SECOND AMENDED ORDER PROHIBITING CERTAIN LARGE GATHERINGS AND EVENTS AND REOPENING AND IMPOSING TEMPORARY RESTRICTIONS ON CERTAIN BUSINESSES AND CITY PREMISES
BY THE MAYOR OF THE CITY OF HOUSTON

WHEREAS, on March 11, 2020, the Mayor of the City of Houston, pursuant to the Texas Disaster Act of 1975, as amended, Texas Government Code Annotated, Chapter 418, (the "Texas Disaster Act") issued a proclamation declaring a local state of disaster for a public health emergency for the City of Houston resulting from the imminent threat to the public health and the potential for loss of life and property of people and communities of the City caused by the introduction, transmission, or spread (or imminent threat of the same) of the disease known as "coronavirus disease 2019" ("COVID-19"); and

WHEREAS, on March 17, 2020, the City Council of the City of Houston approved an ordinance authorizing the continuation of the local state of disaster for a public health emergency; and

WHEREAS, the Centers for Disease Control and Prevention warned that widespread transmission of COVID-19 would translate into large numbers of people needing medical care at the same time; 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, the President’s Coronavirus Guidelines for America, issued on March 16, 2020, state that social gatherings in groups of more than 10 people should be avoided.

WHEREAS, as of April 28, 2020, approximately 3,419 persons in the City of Houston have tested positive for COVID-19 and it is anticipated that the number of persons diagnosed with the virus is likely to increase, as testing for the virus continues; and

WHEREAS, the City and the City of Houston’s Local Health Authority are taking steps to ensure the spread of COVID-19 is contained, the community is kept safe, and the exposure risk is minimized; and

WHEREAS, Section 418.108 of the Texas Disaster Act authorizes the mayor of a municipality to, among other things, control ingress to and egress from a disaster area under the mayor’s jurisdiction and to control the movement of persons and the occupancy of persons in that area; and

WHEREAS, I, the Mayor of the City of Houston have determined that additional proactive measures, including enhanced community mitigation, must be taken to respond to and slow the potential introduction, transmission, or spread (or imminent threat of the same) of COVID-19 in the City of Houston; and

WHEREAS, on March 19, 2020, I signed an order prohibiting certain large gatherings and events and imposing temporary restrictions on bars, food establishments, and certain city premises; and

WHEREAS, on March 31, 2020, I signed an amended order extending the prohibition of certain large gatherings and events and imposing temporary restrictions on bars, food establishments, and certain city premises through April 30, 2020; and
WHEREAS, on April 27, 2020, the Governor of the State of Texas signed Executive Order No. GA-18 reopening certain businesses previously ordered closed by his March 31, 2020 order and imposing occupancy and operational restrictions on open or reopened businesses.

NOW THEREFORE, I, MAYOR OF THE CITY OF HOUSTON, PURSUANT TO THE AUTHORITY VESTED BY TEXAS GOVERNMENT CODE CHAPTER 418, HEREBY AMEND THE MARCH 31, 2020 ORDER TO READ AS Follows:

That the findings and recitations set out in the preamble to this ORDER are found to be true and correct and they are hereby adopted and made a part hereof for all purposes.

Section 1. The City of Houston hereby adopts the provisions of Executive Order No. GA-18 issued by the Governor of the State of Texas on April 27, 2020. The provisions of Executive Order No. GA-18 are hereby incorporated by reference in this Order as if written word for word. Any amendments to or successor orders of Executive Order GA-18 made by the Governor shall also constitute and be deemed to be an amendment to the relevant provisions of this Order.

Section 2. Effective immediately:

Section 2.01 Any event attended by more than 50 people at the same time at any building owned in whole or in part by the City of Houston or controlled by the City of Houston under a lease is hereby cancelled during the Term. This includes but is not limited to events organized, sponsored or produced by parties under contracts between third parties and the City of Houston or entities managing City of Houston property.

Section 2.02 Parades, festivals, gatherings, and meetings sponsored, produced and permitted by the City are hereby cancelled during the Term.

Section 3. Sections 3, 4 and 5 of my Order signed on March 31, 2020 have expired and for avoidance of doubt, are hereby expressly rescinded and terminated in their entirety.

Section 4. This Order does not alter any of the obligations under law of any employer affected by this Order to its employees or to the employees of another.

Section 5. The owner, manager, operator, or other person having control of or in charge of a business subject to this Order shall conspicuously post a copy of this Order onsite such that the Order is visible to the users of the facility or the public.

Section 6. To the extent that this Order is being enforced and constitutes the basis of enforcement, unless a different penalty is provided elsewhere in the Houston Code of Ordinances, violation of any provision of this ORDER is a misdemeanor offense punishable under Section 13-6 of the Houston Code of Ordinances which provides for a fine not less than $200 nor more than $2,000. Each day a violation continues constitutes a separate offense.
Section 7. To the extent that Executive Order No. GA-18 is being enforced and constitutes the basis of enforcement, the penalties as stated in Executive Order No. GA 18 and any applicable law shall apply to any violation of any provision of Executive Order No. GA-18.

Section 8. All persons are directed to comply with this Order and to comply with the lawful direction of all persons authorized to enforce this Order under Chapter 13-7 of the City of Houston Code of Ordinances.

Section 9. If any subsection, sentence, clause, phrase, or word of this Order or any application of it to any person, structure, gathering, or circumstance is held to be invalid or unconstitutional by a decision of a court of competent jurisdiction, then such decision will not affect the validity of this Order.

Section 10. Unless otherwise amended by the Mayor of the City of Houston, the duration of this Order shall be coterminous with Executive Order No. GA-18 or any amendment or successor order thereof issued by the Governor of the State of Texas.

Section 11. That, in accordance with the Texas Disaster Act, this amended declaration shall take effect upon signing.

SO DECLARED AND ORDERED this the 29th day of April, 2020.

Approved as to Form

Ronald C. Lewis
City Attorney

Sylvester Turner
Mayor, City of Houston

ATTEST/SEAL:

City Secretary