

Ordinance No. 2020-04-15-05

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROLLINGWOOD AMENDING AND SUPERSEDING ORDINANCE 2020-03-25-02; EXTENDING A DECLARATION OF LOCAL DISASTER; AMENDING THE RULES AND REGULATIONS FOR THE DURATION OF THE DISASTER; RESTRICTING CERTAIN ACTIVITIES; ESTABLISHING PENALTIES FOR VIOLATIONS. PROVIDING AN EFFECTIVE DATE AND DECLARING AN EMERGENCY. FIRST AND FINAL READING

WHEREAS, in December 2019 a novel coronavirus, now designated COVID-19, was detected in Wuhan City, Hubei Province, China. Symptoms of COVID-19 include fever, cough, and shortness of breath. Outcomes have ranged from mild to severe illness, and in some cases death; and

WHEREAS, on January 20, 2020, the World Health Organization (WHO) Director General declared the outbreak of COVID-19 as a Public Health Emergency of International Concern (PHEIC), advising countries to prepare for the containment, detection, isolation and case management, contact tracing and prevention of onward spread of the disease; and

WHEREAS, to date, there have been 10,230 confirmed positive cases in Texas; and

WHEREAS, on Monday, April 6, 2020, World Health Organization (WHO) declared the crisis that is now a pandemic after infecting nearly 1,331,032 people around the world and killed 73,917; and

WHEREAS, 427,460 cases have been confirmed in the United States according to the Centers for Disease Control and Prevention (“CDC”); and

WHEREAS, the virus is characterized by mild symptoms including a runny nose, sore throat, cough and fever, similar to the influenza where in severe cases it can lead to pneumonia or breathing difficulties according to WHO; and

WHEREAS, those with these symptoms who have traveled to or been in contact with an individual who has traveled to a country that has coronavirus in the last two weeks are urged to see their physician; and

WHEREAS, on March 13, 2020, President Trump declared a state of emergency due to COVID- 19; and

WHEREAS, President Trump has invoked the Stafford Act, which will allow state and local governments to access federal disaster relief funds; and

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

WHEREAS, the Texas Department of State Health Services determined that, as of March 19, 2020, COVID- 19 represents a public health disaster within the meaning of Chapter 81 of the Texas Health and Safety Code; and

WHEREAS, on March 31, 2020 Governor Abbott issued Executive Order GA-14 superseding local authority invoked under Chapter 418 of the Government Code, and Chapter 81 and 122 of the Health and Safety Code where local order conflict with GA-14 or any previous order of the Governor related to the pandemic; and

WHEREAS, pursuant to the Texas Disaster Act of 1975, the Mayor is designated as the Emergency Management Director of the City of Rollingwood, and may exercise the powers granted by the governor on an appropriate local scale; and

WHEREAS, The City Council of the City of Rollingwood previously determined and declared that extraordinary and immediate measures must be taken to respond quickly, prevent and alleviate the suffering of people exposed to and those infected with the virus, as well as those that could potentially be impacted by COVID-19; 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, including the provision of temporary housing or emergency shelters for persons misplaced or evacuated and request assistance from the governor of state resources; and

WHEREAS, the City Council has made a Declaration of Public Health Emergency, and further declared all rules and regulations that may inhibit or prevent prompt response to this threat suspended for the duration of the incident; and

WHEREAS, the Mayor, under the Texas Disaster Act of 1975, is authorized to use all available resources of state government and political subdivisions to assist in the City's response to this situation; and

WHEREAS, the City Council has determined that extraordinary and immediate measures must be taken to respond quickly, prevent and alleviate the suffering of people exposed to and those infected with the virus, as well as those that could potentially be infected or impacted by COVID-19.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ROLLINGWOOD, TEXAS:

- Section 1. The recitals contained in the preamble hereof are hereby found to be true, and such recitals are hereby made a part of this Ordinance for all purposes and are adopted as a part of the judgment and findings of the City Council.

- Section 2. That the state public health emergency as declared by Governor Abbott is recognized as controlling within the City of Rollingwood now and as it may be renewed and extended as well as those additional rules and regulations as provided for and attached hereto as Exhibit A.
- Section 3. That the local rules and regulations to be extended thereunder during the local state of disaster and public health emergency are attached hereto as Exhibit B and shall be given prompt and general publicity and shall be filed promptly with the City Secretary.
- Section 4. Pursuant to §418.108(d) of the Government Code, this declaration of a local state of disaster and public health emergency activates the City of Rollingwood's participation in any city, county or state emergency management plan.
- Section 5. Pursuant to §418.020(c) of the Government Code, this declaration authorizes the City to commandeer or use any private property, temporarily acquire, by lease or other means, sites required for temporary housing units or emergency shelters, subject to compensation requirements.
- Section 6. Pursuant to §122.005 of the Health and Safety Code, this declaration authorizes the City to prevent the introduction of a communicable disease into the municipality, including stopping, detaining, and examining a person coming from a place that is infected or believed to be infected with a communicable disease; establish, maintain, and regulate hospitals in the municipality or in any area within five miles of the municipal limits; or abate any nuisance that is or may become injurious to the public health by adopting rules necessary or expedient to promote health or suppress disease; or to prevent the introduction of a communicable disease into the municipality, including quarantine rules, and may enforce those rules in the municipality and in any area within 10 miles of the municipality.
- Section 7. All ordinances or parts thereof, which are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters herein.
- Section 8. This Ordinance shall be construed and enforced in accordance with the laws of the State of Texas and the United States of America.
- Section 9. If any provision of this Ordinance or the application thereof to any person or circumstance shall be held to be invalid, the remainder of this Ordinance and the application of such provision to other persons and circumstances shall nevertheless be valid, and the City Council hereby declares that this Ordinance would have been enacted without such invalid provision.
- Section 10. It is officially found, determined, and declared that the meeting at which this Ordinance is adopted was open to the public and public notice of the time, place, and subject matter of the public business to be considered at such meeting, including this Ordinance, was given, all as required by Chapter 551, Texas Government Code, as amended.

