

**STAY HOME-WORK SAFE ORDER
OF THE MAYOR OF THE CITY OF NEW BRAUNFELS
RELATED TO THE NOVEL CORONAVIRUS 2019 (“COVID-19”)
DATE ISSUED: MARCH 24, 2020**

WHEREAS, on March 13, 2020, President Trump declared a National State of Emergency under the Stafford Act to combat the growing COVID-19 pandemic in the United States; and

WHEREAS, on March 13, 2020, Governor Greg Abbott declared a State of Disaster for all 254 Counties in the State of Texas; and

WHEREAS, on March 18, 2020, Comal County Judge Sherman Krause declared a local disaster due to a public health emergency; and

WHEREAS, on March 19, 2020, the Texas Commissioner of Public Health issued a Declaration of Public Health Disaster in the State of Texas, that provides recommendations such as limiting public outings unless essential as defined in the Declaration; and

WHEREAS, on March 17, 2020, I, Mayor of the City of New Braunfels, under the authority of state law, city charter, and local ordinance, issued a Declaration of Local State of Disaster in response to this public health emergency, that was extended by the City Council on March 23, 2020; and

WHEREAS, I, Mayor of the City of New Braunfels, issued an Order on gatherings and business operations that took effect March 19, 2020, at 11:59 PM, and issued an Amended Order on March 22, 2020, effective at 11:59 PM; and

WHEREAS, on March 22, 2020, the Governor issued a second Executive Order that addressed taking measure to prevent the depletion of hospital capacity and personal protective equipment by elective surgeries and procedures; and

WHEREAS, because of the risk of the rapid spread of the virus, the need to protect the most vulnerable members of the community, the intent to ensure that the maximum number of people self-isolate in their places of residence to the maximum extent feasible, while enabling essential services to continue, 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 state, 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 population of the City places it at risk for serious health complications, including death, from COVID-19; and

WHEREAS, the confirmed cases of COVID-19 in the City of New Braunfels are thus far all travel related, which underscores the importance of this Stay Home-Work Safe Order; and

WHEREAS, pursuant to the Texas Disaster Act of 1975, the Mayor is designated as the Emergency Management Director of the City of New Braunfels and may exercise the powers granted to the Governor of Texas on an appropriate local scale.

NOW, THEREFORE, BE IT ORDERED BY THE MAYOR OF THE CITY OF NEW BRAUNFELS, TEXAS, PURSUANT TO THAT AUTHORITY GRANTED IN ACCORDANCE WITH THE DECLARATION OF A LOCAL STATE OF DISASTER DATED MARCH 17, 2020, AND CHAPTER 418.108 OF THE GOVERNMENT CODE AND CHAPTER 122.006 OF THE HEALTH AND SAFETY CODE THAT:

Section 1. **Findings.** The findings and recitations set out in the preamble to the Order are found to be true and correct and they are hereby adopted by the Mayor and made part of this Order for all purposes.

Section 2. **Declaration.** A Local State of Disaster and public health emergency has been declared for the City of New Braunfels.

Section 3. **Stay Home-Work Safe Order.**

Effective March 25, 2020, at 11:59 PM, by this Stay Home-Work Safe Order, I hereby Order The following:

1. Stay Home-Work Safe:

a. All individuals living in the City of New Braunfels are ordered to stay at home consistent with the direction and guidance in this Order. If individuals are using shared or outdoor spaces outside their home or engaged in Exempted Activities or Exempted Businesses, then they must maintain social distancing of at least six feet from any other person. All persons may leave their residences only for Exempted Activities, or to provide or perform Governmental Functions, or to operate Exempted Businesses, all as defined in Section 2.

b. All businesses operating within New Braunfels, except Exempted Businesses, are considered non-essential businesses and are required to stop operations, unless operations can be conducted from home. Minimum Basic Operations may be conducted as long as the business uses only the minimum number of employees that are absolutely necessary to conduct the work permitted in (i) and (ii) below; and the individuals comply with the Social Distancing Requirements in paragraph (f) below, while carrying out such operations:

i. The minimum necessary activities to maintain the value of the business's inventory, ensure security, process payroll and employee benefits, or for related functions; and

