

**ORDINANCE NO. 2020-4197**

**ORDINANCE MANDATING FACE COVERINGS  
FOR COMMERCIAL ENTITIES**

**WHEREAS**, on March 17, 2020, the Mayor of College Station issued a proclamation declaring a state of disaster for the City of College Station resulting from the threat of a public health emergency resulting from coronavirus disease 2019, now designated SARS-CoV2, (COVID-19); and

**WHEREAS**, on March 18, 2020, the Mayor of College Station issued an order closing all bars, limiting restaurants to only take-out, drive-through, or delivery services and amended the declaration to limit gatherings to less than ten (10) people in the best interest of the public health, safety and welfare to protect life in College Station in response to COVID-19; and

**WHEREAS**; on March 23, 2020, the College Station City Council adopted an Extension of Disaster Ordinance with Ordinance No. 2020-4164 extending the March 17, 2020, Disaster Declaration and extending the Mayor's Order of March 18, 2020; and

**WHEREAS**, on March 23, 2020, the Mayor of College Station issued a Second Mayoral Order mandating the citizens of College Station to shelter in place until Tuesday, April 7, 2020; and

**WHEREAS**; on March 30, 2020, the College Station City Council consented with Ordinance No. 2020-4166 to the Second Mayoral Order of March 23, 2020, mandating the citizens of College Station to shelter in place until Tuesday, April 7, 2020; and

**WHEREAS**; on April 21, 2020, the Mayor of College Station issued a proclamation pursuant to §418.014 of the Texas Government Code renewing the state of disaster proclaimed by the Mayor on March 17, 2020, the order and amended disaster declaration proclaimed by the Mayor on March 18, 2020, both consented to and extended by the City Council on March 2<sup>3</sup>, 2020, in Ordinance No. 2020-4164; and

**WHEREAS**; on April 23, 2020, the College Station City Council consented with Ordinance 2020-4169 to the Mayor's April 21, 2020, Disaster Declaration Renewal; and

**WHEREAS**; on May 22, 2020, the Mayor of College Station issued a proclamation pursuant to §418.014 of the Texas Government Code renewing the state of disaster proclaimed by the Mayor on March 17, 2020, and April 21, 2020; and

**WHEREAS**; on May 28, 2020, the College Station City Council consented with Ordinance 2020-4181 to the Mayor's May 22, 2020, Disaster Declaration Renewal; and

**WHEREAS**; on June 22, 2020, the Mayor of College Station issued a proclamation pursuant to §418.014 of the Texas Government Code renewing the state of disaster proclaimed by the Mayor on March 17, 2020, April 21, 2020, and May 22, 2020; and

**WHEREAS;** on June 25, 2020, the College Station City Council consented with Ordinance 2020-4195 to the June 22, 2020, Disaster Declaration Renewal; and

**WHEREAS,** on June 25, 2020, the Mayor of College Station issued a Third Mayoral Order mandating commercial entities to require face coverings from: 6:00 A.M., Monday, June 29, 2020, and ending at 11:59 P.M., Friday, July 10, 2020; and

**WHEREAS,** said state of disaster requires that certain emergency measures be taken pursuant to the Texas Government Code, Chapter 418; and the following regulations shall take effect immediately upon issuance, and shall remain in effect until the state of disaster is terminated or as stated below; and

**WHEREAS,** the conditions necessitating declaration of a state of disaster and mayoral orders continue to exist; and

**WHEREAS,** said state of disaster requires that certain emergency measures be taken pursuant to the Texas Government Code, Chapter 418; and the following regulations shall take effect immediately upon issuance, and shall remain in effect until the state of disaster is terminated or as stated below; and

**NOW THEREFORE, BE IT ORDERED BY THE CITY COUNCIL OF COLLEGE STATION:**

1. That Order Number Three Under Mayoral Declaration of Local State of Disaster Due to Public Health Emergency proclaimed by the Mayor on June 25, 2020, is adopted as set out in **Exhibit A** and as amended below, and shall continue until terminated by the College Station City Council or until the Local State of Disaster is terminated, whichever occurs earlier.
2. That Order Number Three Under Mayoral Declaration of Local State of Disaster Due to Public Health Emergency Section 12 shall be amended to state “Section 12. This Order shall continue until terminated by the City Council or until the Local State of Disaster is terminated, whichever occurs earlier.”
3. This ordinance is passed as an emergency measure and pursuant to local authority for emergency measures and shall become effective immediately.

