

Smith County

News Release

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For Immediate Release

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Smith County Issues “Stay at Home” Order

Smith County Judge Nathaniel Moran issued a two-week “Stay at Home” Order for all Smith County residents on Friday, March 27, 2020.

The order is an amendment to Smith County’s “Declaration of Local Disaster Due to Public Health Emergency for Smith County, Texas,” signed by Judge Moran on March 16, and ratified by the Smith County Commissioners Court on March 17.

“The purpose of this order is to further protect the health, safety and welfare of our Smith County community,” Judge Moran said. It is also to ensure that – as a community – we take affirmative steps to support our local health care providers and institutions by mitigating any spikes in COVID-19 patient numbers.”

The “Stay at Home Order” takes effect at 11:59 p.m. on Friday, March 27, 2020, and will continue through 11:59 p.m. on Friday, April 10, 2020, unless otherwise extended or terminated by further order of Judge Moran.

Judge Moran has been working daily with local public health and emergency management officials to make decisions to best suit the county as a whole. He believes the order has become necessary to combat community spread and the growing number of Smith County residents who have tested positive for COVID-19. The joint decision for the “Stay at Home Order” was made by members of the medical field, public health authority, city officials and emergency management professionals.

“By signing this order, I do recognize that it will cause hardships to many in the community – economic and otherwise,” Judge Moran said. “I am burdened by this fact. I am also acutely aware that governments must take care not to over-reach in times of crisis. Liberty is too precious a commodity, and governments should seek to uphold liberty, not restrain it. Nevertheless, the health of this community compels me to act today.”

Because of the risk of the rapid spread of the virus through person-to-person contact, and the need to protect the most vulnerable members of the community, the “Stay at Home” Order requires all individuals anywhere in Smith County to stay at home – except to conduct certain essential activities, services and work.

This “Stay at Home” Order still allows for essential activities, businesses and services to continue. Citizens are encouraged to consult the specific language of the order for detailed exceptions. For definitions or clarifications on anything in Judge Moran’s “Stay at Home” Order, please visit www.smith-county.com and click the red banner at the top of the page.

“Even with this order in place, the primary defense to the spread of COVID-19 remains the individual decisions that we each make on a minute-to-minute basis,” Judge Moran said. “I cannot regulate common sense and cannot ensure good-decision making by every citizen in this county at every moment. That is left to each of us individually. So, self-regulate.”

The order states that if a person residing in Smith County is being tested or has tested positive for COVID-19, or is under investigation for possibly having COVID-19, that person plus all other individuals living at the same address, are ordered to isolate at home. These people shall not go to work, school or any other community function until they have tested negative or is released back to work by a medical doctor or the local public health authority.

People who are sick or who are at high risk of severe illness from COVID-19 are urged to stay in their residence to the extent possible, except as necessary to seek medical care.

Social distancing requirements means maintaining at least six feet of physical distancing from other individuals, washing hands with soap and water for at least 20 seconds as frequently as possible or using an alcohol-based hand sanitizer, covering coughs or sneezes (into the sleeve or elbow--not hands), regularly cleaning high-touch surfaces, and not shaking hands.

ESSENTIAL ACTIVITIES

Smith County residents may leave their residence only to perform these "Essential Activities."

- To engage in activities or perform tasks essential to their health and safety, or to the health and safety of their family or household members, including, pets, such as obtaining medical supplies or medication, visiting a health care professional, or obtaining supplies they need to work from home.
- To obtain necessary services or supplies for themselves or household members or to deliver those services or supplies to others, such as food, pet supply and any other household consumer products and products necessary to maintain the safety, sanitation and essential operation of residences.
- To engage in outdoor activity, provided the individuals comply with social distancing requirements, such as walking, hiking, running or riding a bicycle.
- To perform work providing essential products and services at an essential business or locked business (see definition of a locked business in the order).
- To care for a family member or pet in another household.

ESSENTIAL SERVICES

People may leave their residence to work for or obtain services at any “health care operations,” such as hospitals, clinics, dentists, pharmacies, pharmaceutical, and biotechnology companies,

other health care facilities, health care suppliers, home health care services providers, mental health providers, or any related and/or ancillary health care services. It also includes veterinary care and all health care services provided to animals. "Health care operations" does not include fitness and exercise gyms and similar facilities.

People may leave their residence to provide any services or perform any work necessary to the operations and maintenance of "Critical Infrastructure," as more particularly identified by the U.S. Department of Homeland Security, Cybersecurity & Infrastructure Security Agency. There are 16 critical infrastructure sectors, which can be found here: <https://www.cisa.gov/identifying-critical-infrastructure-during-covid-19>.

