted herein and defined in **Section 9**. Nothing in this **MANDATORY SHELTER-IN-PLACE ORDER** prohibits the gathering of members of the same Residence at their place of Residence.

SECTION 6. All travel, including, but not limited to, travel on foot, bicycle, scooter, motorcycle, automobile, or public transit, except Essential Travel and Essential Activities as defined below in **Section 9**, is prohibited. People riding or utilizing any public transit must comply with Social Distancing Requirements as defined in **Section 9**, below, to the greatest extent feasible. This **MANDATORY SHELTER-IN-PLACE ORDER** allows travel into or out of the County to perform Essential Activities, operate Essential Businesses, or maintain Essential Governmental Functions.

SECTION 6a. All slow-moving vehicles, all-terrain vehicles, and any non-street legal vehicles are prohibited from being operated on city streets, including inside the city of Aspermont, and the communities of Peacock, Swenson, and Old Glory.

SECTION 7. This **MANDATORY SHELTER-IN-PLACE ORDER** is issued based on evidence of an increasing risk to the health and safety of the residents within the County, throughout the United States of America and the State of Texas, and scientific evidence and best practices regarding the most effective approaches to address the concerns for the health and safety of the public. The notable risk to the health and safety of the public has resulted in a public health emergency throughout the County.

SECTION 8. This **MANDATORY SHELTER-IN-PLACE ORDER** is issued based on known risks to the health and safety to the people of Stonewall County. This **MANDATORY SHELTER-IN-PLACE ORDER** is necessary to protect the health and safety of the people and to limit the factors creating the risks.

SECTION 9. Definitions and Exemptions:

- a. **Residence.** For purposes of this **MANDATORY SHELTER-IN-PLACE ORDER**, the term "Residence" means the physical place where a person, group or family resides, including single family houses, apartment units, townhomes, condos, multi-family homes, such as duplexes, triplexes, and quadplexes, manufactured homes and recreational vehicles (RVs), and hotels, motels, shared rentals, and other related facilities.

- b. **Covered Businesses and Covered Entities.** For the purposes of this **MANDATORY SHELTER-IN-PLACE ORDER**, covered businesses include any for-profit, non-profit, or educational entities, regardless of the nature of the service, the function they perform, or its corporate or entity structure.

- c. **Essential Activities.** For purposes of this **MANDATORY SHELTER-IN-PLACE ORDER**, individuals may leave their Residence only to perform any of the following "Essential Activities":
 - 1. To engage in activities or perform tasks essential to their health and safety, or to the health and safety of their family or household members (including, but not limited to, pets), such as, by way of example only and without limitation, obtaining medical supplies or medication, and visiting a health care professional.
 - 2. To obtain necessary services or supplies for themselves and their family or household members, or to deliver those services or supplies to others and to food banks and food bank depositories, such as, by way of example only and without limitation, canned food, dry goods, fresh fruits and vegetables, pet supply, fresh meats, fish, and poultry, and any other household consumer products, and products necessary to maintain the safety, sanitation, and essential operation of Residences, and obtaining supplies they need to work from home.
 - 3. To engage in outdoor activity, provided the individuals comply with Social Distancing Requirements as defined in this Section, such as, by way of example and without limitation, walking, hiking, or running. Any individuals participating in these activities are **ORDERED** to follow Social Distancing Requirements and maintain a minimum distance of 6 feet away from anyone that is not a member of the persons Residence. **IT IS FURTHER ORDERED** that any individual participating that is under the age of 18 must be accompanied by a parent or guardian.
 - 4. To perform work providing essential products and services at an Essential Business or to otherwise carry out activities specifically permitted in this **MANDATORY SHELTER-IN-PLACE ORDER**, including Minimum Basic Operations.
 - 5. To care for a family member or pet in another household.
 - 6. To exchange children between parents, guardians, or managing conservators pursuant to a child custody order or agreement between the parties.

- d. **Healthcare Operations.** For purposes of this **MANDATORY SHELTER-IN-PLACE ORDER**, individuals may leave their Residence to work for or obtain services at any "Healthcare Operations" including hospitals, clinics, dentists, pharmacies, optometry, pharmaceutical and biotechnology companies, other healthcare facilities, healthcare suppliers, home healthcare services providers, mental health providers, substance abuse service providers, blood banks, medical research, laboratory services, or any related and/or ancillary healthcare services. Home-based and residential-based care for seniors, adults, or children are also considered Healthcare Operations. Healthcare Operations also includes veterinary care and all healthcare and welfare services provided to animals. This exemption shall be construed broadly to avoid any impacts to the delivery of healthcare, broadly defined. Healthcare Operations **does not** include fitness and exercise facilities, athletic gyms, exercise gyms and similar facilities.

