

**CITY OF BUDA, TEXAS**

**ORDER NO. 3 OF THE MAYOR**

**REGARDING THE LOCAL STATE OF DISASTER**

**AND PARKS FACILITIES CLOSURES**

**WHEREAS**, the novel coronavirus (COVID-19) is contagious and spreads through person-to-person contact, especially in group settings; and

**WHEREAS**, the Centers on Disease Control and Prevention ("CDC") recommends an "All of Community" approach focused on slowing the transmission of COVID-19 through social distancing to reduce illness and death, while minimizing social and economic impacts; and

**WHEREAS**, on March 13, 2020, a Declaration of State of Disaster was issued by Governor Abbott to take additional steps to prepare for, respond to, and mitigate the spread of COVID-19 to protect the health and welfare of Texans; and

**WHEREAS**, President Donald Trump declared a State of National Emergency for the United States of America on March 13, 2020 in response to the spread of COVID-19; and

**WHEREAS**, on March 13, 2020, I, as Mayor, proclaimed and declared a local state of disaster within the City of Buda, Texas, to continue in effect through March 20, 2020, in response to the spread of COVID-19, unless continued by the City Council of the City of Buda; and,

**WHEREAS**, on March 20, 2020, the City Council ratified and consented to my Proclamation Declaring a Local State of Disaster, continuing the state of disaster indefinitely; and

**WHEREAS**, on March 20, 2020, I issued an Amended Proclamation Declaring a Local State of Disaster, which put in place community gathering restrictions and occupancy restrictions for certain premises, including regulations on day care facilities, restaurants, and other businesses; and

**WHEREAS**, pursuant to Chapter 418 of the Texas Government Code, I, as Mayor, am designated the Emergency Management Director for the City and am authorized to issue orders to manage the disaster at hand; and

**WHEREAS, to the extent of any conflict between the orders of the county judge and of the mayor, the orders of the county judge prevail, and, to the extent of any conflict between orders of the mayor or county judge and the Texas Governor, the Executive Orders of the Texas Governor prevail, pursuant to Chapter 418 of the Texas Government Code; and**

**WHEREAS**, on March 27, 2020, I issued Order No. 1, instituting certain social distancing requirements at retail establishments, closing certain parks and recreation facilities within the City, and cancelling portions of my March 20, 2020, Amended Proclamation Declaring a Local State of

Disaster related to community gatherings and occupancy of premises restrictions, including regulations on day care facilities, restaurants, and other businesses; and

**WHEREAS**, on April 20, 2020, I issued Order No. 2, rescinding the one-way aisle foot traffic requirement for retail establishments imposed by Order No. 1; and

**WHEREAS**, on April 27, 2020, Governor Abbott issued Executive Order GA-18, which allows for the reduced-capacity reopening of certain non-essential businesses; and

**WHEREAS**, preliminary studies suggest that direct sunlight effectively kills coronaviruses, meaning that outdoor parks facilities equipment would likely not be a source of infection; and

**WHEREAS**, as a result of these studies, I find that it is no longer necessary to close certain local parks facilities; and

**WHEREAS**, the people of the City of Buda shall obey all orders relating to the declared state of disaster of the county and the City pursuant to the authority of both the mayor and the county judge provided by Section 418.108 of the Texas Government Code.

NOW, THEREFORE, BE IT PROCLAIMED BY THE MAYOR OF THE CITY OF BUDA, TEXAS:


1. That the findings and recitations set out in the preamble to this proclamation are found to be true and correct and they are hereby adopted by the City of Buda and made a part hereof for all purposes.
2. That Orders No. 1 and No. 2 are hereby repealed.
3. That all retail businesses open to the public implement the following social distancing procedures to ensure the health and safety of the public:
  - a. Retailers shall mark the floor at six-foot (6') intervals at registers or other areas where lines are formed to ensure that customers maintain a safe distance from one another.
  - b. Retailers shall post notice of a "stand-off" rule, which requires customers to maintain a distance of six feet (6') from one another as much as is practicable.
4. If a retail business is found to be in violation of this Order, the retail business shall be given notice of necessary corrective action and shall have seventy-two (72) hours to remedy the violation. If the violation has not been remedied after seventy-two (72) hours, a citation shall issue.
5. All park restrooms and water fountains are open to the public. Parks staff shall clean restrooms daily. Softball and soccer fields are open to the public, but individuals may not congregate in said fields in groups larger than four (4) people. Jackson Tyler Norris Skatepark is open to the public. All other sports fields, playscapes, basketball courts,

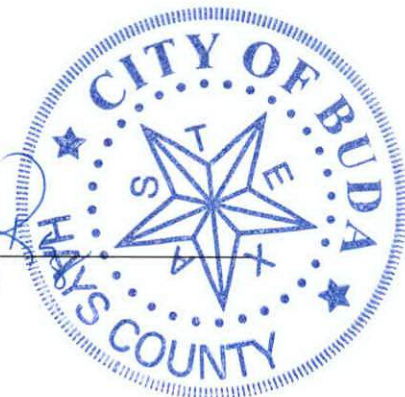
and other facilities are closed to the public until further notice. Reservations of any parks facility, open or closed, are not allowed. Any existing reservations of these facilities are cancelled. For HOA-managed parks facilities, staff may enter facilities for maintenance purposes and must observe the social distancing guidelines defined in Governor Abbott's Executive Order GA-18.

6. Members of the public shall cancel or postpone any events at City parks or HOA-managed parks.
7. Trails, green spaces, and tables in both City parks and HOA-managed parks currently remain open, unless otherwise directed by federal, state, or local authorities. Residents shall observe social distancing guidelines while using park trails, green spaces, and tables.
8. The opening of the Green Meadows Splash Pad shall be delayed until further notice.
9. Residents shall observe social distancing guidelines, as defined in Governor Abbott's Executive Order GA-18, in public spaces.
10. By this Order, I declare all rules and regulations that may inhibit or prevent prompt response to this threat be suspended for the duration of this declaration of disaster and any extension thereof.
11. The Buda Police Department, the Buda Fire Marshal, and other peace officers within the city pursuant to the mutual aid provision provided in Texas Government Code Chapter 418 are authorized to enforce this Order.
12. Failure to obey the direction provided by this Order pursuant to the City's Emergency Management Plan is a criminal offense punishable by a fine not to exceed \$500.00; however, if the offense constitutes an unlawful act relating to fire safety, zoning or public health or sanitation the fine may be up to \$1,000 for each violation.
13. That this Order shall take effect immediately from and after its issuance.

**ORDERED** this the 1<sup>st</sup> day of May 2020.

ATTEST:

  
Alicia Ramirez  
City Clerk



  
GEORGE HAEHN, MAYOR  
City of Buda, Texas