Section 11. Should Governor Abbott lift the statewide disaster orders now in place prior to the date of expiration stated herein, this ordinance shall no longer be subject to enforcement by the City and shall be repealed by the City Council at the first legally posted meeting thereafter.

Section 12. A violation of the rules provided for in this Ordinance or any Order issued by the Mayor under this Ordinance is a Class C misdemeanor punishable by a fine not to exceed \$2,000.00.

Section 12. This Ordinance shall be in force and effect from its first and final passage, and any publication required by law.

PASSED, ADOPTED, and APPROVED the 15th day of April 2020.

CITY OF ROLLINGWOOD, TEXAS

By: 
Michael R. Dyson (Apr 24, 2020)


Michael R. Dyson, Mayor

ATTEST:



Ashley Wayman, City Secretary

APPROVED AS TO FORM:


Charles E Zech (Apr 27, 2020)

Denton, Navarro, Rocha, Bernal and Zech, P.C., City Attorney

EXHIBIT A: Executive Order No. GA-14 relating to statewide continuity of essential services and activities during the COVID-19 Disaster

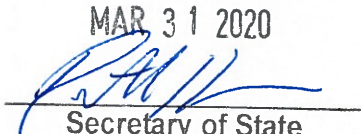


GOVERNOR GREG ABBOTT

March 31, 2020

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
2 PM O'CLOCK

MAR 31 2020


Secretary of State

The Honorable Ruth R. Hughs
Secretary of State
State Capitol Room 1E.8
Austin, Texas 78701

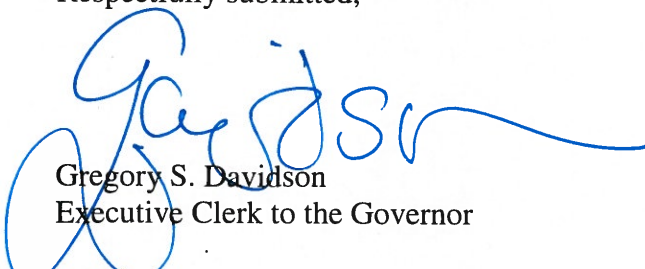
Dear Secretary Hughs:

Pursuant to his powers as Governor of the State of Texas, Greg Abbott has issued the following:

Executive Order No. GA-14 relating to statewide continuity of essential services
and activities during the COVID-19 disaster.

The original executive order is attached to this letter of transmittal.

Respectfully submitted,


Gregory S. Davidson
Executive Clerk to the Governor

GSD/gsd

Attachment

Executive Order

BY THE
GOVERNOR OF THE STATE OF TEXAS

Executive Department
Austin, Texas
March 31, 2020

EXECUTIVE ORDER GA 14

*Relating to statewide continuity of essential services and activities
during the COVID-19 disaster.*

WHEREAS, I, Greg Abbott, Governor of Texas, issued a disaster proclamation on March 13, 2020, certifying under Section 418.014 of the Texas Government Code that the novel coronavirus (COVID-19) poses an imminent threat of disaster for all counties in the State of Texas; and

WHEREAS, the Commissioner of the Texas Department of State Health Services (DSHS), Dr. John Hellerstedt, has determined that COVID-19 represents a public health disaster within the meaning of Chapter 81 of the Texas Health and Safety Code; and

WHEREAS, I have issued numerous executive orders and suspensions of Texas laws in response to the COVID-19 disaster, aimed at protecting the health and safety of Texans and ensuring an effective response to this disaster; and

WHEREAS, I issued Executive Order GA-08 on March 19, 2020, mandating certain obligations for Texans in accordance with the President's Coronavirus Guidelines for America, as promulgated by President Donald J. Trump and the Centers for Disease Control and Prevention (CDC) on March 16, 2020, which called upon Americans to take actions to slow the spread of COVID-19 for 15 days; and

WHEREAS, Executive Order GA-08 is subject to expiration at 11:59 p.m. on April 3, 2020, absent further action by the governor; and