Healthcare operations **do not** include elective medical, surgical, and dental procedures. Hospitals and other medical facilities are directed to identify procedures that are deemed "elective" by assessing which procedures can be postponed or cancelled based on patient risk considering the emergency need for the redirection of resources to the current public health and safety concerns.

- e. **Essential Critical Infrastructure.** For purposes of this **MANDATORY SHELTER-IN-PLACE ORDER**, individuals may leave their Residence to provide any services or perform any work necessary to the operations and maintenance of "Essential Critical Infrastructure," including, but not limited to, work necessary to the operations and maintenance of the 16 critical infrastructure sectors as identified by the National Cybersecurity and Infrastructure Agency (CISA) and as outlined at <https://www.cisa.gov/critical-infrastructure-sectors>, including public works construction, residential and commercial construction, airport operations, water, sewer, gas, electrical, oil refining, roads and highways, public transportation, solid waste collection and removal, internet, and telecommunications systems (including the provision of essential global, national, and local infrastructure for computing services, business infrastructure, communications, and web-based services), financial institutions, defense and national security-related operations, and essential manufacturing operations, provided that they carry out those services or that work in compliance with the Social Distancing Requirements as defined in this Section, including the six foot social distancing, to the extent possible. Essential Businesses providing Essential Critical Infrastructure should implement screening precautions to protect employees and all activity shall be performed in compliance with Social Distancing Requirements.
- f. **Essential Governmental Functions.** For purposes of this **MANDATORY SHELTER-IN-PLACE ORDER**, all services provided by governmental entities needed to ensure the continuing operation of the governmental entities to provide for the health, safety, and welfare of the public are categorically exempt from this **MANDATORY SHELTER-IN-PLACE ORDER**. Further, nothing in this **MANDATORY SHELTER-IN-PLACE ORDER** shall prohibit any individual from performing or accessing "Essential Governmental Functions," as determined by the governmental

entity performing those functions. All Essential Governmental Functions shall be performed in compliance with Social Distancing Requirements as defined in this Section, including the six-foot social distancing, to the extent possible.

g. **Essential Businesses.** For purposes of this **MANDATORY SHELTER-IN-PLACE ORDER** "Essential Businesses" means:

1. Healthcare Operations, Essential Critical Infrastructure, and Essential Government Functions;
2. Grocery stores, farm and produce stands, supermarkets, food banks, convenience stores, and other establishments engaged in the retail sale of canned food, dry goods, fresh fruits and vegetables, pet supply, fresh meats, fish, and poultry, and any other household consumer products (such as cleaning and personal care products).

This includes stores that sell groceries and other non-grocery products, and products necessary to maintaining the safety, sanitation, and essential operation of residences;

3. Planting and harvesting crops;
4. Livestock production, PROVIDED that all activity must be completed during daylight hours.
5. Businesses that provide food, shelter, and social services, and other necessities of life for economically disadvantaged or otherwise needy individuals;
6. Newspapers, television, radio, and other media services;
7. Gas stations and fuel suppliers;
8. Automotive repair and tire repair, PROVIDED these businesses are to cease daily operations by 5 p.m., except in the case of emergencies;
9. Any store which sells animal feed, livestock feed, other items for good animal husbandry, or over the counter veterinary medicine, PROVIDED these businesses are to cease daily operations by 5 p.m., except in cases of emergencies;
10. Banks and related financial institutions;
11. Hardware stores;
12. Trash and recycling collection;
13. Individuals who work alone in a private office and do not have customers inside of their office during their normal course of business;
14. Cleaning, maintenance, landscaping, and security for facilities;
15. Funeral homes, cemeteries, burial, and related services, PROVIDED that there are no public visitations. The immediate family is permitted to get together to view the remains, so long as there are no more than 10 people inside of the viewing room and Social Distancing shall be observed as much as reasonably possible. Any burial services are restricted to graveside services only until this Order is lifted.

