

**CITY OF PORT ARANSAS, TEXAS  
FIFTH MAYORAL DECLARATION OF LOCAL STATE OF DISASTER  
DUE TO PUBLIC HEALTH EMERGENCY**

**WHEREAS**, beginning in December 2019, a novel coronavirus, now designated COVID-19, has spread through the world and has now been declared a global pandemic by the World Health Organization; and

**WHEREAS**, prudence dictates that extraordinary measures must be taken to contain COVID-19 and prevent its spread throughout the City, including the quarantine of individuals, groups of individuals and occupied structures and, additionally, including compelling individuals, groups of individuals, or occupied structures to undergo additional health measures that prevent or control the spread of the virus; and

**WHEREAS**, Governor Abbott and Nueces County have declared a local disaster due to public health emergency; and

**WHEREAS**, the Governor on March 19, 2020 issued Executive Order No. GA-08 relating to COVID-19 preparedness and mitigation and setting forth four Orders. The aforesaid Executive Order is hereby adopted by the City of Port Aransas and will be enforced to the extent allowed by law. The four specific Orders of the Governor contained within said Executive Order No. GA-08 follow: Order No. 1, In accordance with the Guidelines from the President and the CDC, every person in Texas shall avoid social gatherings in groups of more than 10 people; Order No. 2, In accordance with the Guidelines from the President and the CDC, people shall avoid eating or drinking at bars, restaurants, and food courts, or visiting gyms or massage parlors; provided, however, that the use of drive-thru, pickup, or delivery options is allowed and highly encouraged throughout the limited duration of this executive order; Order No. 3, In accordance

with the Guidelines from the President and the CDC, people shall not visit nursing homes or retirement or long-term care facilities unless to provide critical assistance; and Order No. 4, In accordance with the Guidelines from the President and the CDC, schools shall temporarily close; and

**WHEREAS**, the Nueces County Judge issued an Order to Shelter in Place on March 25, 2020 to expire April 8, 2020 at 11:50 p.m.; and

**WHEREAS**, the Mayor of the City of Port Aransas, Texas issued his first Mayoral Declaration of Local State of Disaster on March 16, 2020 and has issued a subsequent Declaration or Declarations.

**WHEREAS**, on March 31, 2020, Executive Order GA 14 was issued by the Governor. It provides as follows: “This executive order does not prohibit people from accessing essential services or engaging in essential daily activities, such as going to the grocery store or gas station, providing or obtaining other essential services, visiting parks, hunting or fishing, or engaging in physical activity like jogging or bicycling, so long as the necessary precautions are maintained to reduce the transmission of COVID-19 and to minimize in-person contact with people who are not in the same household.” It further provides: “This executive order shall supersede any conflicting order issued by local officials in response to the COVID-19 disaster, but only to the extent that such a local order restricts essential services allowed by this executive order or allows gatherings prohibited by this executive order.” The Governor’s Order GA 14 states that it does not prohibit people from (1) accessing essential services or (2) engaging in essential daily activities. The Order cites fishing as an example of an essential daily activity. So, the Governor’s Order does not prohibit either essential services or essential

activities. It does not prohibit fishing. The Order, by its own terms, supersedes conflicting local orders only if and to the extent the local order restricts essential services. Fishing is not a service. It is an activity. This self limiting provision therefore leaves unaffected by the Governor's Order GA 14 the City of Port Aransas Mayoral Third Declaration M.O. No. 3 regarding fishing which is hereby re-issued below as part of this Fourth Declaration. Port Aransas is located on an island in the Gulf of Mexico. It is a tourist town, a town attractive to tourists because of its water based activities, including fishing. The Mayoral Order prohibiting fishing from certain locations open to the general public was and is an attempt to reduce fishing activity by eliminating it from public venues, the ship channel, jetties and beach, because it attracts tourists, exacerbating the danger of proliferation of the COVID-19 virus. It is an attempt to protect the citizens of our City and other innocent victims endangered by the spread of this frightening, life threatening pandemic.