WHEREAS, on March 29, 2020, to avoid scenarios that could lead to hundreds of thousands of deaths, the President announced that, based on advice from Dr. Anthony Fauci and Dr. Deborah Birx, the restrictive social-distancing Guidelines should extend through April 30, 2020; and

WHEREAS, DSHS Commissioner Dr. Hellerstedt and White House Coronavirus Response Coordinator Dr. Birx say that the spread of COVID-19 can be reduced by minimizing social gatherings; and

WHEREAS, on March 28, 2020, the U.S. Department of Homeland Security issued its Guidance on the Essential Critical Infrastructure Workforce, Version 2.0, which provides an advisory list of critical-infrastructure sectors, workers, and functions that should continue during the COVID-19 response; and

WHEREAS, for state agencies and their employees and agents, the Office of the Attorney General of Texas has advised that local restrictions issued in response to the COVID-19 disaster do not apply to restrict the conduct of state business; and

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
2 PM O'CLOCK

MAR 31 2020

WHEREAS, all government entities and businesses should be allowed to continue providing essential services during the COVID-19 disaster, and all critical infrastructure should be allowed to remain operational; and

WHEREAS, the “governor is responsible for meeting ... the dangers to the state and people presented by disasters” under Section 418.011 of the Texas Government Code, and the legislature has given the governor broad authority to fulfill that responsibility; and

WHEREAS, under Section 418.012, the “governor may issue executive orders ... hav[ing] the force and effect of law;” and

WHEREAS, under Section 418.016(a), the “governor may suspend the provisions of any regulatory statute prescribing the procedures for conduct of state business ... if strict compliance with the provisions ... would in any way prevent, hinder, or delay necessary action in coping with a disaster;” and

WHEREAS, under Section 418.017(a), the “governor may use all available resources of state government and of political subdivisions that are reasonably necessary to cope with a disaster;” and

WHEREAS, under Section 418.018(c), the “governor may control ingress and egress to and from a disaster area and the movement of persons and the occupancy of premises in the area;” and

WHEREAS, under Section 418.173, failure to comply with any executive order issued during the COVID-19 disaster is an offense punishable by a fine not to exceed \$1,000, confinement in jail for a term not to exceed 180 days, or both fine and confinement.

NOW, THEREFORE, I, Greg Abbott, Governor of Texas, by virtue of the power and authority vested in me by the Constitution and laws of the State of Texas, do hereby order the following on a statewide basis effective 12:01 a.m. on April 2, 2020, and continuing through April 30, 2020, subject to extension based on the status of COVID-19 in Texas and the recommendations of the CDC and the White House Coronavirus Task Force:

In accordance with guidance from DSHS Commissioner Dr. Hellerstedt, and to achieve the goals established by the President to reduce the spread of COVID-19, every person in Texas shall, except where necessary to provide or obtain essential services, minimize social gatherings and minimize in-person contact with people who are not in the same household.

“Essential services” shall consist of everything listed by the U.S. Department of Homeland Security in its Guidance on the Essential Critical Infrastructure Workforce, Version 2.0, plus religious services conducted in churches, congregations, and houses of worship. Other essential services may be added to this list with the approval of the Texas Division of Emergency Management (TDEM). TDEM shall maintain an online list of essential services, as specified in this executive order and in any approved additions. Requests for additions should be directed to TDEM at EssentialServices@tdem.texas.gov or by visiting www.tdem.texas.gov/essentialservices.

In providing or obtaining essential services, people and businesses should follow the Guidelines from the President and the CDC by practicing good hygiene, environmental cleanliness, and sanitation, implementing social distancing, and working from home if possible. In particular, all services should be provided through remote telework from

home unless they are essential services that cannot be provided through remote telework. If religious services cannot be conducted from home or through remote services, they should be conducted consistent with the Guidelines from the President and the CDC by practicing good hygiene, environmental cleanliness, and sanitation, and by implementing social distancing to prevent the spread of COVID-19.

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, massage establishments, tattoo studios, piercing studios, or cosmetology salons; provided, however, that the use of drive-thru, pickup, or delivery options for food and drinks is allowed and highly encouraged throughout the limited duration of this executive order.

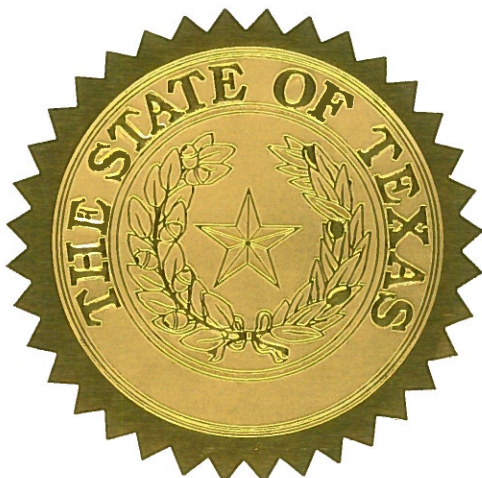
This executive order does not prohibit people from accessing essential services or engaging in essential daily activities, such as going to the grocery store or gas station, providing or obtaining other essential services, visiting parks, hunting or fishing, or engaging in physical activity like jogging 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.

