

ORDINANCE NO. 20-07-02-21

**CITY COUNCIL OF THE CITY OF CORINTH, TEXAS
THIRD DECLARATION OF LOCAL DISASTER
FOR PUBLIC HEALTH EMERGENCY;
PROVIDING A PENALTY FOR VIOLATIONS HEREOF AGAINST
INDIVIDUALS IN AN AMOUNT NOT TO EXCEED \$250.00 UPON SECOND
VIOLATION AFTER WARNING AND AGAINST COMMERCIAL ENTITIES
NOT TO EXCEED \$1000.00 FOR EACH VIOLATION, PROVIDING FOR
PUBLICATION AND PROVIDING AN EFFECTIVE DATE.**

WHEREAS, beginning in December 2019, Coronavirus Disease (COVID-19), has spread throughout the world and has now been declared a global pandemic by the World Health Organization; and

WHEREAS, on March 13, 2020, Texas Governor Greg Abbott declared a statewide public health disaster due to COVID-19; and

WHEREAS, pursuant to Section 37.08, "Organization", of Chapter 37, "Emergency Management", of Title III, "Administration", of the City of Corinth's Code of Ordinances, the Mayor serves as the Emergency Management Director of the City's Office of Emergency Management; and

WHEREAS, the Mayor determined it necessary to declare a local state of disaster due to public health emergency, and rather than exercising his authority to issue a declaration of local disaster for a seven-day period and seek extension or continuation by City Council, the Mayor presented Ordinance No. 20-04-02-08 to the City Council to take effect at 10:59 p.m. on April 2, 2020 and to remain in effect until the Mayor declares the emergency terminated; and

WHEREAS, the known cases of COVID-19 diagnosed in the State of Texas are currently increasing daily and the disease is easily transmitted through person to person contact, especially in group settings, thus, it is essential that the spread of the virus be slowed to protect members of the public, to protect the ability of public and private health care providers to handle the influx of new patients and to safeguard public health and safety; and

WHEREAS, on June 2, 2020, the Denton County Commissioner's Court issued an executive order extending Denton County's state of public disaster due to COVID-19; and

WHEREAS, on June 26, 2020, in response to the current rise in COVID-19 cases in Texas, Governor Abbott issued Executive Order GA-28 relating to Phase III of the Governor's plan to re-open Texas; and

WHEREAS, the City of Corinth has the authority to issue an order that is not inconsistent with the Governor's order; and

WHEREAS, in order to be consistent with other state and local directives issued by Governor Abbott and Denton County, and to address the current increase in COVID cases, the Council has

determined it necessary to adopt this Third Council Declaration of Local Disaster (hereinafter “Third Council Declaration”); and

WHEREAS, this Third Council Declaration shall take effect at 12:01 a.m. on July 2, 2020 and shall remain in effect until the Mayor declares the emergency terminated or other applicable state or local orders or directives are issued, at which time the Mayor shall have the authority to suspend any one or more of the provisions of this Third Council Declaration; and

WHEREAS, Governor Greg Abbott issued Executive Order GA-29 on July 2, 2020 (GA-29), and GA-29 went into effect in the State of Texas on July 3, 2020 at 12:01 p.m., and renewed the authorization for local law enforcement to enforce violations against individuals after providing a verbal or written warning; and

WHEREAS, the Council has determined that this July 2, 2020 Third Council Declaration is necessary for the public health, safety and welfare of the citizens of Corinth, Texas.

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

SECTION 1. INCORPORATION OF PREMISES.

- 1.01. Recitals. The premises set forth above are the stated findings of the City Council of the City of Corinth, serve as the basis for and are incorporated into this Declaration as if written word for word.
- 1.02. Executive Orders of Governor Abbott. All Executive Orders issued by Governor Abbott since the adoption of the June 26, 2020 and July 2, 2020 Executive Orders and that are issued subsequent to the date of adoption of this Third Council Declaration shall automatically amend this July 2, 2020, Third Council Declaration as required by law and/or such Order.
- 1.03. The Corinth County Disaster Declaration and Executive Order. All Declarations and Orders of the Denton County Judge, that are issued subsequent to the date of adoption of this July 2, 2020 Third Council Declaration shall automatically amend this Third Council Declaration as required by law and/or such Order.

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

2.01. Commercial Entities.

- a. From this Order’s effective date, every commercial entity in the City of Corinth 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.