16. Plumbers, electricians, exterminators, and other service providers who provide services that are necessary to maintaining the safety, sanitation, and essential operation of Residences, Essential Activities, and Essential Businesses, in addition to emergency repairs for facilities of non-essential businesses, PROVIDED that these services shall be completed before 5 p.m., except in the cases of emergencies;
17. The Stonewall County Housing Authority;
18. Businesses and providers providing mailing and shipping services, including post office boxes;
19. Educational institutions-including public and private pre-K establishments, K12 schools, colleges, and universities-for purposes of facilitating distance learning or performing essential functions, provided that social distancing of six-feet per person is maintained to the greatest extent possible;
20. Restaurants and other facilities that prepare and serve food, but only for delivery, take-out, or curbside service. Schools and other entities that typically provide food services to students or members of the public may continue to do so under this **MANDATORY SHELTER-IN-PLACE ORDER** on the condition that the food is provided to students or members of the public on a pick-up and take-away basis only; additionally all dining rooms and in-facility ordering counters shall remain closed to the public with the ordering of food product taking place via phone, electronic messaging, drive through window or curbside ordering only.
21. Professional services, such as legal or accounting services;
22. Childcare, daycare and child watch facilities and providers providing services that enable employees exempted in this **MANDATORY SHELTER-IN-PLACE ORDER** to work as permitted. To the extent possible, childcare, daycare and child watch facilities and providers must operate under the following mandatory conditions:
 - a. Childcare, daycare and child watch be carried out in stable groups of 10 or fewer ("stable" means that the same 10 or fewer children are in the same group each day).
 - b. Children should not change from one group to another.
 - c. If more than one group of children is cared for at one facility, each group should be in a separate room. Groups should not mix with each other.
 - d. Childcare providers should remain solely with one group of children.
23. Businesses engaged in energy production or the support thereof, or the manufacture or sale of equipment, products or materials used thereby or necessary and/or essential for those businesses to keep the county, region, state and United States supplied with fuel and electricity. IT IS FURTHER ORDERED that The Pump Shop, L.L.C. and Allied Oilfield

Supplies are ORDERED to close for business each day at 5 p.m., except for emergencies.

h. **Minimum Basic Operations.** For purposes of this **MANDATORY SHELTER-IN-PLACE ORDER** "Minimum Basic Operations" include the following, provided that employees comply with Social Distancing Requirements as defined in this Section, to the extent possible, while carrying out such operations:

1. The minimum necessary activities to maintain the value of the business's inventory, ensure security, process payroll and employee benefits, or for related functions.
2. The minimum necessary activities to facilitate employees of the business being able to continue to work remotely from their Residences.

i. **Essential Travel.** For purposes of this **MANDATORY SHELTER-IN-PLACE ORDER** "Essential Travel" includes travel for any of the following purposes:

1. Any travel related to the provision of or access to Essential Activities, Healthcare Operations, Essential Governmental Functions, Essential Businesses, or Minimum Basic Operations.
2. Travel to care for elderly, minors, dependents, persons with disabilities, or other vulnerable persons.
3. Travel to or from educational institutions for purposes of receiving materials for distance learning, for receiving meals, and any other related services.
4. Travel to return to a place of Residence from outside the jurisdiction.
5. Travel required by law enforcement or court order.
6. Travel required for non-residents to return to their place of Residence outside the County. Individuals are strongly encouraged to verify that their transportation out of the County remains available and functional prior to commencing such travel.

Individuals engaged in any Essential Travel must comply with all Social Distancing Requirements as defined in this Section.

j. **Social Distancing Requirements.** For purposes of this **MANDATORY SHELTER-IN-PLACE ORDER**, "Social Distancing Requirements" includes maintaining at least six-foot social distancing from other individuals, washing hands with soap and water for at least twenty seconds as frequently as possible or using hand sanitizer, covering coughs or sneezes (into the sleeve or elbow, not hands), regularly cleaning high-touch surfaces, and not shaking hands.

SECTION 10. Religious and worship services may only be provided by video and teleconference. Religious institutions must limit in-person staff to three (3) people or less when

preparing for or conducting video or teleconference services, and all individuals must follow the Social Distancing Requirements, including the six-foot social distancing.

SECTION 11. During the duration of this Disaster Declaration and **MANDATORY SHELTER-IN-PLACE ORDER**, the following Orders and Provisions shall be in effect:

1. The Hotels and Motels operating in Stonewall County are ordered to do the following:
 - a. Upon the check-out of a person staying in a room, the room is to be sealed and not entered by any individual, including employees of the hotel or motel, for a period of 72 hours. The intent of this Order is to allow for any virus existing on any surfaces inside of the room to lose contagion before a person entering into the room.
2. Due to an increased demand for bath or toilet tissue, hand sanitizer, and disinfectant wipes resulting from stock up buying and individuals who purchase for resale, a mandatory limit on these items while this order is in effect, or until this specific provision is rescinded by the County Judge. The following limits shall apply to these items:
 - a. Bath or Toilet Tissue: (a) Twelve (12) rolls per purchase or (b) one (1) package per purchase;
 - b. Hand Sanitizer: Two (2) bottles per purchase; and,
 - c. Disinfectant Wipes: Two (2) canisters or packages per purchase.
3. All door to door sales, or sales by Multi-Level Marketing products that require an in-person transaction are prohibited during the duration of this order.
4. Hunting camps and rural recreational lodging may only be used or occupied by the owner of the property, their property caretakers, and their immediate families.