In accordance with the Guidelines from the President and the CDC, people shall not visit nursing homes, state supported living centers, assisted living facilities, or long-term care facilities unless to provide critical assistance as determined through guidance from the Texas Health and Human Services Commission.

In accordance with the Guidelines from the President and the CDC, schools shall remain temporarily closed to in-person classroom attendance and shall not recommence before May 4, 2020.

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. I hereby suspend Sections 418.1015(b) and 418.108 of the Texas Government Code, Chapter 81, Subchapter E of the Texas Health and Safety Code, and any other relevant statutes, to the extent necessary to ensure that local officials do not impose restrictions inconsistent with this executive order, provided that local officials may enforce this executive order as well as local restrictions that are consistent with this executive order.

This executive order supersedes Executive Order GA-08, but not Executive Orders GA-09, GA-10, GA-11, GA-12, or GA-13, and shall remain in effect and in full force until April 30, 2020, unless it is modified, amended, rescinded, or superseded by the governor.



Given under my hand this the 31st day of
March, 2020.

A handwritten signature in black ink that reads "Greg Abbott".

GREG ABBOTT
Governor

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
2 PM O'CLOCK

MAR 31 2020

ATTESTED BY:



RUTH R. HUGHS
Secretary of State

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
2 PM O'CLOCK
MAR 31 2020

EXHIBIT B

THE RULES GOVERNING PRIVATE AND PUBLIC GATHERINGS EXTENDED BY CITY COUNCIL ORDINANCE 2020-03-25-02 ARE HEREBY SUPERSEDED BY THE FOLLOWING UPDATED RESTRICTIONS TO RESPOND TO EVOLVING CIRCUMSTANCES THAT ARE DETRIMENTAL TO THE PUBLIC HEALTH AND TO CONFORM WITH THE INTENT AND DIRECTION ASSOCIATED WITH EXECUTIVE ORDER GA-14.

Section 1. Stay at Home; Social Distancing Requirement; and Essential Businesses and Operations

- 1. Stay at home or place of residence.** With exceptions as outlined below, all individuals currently living within the City of Rollingwood are ordered to stay home or at their place of residence except as allowed in this Emergency Order, consistent with Governor Abbott's GA-14. To the extent individuals are using shared or outdoor spaces when outside their residence, they must at all times and as reasonably possible maintain Social Distancing Requirements set forth herein. All persons may leave their homes or place of residence only for Essential Activities, Essential Governmental Functions, or to operate Essential Businesses and Operations all as defined below.

Individuals experiencing homelessness are exempt from this directive, but are strongly urged to obtain shelter. Individuals whose residences are unsafe or become unsafe, such as victims of domestic violence, are permitted and urged to leave their homes and stay at a safe alternative location. For purposes of this Emergency Order, homes or residences include hotels, motels, and shared rental units, shelters, and similar facilities.

Where there is a conflict between this order as it relates to essential versus non-essential and the definitions listed by CISA and TDEM referenced by GA-14 at the links below, the interpretation of the Office of the Governor shall control:

<http://tdem.texas.gov/essentialservices/>

https://www.cisa.gov/sites/default/files/publications/CISA_Guidance_on_the_Essential_Critical_Infrastructure_Workforce_Version_2.0_Updated.pdf

- 2. Non-essential business and operations must cease.** All businesses and operations in Rollingwood, except Essential Businesses and Operations as defined below, are required to cease all activities within the City except Minimum Basic Operations, as defined below. For clarity, businesses may also continue operations consisting exclusively of employees or contractors performing activities at their own residences (i.e., working from home).

All Essential Businesses and Operations are encouraged to remain open. To the greatest extent possible, Essential Businesses and Operations shall comply with Social

Distancing Requirements as defined herein, including by maintaining six-foot social distancing for both employees and members of the public at all times, including, but not limited to, when any customers are standing in line.

3. **Prohibited activities.** All public and private gatherings of any number of people occurring outside a single household or living unit are prohibited, except for the limited purposes permitted by this Emergency Order. Pursuant to current guidance from the CDC, any gathering of more than **ten** people is prohibited unless exempted by this Emergency Order. Nothing in this Emergency Order prohibits the gathering of members of a household or residence.

All places of public amusement, whether indoors or outdoors, including but not limited to, locations with amusement rides, carnivals, amusement parks, water parks, aquariums, zoos, museums, arcades, fairs, children's play centers, playgrounds, funplexes, theme parks, bowling alleys, movie theaters, concert and music halls, and country clubs or social clubs shall be closed to the public.

All home solicitation shall cease and any existing home solicitation permits are hereby terminated.

This Emergency Order amends and supersedes the Emergency Order extended by Ordinance 373.