**PASSED AND ADOPTED, this 9<sup>th</sup> day of July, 2020.**

**APPROVED:**

  
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**Mayor**

**ATTEST:**

  
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**City Secretary**

**APPROVED:**

  
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**City Attorney**

**EXHIBIT A**

**JUNE 25<sup>TH</sup> MAYORAL ORDER NUMBER THREE  
DUE TO PUBLIC HEALTH EMERGENCY  
MANDATING FACE COVERINGS FOR COMMERCIAL ENTITIES**



**MAYORAL ORDER NUMBER THREE  
DUE TO PUBLIC HEALTH EMERGENCY  
MANDATING FACE COVERINGS FOR COMMERCIAL ENTITIES**

**WHEREAS**, on March 17, 2020, the Mayor of College Station issued a proclamation declaring a state of disaster for the City of College Station resulting from the threat of a public health emergency resulting from coronavirus disease 2019, now designated SARS-CoV2, (COVID-19); and

**WHEREAS**, on March 18, 2020, the Mayor of College Station issued an order closing all bars, limiting restaurants to only take-out, drive-through, or delivery services and amended the declaration to limit gatherings to less than ten (10) people in the best interest of the public health, safety and welfare to protect life in College Station in response to COVID-19; and

**WHEREAS**; on March 23, 2020, the College Station City Council adopted an Extension of Disaster Ordinance with Ordinance No. 2020-4164 extending the March 17, 2020 Disaster Declaration and extending the Mayor's Order of March 18, 2020; and

**WHEREAS**, on March 23, 2020, the Mayor of College Station issued a Second Mayoral Order mandating the citizens of College Station to shelter in place until Tuesday, April 7, 2020; and

**WHEREAS**; on March 30, 2020, the College Station City Council consented to Second Mayoral Order of March 23<sup>rd</sup> mandating the citizens of College Station to shelter in place until Tuesday, April 7, 2020; and

**WHEREAS**, on April 21, 2020, the Mayor of College Station issued Declaration Renewing the Disaster Declaration of March 17<sup>th</sup> and March 18<sup>th</sup> Order and Amended Declaration; and

**WHEREAS**; on April 23, 2020, the College Station City Council consented to the April 21, 2020 Disaster Declaration Renewal with Ordinance 2020-4169; and

**WHEREAS**, on May 22, 2020, the Mayor of College Station issued Declaration Renewing the Disaster Declarations of March 17<sup>th</sup> and of April 21<sup>st</sup>; and

**WHEREAS**; on May 28, 2020, the College Station City Council consented to the May 22, 2020 Disaster Declaration Renewal with Ordinance 2020-4181; and

**WHEREAS**; on June 22, 2020 the Mayor of College Station issued Declaration Renewing the Disaster Declaration of March 17, 2020, April 21, 2020, and May 22, 2020; and

**WHEREAS;** on June 25, 2020, the College Station City Council consented to the June 22, 2020 Disaster Declaration Renewal with Ordinance 2020-4195; and

**WHEREAS,** because of the risk of the rapid spread of the COVID-19, the need to protect the most vulnerable members of the community, and the desire to slow the spread of COVID-19 to the maximum extent possible, this Order is required; and

**WHEREAS,** this Order is issued based on evidence of increasing occurrence of COVID-19 within the City and throughout the Brazos Valley, scientific evidence and best practices regarding the most effective approaches to slow the transmission of communicable diseases generally and COVID-19 specifically, and evidence that the age, condition, and health of a significant portion of the City's population is at risk for serious health complications, including death, from COVID-19; and

**WHEREAS,** some people contracting COVID-19 have no symptoms or have mild symptoms, which means those people may not be aware they are carrying the virus is making the spread of COVID-19 worse; and

**WHEREAS,** the Governor of Texas has acknowledged that cities may need to enact more stringent measures to address this public health emergency; and

**WHEREAS,** said state of disaster requires that certain emergency protective measures be taken pursuant to the Texas Disaster Act of 1975 relating to Emergency Management and Public Health, pursuant to Chapter 418 of the Texas Government Code and the following regulations shall take effect on the effective date, and shall remain in effect until the state of disaster is terminated or as stated below; and

**NOW THEREFORE, BE IT ORDERED BY THE MAYOR OF THE CITY OF COLLEGE STATION:**

**SECTION 1.** That I, Karl Mooney, Mayor of the City of College Station, have determined that extraordinary and immediate measures must be taken to respond quickly to prevent and slow down community spread of COVID-19.