SECTION 12. Nursing homes, retirement, and long-term care facilities are instructed by this order to prohibit non-essential visitors from accessing their facilities unless to provide critical assistance or for end-of-life visitation.

SECTION 12a. It is **ORDERED** that a representative from Stonewall Memorial Hospital shall provide a daily briefing to the County Judge at 9:00 a.m. every morning to report on the number of positive COVID-19 tests/or cases that have presented at SMH, the number of suspected cases that have presented at SMH, and the number of people who have presented to SMH, been triaged, and shown any positive indicators at triage for COVID-19. These briefings shall be in the Judge's office at the Stonewall County Courthouse on Monday through Friday, and by phone on Saturday and Sunday.

SECTION 13. This **MANDATORY SHELTER-IN-PLACE ORDER** is issued pursuant to and in accordance with the local state of disaster issued by County Judge Ronnie Moorhead for

Stonewall County, Texas on March 27, 2020, pursuant to Section 418.108(b) of the Texas Government Code.

SECTION 14. Pursuant to Section 418.108(h) of the Texas Government Code, this **MANDATORY SHELTER-IN-PLACE ORDER** shall control the movement of persons and the occupancy of premises in Stonewall County, Texas and includes the incorporated and unincorporated areas of Stonewall County, Texas; and to the extent of a conflict between this **MANDATORY SHELTER-IN-PLACE ORDER** and any decisions of a Mayor of municipality in Stonewall County, Texas, the orders set out herein of the Stonewall County Judge shall prevail.

SECTION 15. AS AUTHORIZED BY SECTION 418.173 OF THE TEXAS GOVERNMENT CODE A FAILURE TO COMPLY WITH THE STONEWALL COUNTY EMERGENCY MANAGEMENT PLAN OR WITH ANY RULE, ORDER OR ORDINANCE ADOPTED UNDER SAID PLAN, INCLUDING, BUT NOT LIMITED TO THIS MANDATORY SHELTER-IN-PLACE ORDER, SHALL BE A CRIMINAL OFFENSE PUNISHABLE BY A FINE THAT DOES NOT EXCEED \$1,000.00 OR CONFINEMENT IN JAIL FOR A TERM NOT TO EXCEED 180 DAYS. ANY LICENSED PEACE OFFICERS ARE HEREBY AUTHORIZED AND COMMANDED TO ENFORCE THIS ORDER AND ORDERS REFERENCED HEREIN.

SECTION 16. If any provision of this **MANDATORY SHELTER-IN-PLACE ORDER** or its application to any person or circumstance is held to be invalid, the remainder of the **MANDATORY SHELTER-IN-PLACE ORDER**, including the application of such part or provision to other persons or circumstances, shall not be affected and shall continue in full force and effect. To this end, the provisions of this **MANDATORY SHELTER-IN-PLACE ORDER** are severable.

SECTION 17. This **MANDATORY SHELTER-IN-PLACE ORDER** will be posted on Stonewall County's website at www.co.stonewall.tx.us and filed with the Stonewall County Clerk. In addition, the owner, manager, or operator of any facility that is likely to be impacted by this **MANDATORY SHELTER-IN-PLACE ORDER** is strongly encouraged to post a copy of this **MANDATORY SHELTER-IN-PLACE ORDER** onsite and to provide a copy to any member of the public asking for a copy.

SECTION 18. This **MANDATORY SHELTER-IN-PLACE ORDER** become effective at 11:59 p.m. on Saturday March 29, 2020 and continue in full force and effect until 11:59 p.m. on Saturday, April 11, 2020, or until it is extended, rescinded, superseded, or amended in writing by the Stonewall County Judge or Stonewall County Commissioner's Court.

SECTION 19. All provisions of the executed orders of Governor Greg Abbott, or the Mayor of the City Of Aspermont, either existing or as, if and when issued, shall be automatically incorporated into and constitute terms of this Executive Order enforceable as if set forth herein, without necessity for the issuance of any further orders. To the extent that there is a conflict

between this Executive Order and any executive order of the Governor or Mayor, the strictest order shall prevail.

DECLARED this 30th day of March, 2020



Ronnie Moorhead
County Judge
Stonewall County