4. **Prohibited and permitted travel.** All travel, including, but not limited to, travel by automobile, motorcycle, scooter, bicycle, train, plane, or public transit, except Essential Travel and Essential Activities as defined herein, is prohibited. People riding on public transit must comply with Social Distancing Requirements to the greatest extent possible. This Emergency Order allows travel into or out of the City to maintain Essential Business and Operations and Minimum Basic Operations, only.
5. **Leaving the home for essential activities is permitted.** For purposes of this Emergency Order, individuals may leave their residence to perform any of the following Essential Activities:
 - a. **For health and safety.** 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 but not limited to, pets), such as, by way of example only without limitation, seeking emergency services, obtaining medical supplies or medication, or visiting a health care professional.
 - b. **For necessary supplies and services.** To obtain necessary services or supplies for themselves and their family or household members, or to deliver those services or supplies to others, such as, by way of example only and without limitation, groceries and food, household consumer products, supplies they

need to work from home, and products necessary to maintain the safety, sanitation, and essential operation of residences.

- c. **For outdoor activity.** To engage in outdoor activity, provided the individuals comply with Social Distancing Requirements, as defined below, such as, by way of example and without limitation, walking, hiking, running, or biking. Individuals may go to public parks and open outdoor recreation areas. However, playgrounds may increase spread of COVID-19, and therefor shall be closed.
 - d. **For certain types of work.** To perform work providing essential products and services at Essential Businesses or Operations (which, as defined below, includes Healthcare and Public Health Operations, Human Services Operations, Essential Government Functions, and Essential Infrastructure) or to otherwise carry out activities specifically permitted in this Emergency Order, including Minimum Basic Operations.
 - e. **To take care of others.** To care for a family member, friend, or pet in another household, and to transport family members, or pets as allowed by this Emergency Order.
 - f. **Religious Services.** If religious services cannot be conducted from home or through remote services, they should be conducted consistent with the Guidelines from the President and the CDC by practicing good hygiene, environmental cleanliness, and sanitation, and by implementing social distancing to prevent the spread of COVID-19
 - g. **Occupancy limit.** Essential service businesses may operate within an occupancy capped at 25% of the limit stated on their valid Certificate of Occupancy. Essential services business without a current Certificate of Occupancy will have their occupancy set by the City Administrator, the Building Official, and the Fire Marshal through April 30, 2020.
6. **Elderly people and those who are vulnerable as a result of illness should take additional precautions.** People at high risk of severe illness from COVID-19, including elderly people and those who are sick, are urged to stay in their residence to the greatest extent possible except as necessary to seek medical care. Nothing in this Emergency Order shall be read to contradict or prevent the state or county public health departments from issuing and enforcing isolation and quarantine orders pursuant to Chapter 81 of the Texas Health and Safety Code.

7. **Healthcare and Public Health Operations.** For purposes of this Emergency Order, individuals may leave their residence to work for or obtain services through Healthcare or Public Health Operations.

Healthcare and Public Health Operations includes, but is not limited to: hospitals; clinics; dental offices; pharmacies; public health entities, including those that compile, model, analyze and communicate public health information; pharmaceutical, pharmacy, medical device and equipment, and biotechnology companies (including operations research and development, manufacture and supply chain); organizations collecting blood, platelets, plasma, and other necessary materials; reproductive health care providers; eye care centers, including those that sell glasses and contact lenses; home healthcare services providers; mental health and substance providers; other healthcare services; and entities that transport and dispose of medical materials and remains.

Specifically included in Healthcare and Public Health Operations are manufacturers, technicians, logistics, and warehouse operators and distributors of medical equipment, personal protective equipment (PPE), medical gases, pharmaceuticals, blood and blood products, vaccines, testing materials, laboratory supplies, cleaning, sanitizing, disinfecting or sterilization supplies, and tissues and paper towel products.

Healthcare and Public Health Operations also includes veterinary care and all healthcare services provided to animals.

Healthcare and Public Health Operations shall be construed broadly to avoid any impacts to the delivery of healthcare, as broadly defined. Healthcare and Public Health Operations does not include fitness and exercise gym, spas, salons and barber shops, tattoo parlors and similar facilities.

8. **Human Services Operations.** For purposes of this Emergency Order, individuals may leave their residence to work for or obtain services at any Human Services Operations, including any provider funded by the Texas Department of Human Services, Texas Department of Children and Family Services, or Medicaid that is providing services to the public, including state-operated, institutional, or community-based settings providing human services to the public.

Human Services Operations includes, but is not limited to: long-term care facilities; day care centers, day care homes, group day care homes; residential settings and shelters for adults, seniors, children, and/or people with developmental disabilities, intellectual disabilities, substance use disorders and/or mental illness; transitional facilities; home-based settings to provide services to individuals with physical, intellectual, and/or developmental disabilities, seniors, adults, and children; field offices that provide and help to determine eligibility for basic needs including food, cash assistance, medical coverage, child care, vocational services, rehabilitation services; developmental centers; adoption agencies; businesses that provide food,

shelter, and social services, and other necessities of life for economically disadvantaged individuals, individuals with physical, intellectual, and/or developmental disabilities, or otherwise needy individuals.