Nothing in the "Stay at Home Order" shall prohibit the activities of any first responder, emergency management personnel, emergency dispatcher, detention officer, court personnel, or law enforcement personnel. It also does not prohibit any individual from performing or accessing "Essential Governmental Functions," as determined by the governmental entity performing those functions. Each governmental entity shall identify and designate appropriate employees or contractors to continue providing and carrying out essential functions, and all shall be performed in compliance with social distancing.

Nothing in the order restricts the activities of any public, private, or charter school, or any homeschool association, including without limitation the delivery or pick-up of meals, supplies, or homework assignments.

ESSENTIAL BUSINESSES

For the purposes of this Amended Order, the term "Essential Businesses" means:

- Health care operations.
- Businesses engaged in activities necessary for the operation, maintenance or support of critical infrastructure.
- Grocery stores, farmers' markets, farm and produce stands, supermarkets, food banks, convenience stores and other establishments engaged in the retail sale of food and any other household consumer products, and liquor stores. This includes stores that sell groceries and also sell other non-grocery products, and products necessary to maintaining the safety, sanitation, and essential operation of residences. This also includes facilities that provide warehouse and shipping services for the above mentioned products.
- Food cultivation, including farming, livestock and fishing.
- Businesses that provide food, shelter and social services, and other necessities of life for economically disadvantaged or otherwise needy individuals.
- Newspapers, television, radio and other media services.
- Gas stations and auto-supply, auto-repair, and related facilities.
- Banks and related financial institutions.
- Hardware and construction supply stores.
- Firearms and ammunition manufacturer, sales or repair.
- Plumbers, electricians, exterminators and others who provide services that are necessary to maintaining the safety, sanitation and essential operation of residences.

- Businesses providing mailing and shipping services, including post office boxes.
- Laundromats, drycleaners and laundry service providers.
- Restaurants and other facilities that prepare and serve food, but only for delivery, drive-thru or carry out. Patrons may not wait inside a restaurant for their food orders, unless physical distancing of 6 feet is observed at all times. Restaurants are urged to create a system that does not involve such lines or gatherings of people waiting to order or waiting to receive their order.
- Businesses that supply products needed for people to work from home.
- Businesses that supply essential businesses with support or supplies necessary to operate.
- Businesses that warehouse, ship or deliver groceries, food, goods, or services directly to residences or to essential businesses or locked businesses.
- Airlines, taxis, and other private transportation providers providing transportation services necessary for essential activities and other purposes expressly authorized in this order.
- Home-based care for seniors, adults or children.
- Residential facilities and shelters for seniors, adults and children.
- Professional services, including legal, accounting, insurance, real estate services, appraisal, survey and title services.
- Childcare facilities providing services that enable essential employees to work as permitted. Childcare facilities must operate in accordance with guidelines provided by and under the direction of the Texas Department of Family and Protective Services, or any other regulatory agency or department.
- Utilities, telecommunications, trash collection and disposal, law enforcement, EMS/ambulance, corrections, dispatch, animal shelters/animal control, and any other governmental employees who have been deemed essential by the respective governmental agency or department.
- Janitorial and maintenance services, defense industry, space and technology industry, technology support, and scientific research.
- Mortuary services, including funeral homes, crematoriums and cemetery workers.

ESSENTIAL TRAVEL

“Essential travel” includes travel for any of the following purposes:

- Any travel related to the provision of or access to essential activities, essential governmental functions, essential businesses or minimum basic operations.
- Travel to care for elderly, minors, dependents, persons with disabilities or other vulnerable persons.
- Travel to or from educational institutions for purposes of receiving materials for distance learning, for receiving meals and any other related services.
- Travel to return to a place of residence from outside the jurisdiction.
- Travel required by law enforcement or court order.
- Travel required for non-residents to return to their place of residence outside the county.

Non-essential businesses shall shut down except for maintaining minimum basic operations. Essential businesses and locked businesses exempted from shut-down are encouraged to determine staff who are essential to operations and to send non-essential staff home.

Failure to comply with any of the provisions of Smith County's "Stay at Home" Order constitutes an imminent threat to public health. The penalty for violating the Order, in accordance with Texas Government Code, Section 418.173, shall be a fine of no more than \$1,000, or confinement in the county jail for a term up to 180 days, or both. Each day a violation occurs is a separate and distinct violation. This Amended Order also authorizes licensed peace officer with local, county or state jurisdiction to enforce the provisions of this order.

"Even with this order, many necessary activities of daily living and many functions of life will still continue," Judge Moran said. "In each of those circumstances, individual decision making is crucial if this community truly wants to stop the spread of COVID-19. Wash your hands frequently, keep your physical distance, watch for signs of infections and call ahead to your doctor before you go seek treatment."