

ORDER OF MCLENNAN COUNTY JUDGE SCOTT M. FELTON

DATE ORDER ISSUED: March 18, 2020

WHEREAS, in December 2019, a novel coronavirus, now designated Coronavirus disease 2019 (COVID-19), was detected in Wuhan City, Hubei Province, China; and

WHEREAS, on March 11, 2020, the World Health Organization declared COVID-19 as a pandemic and urged that all countries take urgent and aggressive action; and

WHEREAS, on March 13, 2020, the President of the United States declared a national emergency regarding COVID-19; and

WHEREAS, on March 13, 2020, Governor Greg Abbott declared a state of disaster in Texas due to COVID-19; and

WHEREAS, on March 13, 2020, the Waco-McLennan County Public Health District (“Health District”) continued to urge persons to cancel, reschedule, and/or not attend gatherings attended by more than 250 people and made other recommendations regarding social distancing; and

WHEREAS, on March 15, 2020, the Centers for Disease Control (“CDC”) lowered the recommended number of persons at mass gatherings to 50 persons; and

WHEREAS, large gatherings of individuals pose a risk of the spread of COVID-19. COVID-19 spreads between people who are in close proximity to each other through respiratory droplets produced when a person coughs or sneezes. The CDC recommends that persons maintain a distance of six feet from others when possible; and

WHEREAS, limiting large gatherings is essential and proactive to prevent and slow down community spread of COVID-19; and

WHEREAS, because of the risk of the rapid spread of the virus, and the need to protect the most vulnerable members of the community, this Order prohibits community gatherings (as defined herein) of 50 persons or more anywhere in McLennan County; and

WHEREAS, for all other gatherings, the Waco-McLennan County Public Health District (“Health District”) has strongly recommended canceling, rescheduling, or not attending non-essential events with more than 10 persons; and

WHEREAS, a declaration of local disaster and public health emergency includes the ability to reduce the possibility of exposure to disease, control the risk, promote health, compel persons to undergo additional health measures that prevent or control the spread of disease, including isolation, surveillance, quarantine, or placement of persons under public health observation; and

WHEREAS, extraordinary and immediate measures must be taken to respond quickly to prevent and slow down community spread of COVID-19.

**NOW, THEREFORE, BE IT PROCLAIMED AND ORDERED BY SCOTT M. FELTON,
COUNTY JUDGE OF MCLENNAN COUNTY, TEXAS, UNDER THE AUTHORITY OF
TEXAS GOVERNMENT CODE SECTION 418.108:**

1. That a local state of disaster and public health emergency is hereby declared for McLennan County, Texas
2. Pursuant to §418.108(b) of the Texas Government Code, the state of disaster shall continue for a period of not more than seven days from the date of this declaration unless continued or renewed by the McLennan County Commissioners Court.
3. Although applicable to McLennan County, nothing in this order is intended to prohibit or shall prohibit a city in this County from ordering any measure allowed by Section 418.108 of the Texas Government Code, including stricter measures than are contained herein.
4. Pursuant to §418.108(c) of the Texas Government Code, this declaration of a local state of disaster shall be given prompt and general publicity and shall be filed promptly with the County Clerk.
5. Pursuant to §418.108(d) of the Texas Government Code, this declaration of a local state of disaster activates the County's emergency management plan.
6. Public or private Community Gatherings (as defined in Section 7 below) are prohibited anywhere in McLennan County. The uses in subsections (i), (ii), and (iii) of this section are not considered Community Gatherings, but are limited as provided in subsections (i), (ii), and (iii):
 - (i) a restaurant shall not allow the number of dine-in customers at any one time to exceed one-half of its occupancy limit or 50 persons, whichever is less;
 - (ii) a bar, lounge, tavern, or private club serving alcohol shall not allow the number of patrons inside at any one time to exceed one-half of its occupancy limit or 50 persons, whichever is less; and
 - (iii) Indoor recreational facilities, including a gym or health studio; indoor amusement facility, including a bowling alley or a pool hall shall not allow the number of patrons inside at any one time to exceed one-half of its occupancy limitation or 50 persons, whichever is less. A theatre shall not allow occupancy in any one screen room of over 50% of the seats.

The County will closely monitor the situation and may by Order impose further restrictions up to and including closure should further developments warrant.

7. Definitions:

- a. For purposes of this Order, a “Community Gathering” is any indoor or outdoor event or convening, subject to the exceptions and clarifications below, that brings together or is likely to bring together fifty (50) or more persons at the same time in a single room or other single confined or enclosed space, such as an auditorium, stadium (indoor or outdoor), tent, arena or event center, music venue, meeting hall, conference center, large cafeteria, or any other confined indoor or confined outdoor space.
 - b. An outdoor “Community Gathering” under this Order is limited to events in confined outdoor spaces, which means an outdoor space that (i) is enclosed by a fence, physical barrier, or other structure and (ii) where people are present and they are within six feet of one another for extended periods.
 - c. For purposes of clarity, a “Community Gathering” does not include the following, or other similar uses, so long as the persons involved are generally not within six feet of one another for extended periods:
 - (i) spaces where fifty (50) or more persons may be in transit or waiting for transit such as airports, bus stations, or terminals;
 - (ii) office space, public and private schools, institutions of higher learning, child-care facilities, residential buildings, or any type of temporary sheltering or housing;
 - (iii) grocery stores, shopping centers or malls, or other retail establishments where large numbers of people are present, but it is unusual for them to be within six feet of one another for extended periods: or
 - (iv) hospitals and medical facilities.
8. Government operations, including operations of the judiciary, and gatherings required to carry them out are not a “Community Gathering” under this Order.
9. Sections 6 and 7 shall become effective at 11:59 pm on March 18, 2020.
10. The County will promptly provide copies of this Order by posting it on the County’s website. In addition, the owner, manager, or operator of any facility that is likely to be impacted by this Order is strongly encouraged to post a copy of this Order onsite and to provide a copy to any member of the public asking for a copy.
11. That a violation of this order shall be a Class C misdemeanor and the penalty for violating this order shall be a fine of not less than one dollar (\$1.00) and no more than one thousand dollars (\$1,000.00), and each day a violation exists shall be a separate offense. That this declaration also hereby authorizes the use of any other lawfully available enforcement tools.

12. 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 the remaining portions or applications of this Order.

ORDERED this the 18th day of March, 2020.



SCOTT M. FELTON
COUNTY JUDGE
MCLENNAN COUNTY, TEXAS