

**FIRST MODIFIED ORDER**

**BY**

**THE MAYOR OF THE CITY OF ABILENE**

**WHEREAS**, on the 16<sup>th</sup> day of March, 2020, a Declaration of Local Disaster was issued to allow the City of Abilene to take measures to reduce the possibility of exposure to COVID-19 and promote the health and safety of Abilene residents; and

**WHEREAS**, on the 16<sup>th</sup> day of March, 2020, an Order by the Mayor of the City of Abilene was issued prohibiting Community Gatherings of 250 or more persons; and

**WHEREAS**, the COVID-19 public health disaster is a quickly evolving public health and safety issue; and

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

**WHEREAS**, the Centers for 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**, due to the substantial risks to the public, this Modified Order PROHIBITS Community Gatherings of 50 persons or more anywhere in the City of Abilene beginning at 8:00 p.m. on Sunday, March 22, 2020, and continuing for so long as the Declaration of Local Disaster is in effect, or unless terminated, modified or extended by other Order. In the event the Abilene/Taylor County Public Health District confirms a positive COVID-19 test result, this Modified Order will immediately and automatically be modified to PROHIBIT Community Gatherings of 10 persons or more anywhere in the City of Abilene beginning at 5:00 PM on the day of the announcement.

**NOW THEREFORE, I, MAYOR OF THE CITY OF ABILENE, PURSUANT TO THAT AUTHORITY VESTED BY THE TEXAS GOVERNMENT CODE CHAPTER 418, HEREBY FIND AND ORDER:**

Section 1. That the findings and recitations set out in the preamble of this ORDER, and the Order issued on March 16, 2020, are found to be true and correct and they are hereby adopted by the Mayor and made a part hereof for all purposes.

Section 2. That the findings and recitations set out in the Declaration of Local Disaster are found to be true and correct and they are hereby adopted by the Mayor and made a part hereof for all purposes.

Section 3. Effective as of 12:01 a.m. on Wednesday, March 18, 2020, and continuing until 8:00 p.m. on Sunday, March 22, 2020, or unless terminated, modified or extended by other Order of the Mayor of the City of Abilene, deems it in the public interest to **PROHIBIT any public or private Community Gatherings of 250 or more persons (as defined in Section 6, below) anywhere in the City of Abilene.**

Section 4. Effective as of 8:00 p.m. on Sunday, March 22, 2020, and continuing for so long as the Declaration of Local Disaster is in effect, or unless terminated modified or extended by other Order of the Mayor of the City of Abilene; deems it in the public interest to **PROHIBIT any public or private Community Gatherings of 50 or more persons (as defined in Section 6 below) anywhere in the City of Abilene.**

Section 5. Effective as of 5:00 p.m. on the day the Abilene\Taylor County Health District announces the confirmation of a positive COVID-19 test result, and continuing for so long as the Declaration of Local Disaster is in effect, or unless terminated modified or extended by other Order of the Mayor of the City of Abilene; deems it in the public interest to **PROHIBIT any public or private Community Gatherings of 10 or more persons (as defined in Section 6 below) anywhere in the City of Abilene.**

Section 6. 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 the prohibited number of persons at the same time in a single room or other single confined space or enclosed space, such as an auditorium, theatre, stadium (indoor or outdoor), arena or event center, meeting hall, conference center, large cafeteria, restaurant, or nightclub/bar, or any other confined indoor or confined outdoor space. For clarity, this includes, but is not limited to, weddings, religious gatherings, parties, funerals, sporting events, social events, conferences, music and art festivals, livestock events, agricultural events, rodeos, and other large gatherings. Community Gatherings do not include childcare facilities.
- 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 arm’s length of one another for extended periods.
- c. This Order also does not prohibit gatherings of people in multiple, separate enclosed spaces (including separate cubicles) in a single building such as a multiplex movie theater, school classrooms, or different floors of a multi-level building, so long as the prohibited number of people are not present in any single space at the same time. This Order also does not prohibit the use of enclosed spaces where the prohibited number of people may be present at

different times during the day, so long as the prohibited number of people are not present in the space at the same time.

- d. For purposes of clarity, a "Community Gathering" does not include spaces where the prohibited number of persons may be in transit on buses, trains or airplanes; or waiting for transit, such as airports, bus stopes or terminals. In addition, "Community Gatherings" does not include the following spaces where the prohibited number of persons may congregate, so long as visitors are generally not within arm's length or one another for extended periods:
- (i) Office space or residential buildings;
  - (ii) Grocery stores, shopping malls, or other retail establishments where large numbers of people may be present but it is unusual for them to be within arm's length of one another for extended periods; and
  - (iii) Hospitals and medical offices and facilities.

Section 7. That peace officers, City of Abilene Code Enforcement officers, and the Office of the Abilene Fire Marshall, are hereby authorized to enforce this Order. Persons who violate this Order violate the Abilene City Code. A violation is a misdemeanor punishable by a fine not to exceed \$500.

Section 8. The City of Abilene will post this Order on its website. 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 of this Order.

**ORDERED** this the 18<sup>th</sup> day of March 2020, in the City of Abilene, Taylor County, Texas, in witness whereof I subscribe my name and cause to be affixed the seal of the City of Abilene.

  
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Anthony Williams, Mayor

FILED with me, the City Clerk of the City of Abilene, this 18<sup>th</sup> day of March 2020, by Mayor Anthony Williams, whose signature I hereby attest under my hand and the seal of the City of Abilene.

  
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Shawna Atkinson, City Secretary