

ORDINANCE NO. 1048

AN ORDINANCE AMENDING THE CITY OF LEVELLAND, TEXAS ORDINANCES NO. 858, AN ORDINANCE ADOPTING AND ESTABLISHING THE CITY'S COMPREHENSIVE EMERGENCY MANAGEMENT PLAN BY ADDING A PENALTY PROVISION AND ESTABLISHING A PENALTY OF A FINE NOT TO EXCEED \$1000.00 OR UP TO 180 DAYS IN JAIL FOR EACH VIOLATION; DECLARING AN EMERGENCY; PROVIDING AN EFFECTIVE DATE; PROVIDING A SAVINGS CLAUSE; PROVIDING A REPEALER AND PROVIDING FOR PUBLICATION.

WHEREAS, the City Council for the City of Levelland, Texas pursuant to the constitution and laws of the State of Texas including, but not limited to, Article 11, Section 5 of the Texas Constitution as a home rule city and the applicable provisions of Chapters 215 and 217 of the Texas Local Government Code, has the authority to set forth ordinances and regulations and exercise its police powers for the public health, safety, morals, or general welfare of the citizens of the City of Levelland including the regulation of amusements and nuisances; and

WHEREAS, the City Council of the City of Levelland previously passed and approved Ordinance No. 858 that established the City's Comprehensive Emergency Management Plan for protecting lives and property in the City of Levelland from natural or man-caused disasters; and

WHEREAS, Texas Government Code § 418.173 states that an emergency management plan adopted by a municipality may make it a criminal offense for any person who fails to comply with any order, declaration, rule or ordinance adopted or issued pursuant to an emergency plan with such offense being punishable by a fine up to \$1,000.00 or confinement in jail for a term that does not exceed 180 days; and

WHEREAS, the Governor of the State of Texas, Greg Abbott, issued a state-wide disaster proclamation on March 13, 2020, certifying that COVID-19 poses an imminent threat of disaster for all counties in the State of Texas; and

WHEREAS, on March 19, 2020, the Mayor of the City of Levelland, Barbra Pinner, declared a local state of disaster for public health emergency pursuant to Section 418.108(a) of the Texas Government Code, based upon the need for extraordinary measures to contain COVID-19 and to prevent its spread throughout the City of Levelland; and

WHEREAS, pursuant to Section 418.108(d) of the Texas Government Code, the Mayoral declaration of a local state of disaster activated the City of Levelland's Emergency Management Plan; and

WHEREAS, in accordance with the Levelland City Charter, Article VIII, §II, the City Council is authorized to pass an ordinance as an emergency measure declared on the ground of urgent public need for the preservation of peace, health, safety of property; and

WHEREAS, the City Council of the City of Levelland, finds that given the statewide declaration of emergency and the Mayoral declaration of a local disaster regarding the novel coronavirus (COVID-19) that has been recognized as a pandemic by the World Health Organization and is a contagious respiratory virus qualifies as an emergency measure under the Levelland City Charter and does not require two readings as required under Levelland City Charter Article IX, §XIX; and

WHEREAS, the City Council of the City of Levelland, finds the following amendment to 858 providing a penalty provision is reasonable, beneficial and necessary for meeting an urgent public need to preserve the peace, health and/or safety of property and for the general welfare of the citizens of Levelland and a proper exercise of its police power;

NOW THEREFORE, BE IT ORDAINED BY THE CITY OF LEVELLAND, TEXAS, THAT:

SECTION 1. The recitals outlined above are found to be true and correct and are incorporated herein as though set forth fully herein.

SECTION 2. The City of Levelland’s Comprehensive Emergency Management Plan as adopted by Ordinance 858 is hereby amended by adding a penalty provision which shall read as follows:

OFFENSES: PENALTIES

- (a) It shall be unlawful for any person to fail to comply with the City’s Emergency Management Plan or with any rule, order, or ordinance adopted under the City’s Emergency Management Plan.
- (b) It shall be unlawful for any person to willfully obstruct, hinder, delay any member of the City’s Emergency Management organization in the enforcement of any rule, order or ordinance issued pursuant to the City’s Emergency Management Plan.
- (c) It shall be unlawful for any person to wear, carry or display any emblem, insignia, or by any other means of identification as a member of the City’s Emergency Management Organization, unless authority to do so has been granted to such person by the Emergency Management Director or the Emergency Management Coordinator.
- (d) Convictions for violations of the provisions of this Ordinance shall be punishable by fine not to exceed one thousand dollars (\$1,000.00) or up to 180 days confinement in jail.

SECTION 3. Penalty. Any person found in violation of any provision of this Ordinance shall be shall be guilty of a misdemeanor and upon conviction thereof shall be fined up to one thousand dollars (\$1,000.00) or confined in jail up to 180 days.

SECTION 4. Emergency Measure/Effective Date. This ordinance has been declared an emergency measure pursuant to Levelland City Charter Article VIII, §II thus requiring only one

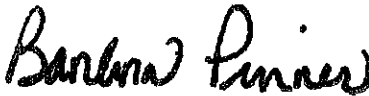
reading pursuant to Levelland City Charter Article IX, §XIX and shall take effect immediately from and after its passage and publication as may be required by governing law.

SECTION 5. Repealed. All other terms and provisions of Ordinance 858 of the City of Levelland, not in conflict herewith and not hereby amended shall remain in full force and effect.

SECTION 6. Severability. If any provision, section, subsection, sentence, clause or the application of same to any person or set of circumstances for any reason is held to be unconstitutional, void or invalid or for any reason unenforceable, the validity of the remaining portions of this ordinance or the application thereby shall remain in effect, it being the intent of the City Council of the City of Levelland, Texas in adopting this ordinance, that no portion thereof or provision contained herein shall become inoperative or fail by any reasons of unconstitutionality of any other portion or provision.

SECTION 7. Publication. The City Secretary of the City of Levelland is hereby authorized and directed to cause publication of the descriptive caption of this Ordinance as an alternative method provided by law.

Passed and approved on first and only reading this 26th day of March, 2020.



Barbra Pinner
Mayor

ATTEST:



Beth A. Walls, TRMC, IPMA-HR SCP
City Secretary