Human Service Operations shall be construed broadly to avoid any impacts to the delivery of human services, broadly defined.

9. **Essential Infrastructure.** For purposes of this Emergency Order, individuals may leave their residence to provide any services or perform any work necessary to offer, provision, operate, maintain and repair Essential Infrastructure.

Essential infrastructure includes, but is not limited to; food production, distribution, and sale; construction (including, but not limited to, construction required in response to this public health emergency, hospital construction of long-term care facilities, public works construction, and housing construction); building management and maintenance; airport operations; operation and maintenance of utilities, including water, sewer, and gas; electrical (including power generation, distribution, and production of raw materials); distribution centers; oil and biofuel refining; roads, highways, railroads and public transportation; ports; cybersecurity operations; flood control; solid waste and recycling collection and removal and internet, video, and telecommunications systems (including the provision of essential global, national, and local infrastructure for computing services, business infrastructure, communications, and web-based services).

Essential Infrastructure shall be construed broadly to avoid any impacts to essential infrastructure, broadly defined.

10. **Essential Governmental Functions.** For purposes of this Emergency Order, all first responders, emergency management personnel, emergency dispatchers, court personnel, law enforcement and corrections personnel, hazardous materials responders, child protection and welfare personnel, housing and shelter personnel, military, and other governmental employees working for or to support Essential Businesses and Operations are categorically exempt from this Emergency Order.

Essential Government Functions means all services provided by the State, municipality, county, political subdivision or agency of government and needed to ensure the continuing operation of the government agencies or to provide for or support the health, safety, and welfare of the public, and including contractors performing Essential Government Functions and identified employees and/or contractors necessary to the performance of those functions.

This Emergency Order does not apply to the United States government. Nothing in this Emergency Order shall prohibit any individual from performing or accessing Essential Governmental Functions.

- 11. Businesses covered by this Emergency Order.** For the purposes of this Emergency Order, covered businesses include any for-profit, non-profit, or educational entities, regardless of the nature of the service, the function it performs, or its corporate or entity structure.
- 12. Essential Businesses and Operations.** For the purposes of this Emergency order, Essential Businesses and Operations means Healthcare and Public Health Operations, Human Services Operations, Essential Governmental Functions, and Essential Infrastructure, and the following:
- a. **Stores that sell groceries and medicine.** Grocery stores, pharmacies, certified farmers' markets, farm and produce stands, supermarkets, convenience stores, and other establishments engaged in the retail sale of groceries, canned food, dry goods, frozen foods, fresh fruits and vegetables, pet supplies, fresh meats, fish, and poultry, alcoholic and non-alcoholic beverages, and any other household consumer products (such as cleaning and personal care products). This includes stores that sell groceries, medicine, including medication not requiring a medical prescription, and also that sell other non-grocery products, and products necessary to maintaining the safety, sanitation, and essential operation of residence and Essential Businesses and Operations;
 - b. **Food, beverage, and cannabis production and agriculture.** Food and beverage, manufacturing, production, processing, and cultivation, including farming, livestock, fishing, baking, and other production agriculture, including cultivation, marketing, production and distribution of animals and goods for consumption; licensed medical and adult use cannabis dispensaries and licensed cannabis cultivation centers; and businesses that provide food, shelter, and other necessities of life for animals, including animal shelters, rescues, shelters, kennels, and adoption facilities;
 - c. **Organizations that provide charitable and social services.** Businesses and religious and secular nonprofit organizations, including food banks, when providing food, shelter, and social services, and other necessities of life for economically disadvantaged or otherwise needy individuals, individuals who need assistance as a result of this emergency, and people with disabilities.
 - d. **Media.** Newspapers, television, radio, and other media services;
 - e. **Gas stations and businesses needed for transportation.** Gas stations and auto-supply, auto-repair, and related facilities and bicycle shops and related facilities;

- f. **Financial institutions.** Banks, currency exchanges, consumer lenders, including but not limited, to payday lenders, pawnbrokers, consumer installment lenders and sales finance lenders, credit union, appraisers, title companies, financial markets, trading and future exchanges, affiliates of financial institutions, entities that issue bonds, related financial institutions, and institutions selling financial products;
- g. **Hardware supply store.** Hardware stores and businesses that sell electrical, plumbing and heating material;
- h. **Critical trades.** Building and Construction Tradesman and Tradeswomen, and other trades including but not limited to plumbers, electricians, and exterminators, cleaning and janitorial staff for commercial and governmental properties, security staff, operating engineers, HVAC, painting, moving and relocation services, and other service providers who provide services that are necessary to maintaining the safety, sanitation, and essential operation of residences, Essential Activities, and essential Businesses Operations;
- i. **Mail, post, shipping, logistics, delivery, and pick-up services.** Post offices and other businesses that provide shipping and delivery services, and businesses that ship or deliver groceries, food, alcoholic and non-alcoholic beverages, good or services to end users or through commercial channels;
- j. **Educational institutions.** Educational institutions-including public and private pre-k-12 schools, colleges, and universities-for purposes of facilitating distance learning, performing critical research, or performing essential functions provided that social distancing of six-feet per person is maintained to the greatest extent possible. This Emergency Order does not amend or supersede any statewide closure or the authority of a district to determine it will remain closed.
- k. **Laundry services.** Laundromats, dry cleaners, industrial laundry services and laundry service providers;
- l. **Restaurants for consumption off-premise.** Restaurants and other facilities that prepare and serve food, but only for consumption off-premises, through such means as in-house delivery, third-party delivery, drive-through, curbside pick-up, and carry-out. Schools and other entities that typically provide food services to students or members of the public may continue to do so under this Emergency Order on the condition that the food is provided to students or members of the public on a pick-up and takeaway basis only. Schools and other entities that provide food services under this exemption shall not permit the food to be eaten at the site where it is provided, or at any other gathering site