2.02. Individuals – Executive Order GA-29 Adopted.

Pursuant to Executive Order 29 issued by Governor Greg Abbott on July 2, 2020 and incorporated in to this Ordinance, every person shall wear a face covering over their nose and mouth when inside a commercial entity or other building or space that is open to the public, or when in an outdoor public space, wherever it is not feasible to maintain six (6) feet of social distancing from another person not in the same household; provided however, that this face covering requirement shall not under any one or more of the circumstances set forth in Section 4 of this Ordinance. All persons attending a protest or demonstration involving more than ten (10) people who and who are not practicing safe social distancing of six feet from other people not in the same household shall comply with the face covering requirements set forth in GA-29 and set forth in this Ordinance.

SECTION 3. FACE COVERINGS - GENERAL PUBLIC.

- a. **General Public. 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 building or other space open to the public place in accordance with Section 2.02 of this Ordinance. The CDC advises face coverings for people 2 years or older. Face coverings may include homemade masks, scarfs, bandanas, or handkerchiefs. City of Corinth residents should continue maintaining social distancing of at least six feet while outside their homes and shall wear masks as required by this Ordinance and GA-29.

- b. **City Employees.** All City of Corinth 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, this Ordinance and GA-29 for when face coverings must be worn. 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. Any person younger than ten (10) years of age;
- b. Any person with a medical condition or disability that prevents wearing a face covering;
- c. Any person while the person is consuming food or drink, or is seated at a restaurant to eat or drink;
- d. When exercising outside or engaging in physical activity outside and maintaining a safe distance from other people not in the same household;
- e. Any person obtaining a service that requires the temporary removal of the face covering for security surveillance, screening, or a need for specific access to the face, such as while visiting a bank or when obtaining personal care service involving the face, but only to the extent necessary for the temporary removal;
- f. Any person while the person is in a swimming pool, lake, or similar body of water;
- g. Any person who is voting, assisting a voter, serving as a poll watcher, or actively administering an election, but wearing a face covering is strongly encouraged;
- h. Any person who is actively obtaining access to religious worship, but wearing a face covering is strongly encouraged;
- i. Any person while giving a speech for a broadcast or to an audience;
- j. When driving alone or with passengers who are part of the same household as the driver;
- k. When doing so poses a greater mental or physical health, safety, or security risk; or
- l. When pumping gas or operating outdoor equipment.
- m. When receiving a service where a face covering would impair the service.

The list of exclusions provided in this Section shall be automatically amended by the additional order of Governor Abbott adding to the list of people excluded from the face covering.

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-29, no local law enforcement or other official may detain, arrest, or confine in jail any person for a violation of this ordinance or GA-29 or for related non-violent, non-felony offenses that are predicated on a violation of this Ordinance or GA-29; provided however, that law enforcement or any official with authority to enforce this Ordinance and GA-29 may act to enforce trespassing laws and remove violators at the request of a business establishment or other property owner. 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. PENALTY. A violation of this order by a commercial entity pursuant to Section 2.01 above 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, except where expressly prohibited by GA-29.

A second violation of this Ordinance by an individual pursuant to Section 2.02 hereof and to whom an exception does not apply pursuant to Section 4, shall subject such person to a fine not to exceed TWO HUNDRED AND FIFTY AND NO/100 DOLLARS (\$250.00), provided that the person has received one (1) prior verbal or written warning for violating the face-covering requirement of this Ordinance. The receipt of at least one (1) prior written or verbal warning for a violation of this Ordinance is a condition precedent to prosecution of the person for the second offense as authorized by GA-29 for enforcement by local law enforcement.

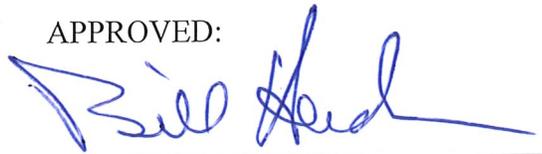
SECTION 10. PUBLICATION. Pursuant to applicable law, this Third Council Declaration of Local State of Disaster shall be given prompt and general publicity and shall be filed promptly with the City Secretary.

SECTION 11. SEVERABILITY. If any subsection, sentence, clause, phrase, or word of this Ordinance or 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 applications of this Ordinance. This Ordinance approves and ratifies all actions taken in response to COVID-19 prior to its adoption.

SECTION 12. CONTINUATION AND EFFECTIVE DATE. The emergency powers herein provided shall be exercised only to the extent made necessary by the nature of the emergency and during the continuation of the state of emergency. This Ordinance shall become effective immediately at 12:01 a.m. on July 2, 2020.

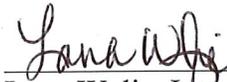
**DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF CORINTH
THIS 2nd DAY OF JULY 2020.**

APPROVED:



Bill Heidemann, Mayor

ATTEST:



Lana Wylie, Interim City Secretary

APPROVED AS TO FORM:



Patricia A. Adams, 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.