**NOW, THEREFORE, BE IT DECLARED BY THE MAYOR OF THE CITY OF PORT ARANSAS, TEXAS:**

**SECTION 1.** A local state of disaster due to public health emergency is hereby declared for the City of Port Aransas, Texas, pursuant to Section 418.108(a) of the Texas Government Code.

**SECTION 2.** This Mayoral Declaration supersedes and revises all prior Mayoral Declarations.

**SECTION 3.** Pursuant to Section 418.108(b) of the Texas Government Code, the state of disaster due to public health emergency shall continue for a period of not more than seven (7)

days from the effective date of this declaration unless continued or renewed by the City Council. The Mayor may issue other declarations at any time, each of which shall continue for a period of seven (7) days or such lesser time as the Mayor may declare. Until this crisis passes, it is the intent of the Mayor to continue the pronouncement of Declarations such as this to protect the people of Port Aransas.

**SECTION 4.** Pursuant to section 418.108(c) of the Texas Government Code, this declaration of a local state of disaster due to public health emergency shall be given prompt and general publicity and shall be filed promptly with the City Secretary.

**SECTION 5.** Pursuant to section 418.108(d) of the Government Code, this declaration of a local state of disaster activates the City's Emergency Management Plan.

**SECTION 6.** This declaration authorizes the City to take any actions necessary to promote health and suppress the virus, including the quarantine of persons and occupied structures, examining and regulating hospitals, regulating ingress and egress from the City, regulating ingress and egress to occupied structures, and insuring compliance for those who do not comply with the City's rules, pursuant to Section 122.006 of the Health and Safety Code.

**SECTION 7.** In addition to the above Orders issued by the Governor and the County Judge, the following Mayoral Orders are hereby adopted:

M.O. No. 1 Port Aransas has within it some RV parks in which people live. These RV parks are to be treated as "residences" as defined under the County Judge's Order. No RVs may be moved into any RV park within the City. Those that exit from the City may not return.

- M.O. No. 2 Day or night camping on the beach using a tent or vehicle or other type of enclosure or no type of enclosure, is prohibited.
- M.O. No. 3 Fishing from shore whether from the ship channel, jetties or beach is prohibited.
- M.O. No. 4 Short term rentals, defined as those which are for a continuous occupancy of less than 30 days, are prohibited, except for persons doing Essential Business. In the event of a long-term rental, defined as those which are for a continuous occupancy of 30 days or more, if lessee does not remain in occupancy throughout a continuous period of at least 30 days, no other occupancy is allowed for the balance of the 30-day period. On demand of a City administrative official occupants, lessors, and lessees, must produce the original and copies of any document or documents which relate to the rental transaction.
- M.O. No. 5 Movement exercise, such as walking, running, biking, yoga, water sports, or other similar physical exercise on the beach is allowed. Otherwise, no person shall be allowed on the beach.
- M.O. No. 6 Effective from 6:00 a.m. on April 10, 2020 through 6:00 a.m. on April 13, 2020 beaches, boat ramps, and parks and portions thereof with vehicular access points will be closed to the extent directed by barricades and signs placed at the vehicular access points.

**SECTION 8.** This Declaration authorizes the use of all lawfully available enforcement tools. A violation of this Declaration and of any other Orders of the County Judge or Governor is to be punished in accordance with Section 418.173 Texas Government Code for first offense

by a fine not to exceed \$1,000 and for a second offense by a fine not to exceed \$1,000 and imprisonment up to 180 days.

**SECTION 9.** This Declaration is effective at 11:59 p.m. on the 9 day of April, 2020 and terminates at 11:59 p.m. seven (7) days thereafter on the 16 day of April, 2020 when this Declaration terminates by operation of law.

**SO DECLARED, ORDERED AND SIGNED** this 9 day of April, 2020.



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Charles Bujan, Mayor