due to the virus's propensity to physically impact surfaces and personal property.

- m. **Supplies to work from home.** Businesses that sell, manufacture, or supply products needed for people that work from home;
- n. **Supplies for Essential Businesses and Operations.** Businesses that sell, manufacture, or supply other Essential Businesses and Operations with the support or materials necessary to operate, including computers, audio and video electronic, household appliance; IT and telecommunication equipment; hardware, paint, flat glass; electrical, plumbing and heating material; sanitary equipment; personal hygiene products; food, food additives, ingredients and components; medical and orthopedic equipment; optics and photography equipment; diagnostics, food and beverages, chemicals soaps and detergent; and firearm and ammunition suppliers and retailers for purposes of safety and security;
- o. **Transportation.** Airlines, taxis, transportation network providers (such as Uber and Lyft), vehicle rental services, paratransit, and other private, public, and commercial transportation and logistics providers necessary for Essential Activities and other purposes expressly authorized in this Emergency Order;
- p. **Home-based care and services.** Home-based care for adults, seniors, children, and/or people with developmental disabilities, intellectual disabilities, substance use disorders, and/or mental illness, including caregivers such as nannies who may travel to the child's home to provide care, and other in-home services including meal delivery;
- q. **Residential facilities.** Residential facilities and shelters for adults, seniors, children, and/or people with developmental disabilities, intellectual disabilities, substance use disorders, and/or mental illness;
- r. **Professional services.** Professional services, such as legal services, accounting services, insurance services, real estate services (including appraisal and title services);
- s. **Day care centers for those providing essential services as defined by this Emergency Order.**
- t. **Manufacturing, distribution, and supply chain for critical products and industries.** Manufacturing companies, distributors and supply chain companies producing and supplying essential products and services in and for industries such as pharmaceutical, technology, biotechnology, healthcare,

chemicals and sanitization, waste pickup disposal, agriculture, food and beverage, transportation, energy, steel and steel products, as well as products used by other Essential Businesses and Operations.

- u. **Overnight stays.** Hotels, motels, RV Parks and short term vacation rentals to the extent used for lodging associated with essential services and delivery or carry-out food services from the hotel as a component of the business.
- v. **Funeral services.** Funeral, mortuary, cremation, burial, cemetery, and related services that comply with CDC recommendations.
- w. **Gun shops and ranges.** Stores that sell or repair guns, sell ammunition or provide practice range facilities

13. Minimum Basic Operations. For the purposes of this Emergency Order, Minimum Basic Operations include the following, provided that employees comply with Social Distancing Requirements, to the extent possible, while carrying out such operations:

- a. The minimum necessary activities to maintain the value of the business's inventory, preserve the condition of the business's physical plant and equipment, ensure security, process payroll and employee benefits, or for related functions.
- b. The minimum necessary activities to facilitate employees of the business being able to continue to work remotely

14. Essential Travel. For the purposes of this Emergency Order, Essential Travel includes travel for any of the following purposes. Individuals engaged in any Essential Travel must comply with all Social Distancing Requirements as defined in this Section.

- a. Any travel related to the provision of or access to Essential Activities, Essential Governmental Functions, Essential Businesses and Operations, or Minimum Basic Operations.
- b. Travel to care for elderly, minors, dependents, persons with disabilities, or other vulnerable persons.
- c. Travel to or from educational institutions for purposes of receiving materials for distance learning, for receiving meals, and any other related service.
- d. Travel to return to a place of residence from outside the jurisdiction.

- e. Travel required by law enforcement or court order, including to transport children pursuant to a custody agreement.
- f. Travel required for non-residents to return to their place of residence outside the City.

15. Social Distancing Requirements. For purposes of this Emergency Order, Social Distancing Requirements includes maintaining at least six-foot social distancing from other individuals, washing hands with soap and water for at least twenty seconds as frequently as possible or using hand sanitizer, covering coughs or sneezes (into the sleeve or elbow, not hands), regularly cleaning high-touch surfaces, and not shaking hands.