**SECTION 2. HEALTH AND SAFETY POLICY - COMMERCIAL ENTITIES.**

- a. From this Order's effective date, every commercial entity in the City of College Station providing goods or services directly to the public must develop and implement a health and safety policy ("Health and Safety Policy").
- b. The Health and Safety Policy must require, at a minimum, that every employee or visitor to the commercial entity's business premises or other facilities wear a face covering over their nose and mouth, according to the CDC guidelines, when in an undivided room or area with coworkers or the public or while performing an activity which necessarily involves or

is reasonably likely to involve close proximity to coworkers or the public such that six feet of separation is not feasible.

- c. The Health and Safety Policy required to be developed and implemented by this Order may also include the implementation of other mitigating measures designed to control and reduce the transmission of COVID-19, such as temperature checks or health screenings.
- d. The commercial entity must post the Health and Safety Policy required by this Order in a conspicuous location sufficient providing notice to employees and visitors of its Health and Safety Policy.
- e. Failure to develop, conspicuously place, and implement the Health and Safety Policy required by this Order after its passage may result in a fine not to exceed \$1,000.00. Each day for which a Health and Safety Policy is not developed, conspicuously placed, and implemented shall be a separate offense.
- f. This Order does not apply to and it is a defense to prosecution that the commercial entity operated a restaurant or bar and did not require a patron to wear a face covering while eating or drinking when the patron was at least six feet away from persons not in his or her party.

### **SECTION 3. FACE COVERINGS - GENERAL PUBLIC.**

- a. **CDC Guidelines.** All persons 10 years or older must wear a face covering, according to the CDC guidelines, over their nose and mouth when in a public place where it is difficult to keep six feet away from other people or working in areas that involve close proximity with coworkers. The CDC advises face coverings for people 2 years or older. Face coverings may include homemade masks, scarfs, bandanas, or handkerchiefs. City of College Station residents should continue maintaining social distancing of at least six feet while outside their homes.
- b. **City Employees.** All City of College Station employees are required to wear face coverings under the same circumstances as the general public.
- c. **MEDICAL MASKS. IT IS STRONGLY RECOMMENDED THAT YOU NOT OBTAIN OR WEAR MEDICAL MASKS OR N-95 RESPIRATORS AS THEY ARE A NEEDED RESOURCE FOR HEALTH CARE PROVIDERS AND FIRST RESPONDERS.** Our healthcare workers and first responders on the frontlines combating COVID-19 must have priority access to medical masks or other personal protective equipment.
- d. **Mitigation Efforts.** Face coverings are a secondary strategy to other mitigation efforts. Face coverings are not a replacement for social distancing, frequent handwashing, quarantining, and self-isolation when sick. People should follow CDC recommendations for how to wear and take off a face covering. People should maintain the following habits

while in public: washing hands before you leave home and when you return, staying at least six feet away from others, avoiding touching nose or face, not using disposable masks more than three times, and washing reusable cloth masks regularly to prevent the spread of the COVID-19.

**SECTION 4. FACE COVERINGS DO NOT NEED TO BE WORN IN THE FOLLOWING CIRCUMSTANCES:**

- a. When exercising outside or engaging in physical activity outside;
- b. When driving alone or with passengers who are part of the same household as the driver;
- c. When doing so poses a greater mental or physical health, safety, or security risk;
- d. When pumping gas or operating outdoor equipment;
- e. While in a building or participating in an activity that requires security surveillance, screening, or identification, for example, banks;
- f. When consuming food or drink; or
- g. When receiving a service where a face covering would impair the service.

**SECTION 5. LARGE BUSINESSES OR RETAILERS.** Large Businesses or Retailers are encouraged to establish special or designated shopping times for people who are considered high-risk for contracting COVID-19.

**SECTION 6.** To the greatest extent possible, this Order shall be interpreted as consistent with and supplemental to any executive order issued by the Governor of Texas. All provisions of the executive orders of the Governor of Texas either existing or subsequently issued, and which are made applicable to all jurisdictions by law, shall be automatically incorporated into and constitute terms of this Order, and shall be enforceable as if set forth herein without the necessity for the issuance of any further orders.

**SECTION 7.** Consistent with the Governor's Executive Order GA-26, no civil or criminal penalty shall be imposed on individuals for failure to wear a face covering and in accordance with the limitations contained in the Governor's executive orders, any peace officer, code enforcement officer, health official, or other person with lawful authority is hereby authorized to enforce the provisions of this Order in accordance with the authority granted under the Texas Disaster Act of 1975.

All provisions of this Order should be interpreted to effectuate this intent.

**SECTION 8.** Failure to comply with any of the provisions of this Order constitutes an imminent threat to public health.

**SECTION 9.** A violation of this order shall be a fine of not less than one dollar (\$1.00) and no more than one thousand dollars (\$1,000.00), and each day a violation exists shall be a separate offense. This Order also authorizes the use of any other lawfully available enforcement tools.

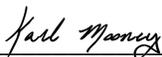
**SECTION 10.** That this Order shall be given prompt and general publicity and filed with the City Secretary. The City of College Station must promptly provide copies of this Order by posting it on the City of College Station website. In addition, the owner, manager, or operator of any commercial entity or facility that is likely to be impacted by this Order is strongly encouraged to post a copy of this Order onsite and to provide a copy to any member of the public asking for a copy.

**SECTION 11.** 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 or applications of this Order.

**SECTION 12. THIS ORDER REMAINS IN EFFECT FROM: 6:00 A.M., MONDAY, JUNE 29, 2020, AND ENDS AT 11:59 P.M., FRIDAY, JULY 10, 2020.**

**ORDERED** this 25<sup>th</sup> day of June, 2020.

**APPROVED:**

  
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**Mayor**

**ATTEST:**

  
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**City Secretary**

**APPROVED:**

  
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**City Attorney**

## EXAMPLE HEALTH AND SAFETY POLICY

COVID-19 can be spread to others by infected persons who have few or no symptoms. It is this business's policy because of the hidden nature of this threat to require the following:

- 1. FACE COVERING REQUIRED IN ORDER TO ENTER AND REMAIN ON PREMISES.** All persons over the age of ten (10), including employees, customers, visitors, invitees and contractors ("Patrons"), who enter this business must wear a face covering over their nose and mouth, such as a homemade mask, scarf, bandana, or handkerchief. **FACE COVERINGS DO NOT NEED TO BE WORN IN THE FOLLOWING CIRCUMSTANCES:**
  - a. When exercising outside or engaging in physical activity outside;
  - b. When driving alone or with passengers who are part of the same household as the driver;
  - c. When doing so poses a greater mental or physical health, safety, or security risk;
  - d. When pumping gas or operating outdoor equipment;
  - e. While in a building or participating in an activity that requires security surveillance, screening, or identification, for example, banks;
  - f. When consuming food or drink; or
  - g. When receiving a service where a face covering would impair the service.
- 2. SOCIAL DISTANCING PROTOCOLS.** Even with the use of appropriate face coverings, individuals should maintain six (6) feet of social distancing whenever possible.
  - a. Employees should not work within six (6) feet of one another, except to the extent necessary to provide services.
  - b. Patrons should maintain six (6) feet of separation from other individuals outside their household, to the extent feasible when inside the business premises.
  - c. Patrons queuing or waiting inside or on the premises of the business must maintain six (6) feet of separation from other individuals outside their household.
- 3. VIOLATIONS.** Patrons who do not wear a face covering will be asked to leave the premises and will not be provided goods or services until the face covering requirements are followed.
- 4. NOTICE AND SIGNAGE.** Notice of this Health and Safety Policy will be posted in a conspicuous location of the business.