Required measures. Essential Businesses and Operations and businesses engaged in Minimum basic Operations must take proactive measures to ensure compliance with Social Distancing Requirements, including where possible;

i. Designate six-foot distances. Designating with signage, tape, or by other means a six-foot spacing for employees and customers in line to maintain appropriate distance;

ii. Hand sanitizer and sanitizing products. Having hand sanitizer and sanitizing products readily available for employees and customers;

iii. Separate operating hours for vulnerable populations. Implementing separate operating hours for elderly and vulnerable customers; and

iv. Online and remote access. Posting online whether a facility is open and how best to reach the facility and continue services by phone or remotely.

v. Limit numbers appropriately. Where possible, discourage more than one person per family from shopping or entering a place of business by posting appropriate direction on signage.

SECTION 2.

A. Face Covering Requirements Because an infected person can transmit the COVID-19 virus to others before showing any symptoms, the covering of a person's nose and mouth is necessary to help slow the spread of the virus when leaving one's residence, all persons over the age of ten (10) shall wear some form of covering over their nose and mouth, such as a homemade mask, scarf, bandana or handkerchief, except when:

- 1) Alone in a separate single space, whether indoor or outdoor;
- 2) In the presence only of other members of one's household or residence whether inside or outside the residence;
- 3) When doing so poses a greater mental or physical health, safety or security risk;

- 4) When engaged in Outdoor Activity as defined by Section 2 below; or
- 5) For consumption purposes.

Parents and Guardians of children under 10 shall be responsible for appropriately masking children when outside their residence.

See Section 2.C. for further Guidance on Face Covering Requirements. Wearing a face covering is not a substitute for maintaining 6-foot social distancing and hand washing, as these remain important steps to slowing the spread of the virus.

B. For Outdoor Activity To engage in outdoor activity for their personal individual health, such as, by way of example and without limitation, walking, hiking, or running provided that individuals SHALL comply with the Social Distancing and Face Covering Requirements set forth in Sections 2.A and 2.C. Individuals are excepted from the face covering requirement of Section 2.A. while engaging in outdoor activity if:

- a) in separate single outdoor space;
- b) Individuals not of the same household or residence are maintaining consistent separation of six feet or more while engaging in outdoor activity;
- c) In the presence of only other members of one's household and are maintaining consistent separation of six feet or more from people not of one's household; or
- d) Doing so poses a greater mental or physical health, safety or security risk, to person or the public.

C. Face Covering Requirements. A significant percentage of individuals with the COVID-19 virus lack symptoms. Because an infected person can transmit the virus to others before showing any symptoms, the covering of a person's nose and mouth when outside your home or residence is necessary to help prevent the spread of COVID-19. This is consistent with the findings of the CDC and Austin-Travis County Health Authority.

Unless you already have your own personal used masks that cannot be donated, the fabric face coverings recommended are not surgical masks or N-95 respirators, which are critical supplies that must continue to be reserved for healthcare workers and first responders. Staying home is the best way to help reduce the spread of the virus, but if an individual must leave their place of residence, wearing a fabric face covering shall be used as outlined in this Order. **Wearing a face covering is not a substitute for maintaining 6-foot social distancing and hand washing, as these remain important steps to slowing the spread of the virus.**

The public in general and Critical Infrastructure/Essential Business employers and employees shall adhere to the following:

- a) All persons over the age of ten (10) shall wear some form of covering over their nose and mouth, such as a homemade mask, scarf, bandana or handkerchief, when:
 - 1) entering into or inside of any building open to the public;
 - 2) when using public transportation, taxis, or ride shares;
 - 3) when pumping gas; and
 - 4) outside and six feet of social distancing cannot be consistently maintained between the person and individuals outside of their household

- b) This section shall not apply to persons:
 - 1) riding in a personal vehicle;
 - 2) that are alone in a separate single space;
 - 3) that are in the presence only of other members of their household or residence;
 - 4) when doing so poses a greater mental or physical health, safety or security risk, such as anyone who has trouble breathing, or is unconscious, incapacitated or otherwise unable to remove the cover without assistance; or
 - 5) for consumption purposes

Parents and Guardians of children under 10 shall be responsible for appropriately masking children when outside their residence.

- c) All COVID-19 Positive Individuals, Suspected Positives, those currently being tested, and untested individuals with cough and/or fever, and household members of same category of individuals shall not leave their residence without a mask or cloth face covering to prevent the spread to others.

- d) All individuals working for a business defined as Essential Business and Operations in Section 12 of Exhibit A of this Order should wear a mask or cloth face covering whenever in public and whenever performing job duties in the presence of others.

- e) The fabric face covering should:
 - 1) fit snugly but comfortably against the side of the face;
 - 2) be secured with ties or ear loops;
 - 3) include multiple layers of fabric;
 - 4) allow for breathing without restriction;
 - 5) be able to be laundered and machine dried without damage or change to shape;
 - 6) even with the use of appropriate face coverings, individuals shall maintain 6 feet of social distancing whenever possible;
 - 7) individuals should avoid touching their face and should wash their hands or use hand sanitizer









Ordinance 2020-04-15-05 Revised Emergency Power Ordinance Post GA-14 Final with Exhibit A and B

Final Audit Report

2020-04-27

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