- ii. The minimum necessary activities to facilitate employees of the business being able to continue to work remotely from their residences.
- c. All public or private gatherings occurring outside a single household or single-family living unit are prohibited unless specifically exempted under this Order. Members of a household or single-family living unit may gather.
- d. Restaurants, prepared food retailers, microbreweries, micro-distilleries, or wineries may only provide room service, take out, delivery, drive-in, or drive-through services consistent with state and local laws. Any food establishment that provides services under this section must adhere to social distancing requirements for any food preparation, waiting area or queue.
- e. Hospitals, surgical centers, and healthcare providers must follow the Executive Order issued by Greg Abbott, Governor of the State of Texas and are strongly urged to follow the non-essential procedures guidance issued by the Centers for Medicare & Medicaid services, and American College of Surgeons.
- f. Social Distancing Requirements. People shall not be within six (6) feet of one another for extended periods. For the purposes of this Order, “extended periods” refers to more than incidental or momentary passing.
- g. For the purposes of this Order, covered businesses include any for-profit, non-profit, or educational entities, regardless of the nature of the service, the function they perform, or its corporate or entity structure.

2. Definitions:

a. The following are Exempted Activities:

- i. Health and Safety Activities: Activities related to maintaining the health and safety of the individual or their family or household members and pets, for example, obtaining medical supplies or medication, visiting a health care professional, or obtaining supplies need to work from home. This includes activity to care for a family member or pet in another household.
- ii. Necessary Supplies: Activity to obtain or purchase necessary services or supplies for themselves and their family or household members and pets, or to deliver those services or supplies to others. For example, to purchase or obtain food, pet supply, and any other household consumer products, and products necessary to maintain the safety, sanitation, and operation of residences.

iii. Outdoor Activity: Activity in an outdoor open space, such as walking, biking, hiking, or running, as long as individuals comply with social distancing requirements of six feet.

iv. Work for Exempted Business: Activity to perform work for Exempted Business or to otherwise carry out activities specifically allowed in this Order.

b. For purposes of this Order, Exempted Businesses means:

i. Health Care Services. Business tied to the providing or delivering of healthcare services. For example:

1. hospitals, clinics, dentists, pharmacies, pharmaceutical and biotechnology companies, other healthcare facilities, including veterinary services,

2. healthcare suppliers, home healthcare services providers, mental health providers, substance abuse providers,

3. blood banks, medical research, or any related and/or ancillary healthcare services, veterinary care provided to animals.

4. Home-based care for seniors, adults, or children. Residential facilities and shelters for seniors, adults, and children. Healthcare operations do not include fitness and exercise gyms and similar facilities.

ii. Government Functions. Business activity related to the operations or services provided by government for the continuing operation of the government agencies to provide for the health, safety and welfare of the public. For example, public safety, solid waste collection, and utility operations.

iii. Education and Research. Educators or other personnel supporting public and private K-12 schools, colleges, and universities for purposes of facilitating distance learning or performing other functions in support of Exempted Activities and Exempted Businesses.

iv. Infrastructure. Businesses related to public works construction, construction of housing, commercial construction, airport operations, water, sewer gas, electrical, oil refining, roads and highways, and public transportation.

v. Transportation. Business related to the operation, maintenance, construction, and manufacture of transportation services. For example:

1. Vehicle manufacturers, automotive suppliers, car dealerships, parts distribution, maintenance and repair facilities
2. Public transportation
3. Businesses supporting airport operations
4. Street and highway maintenance and construction
5. Gas stations and other fuel distribution businesses
6. Vehicles for hire including taxis and rideshare

vi. IT Services: Activity to provide or maintain internet, and telecommunications systems including the provision of essential global, national, and local infrastructure for computing services, business infrastructure communications, and web-based services.

vii. Food, Household Staples Retail. Food service and food distribution providers including grocery stores, warehouse stores, big-box stores, liquor stores, bodegas, gas stations, and farmers' markets that sell food products and household staples. Businesses that ship or deliver groceries, food, goods or services directly to residences or provide for pick-up options. The restriction of delivery or carry out does not apply to cafes and restaurants located within hospital and medical facilities. Schools and other entities that typically provide free services to students or members of the public on a pick-up/take-away basis may continue. Laundromats, dry cleaners, and laundry service providers and businesses that supply products needed for people to work from home are included in Household Staples Retail.

viii. Services for Economically Disadvantaged Populations. Businesses that provide food, shelter, and social services, and other necessities of life for economically disadvantaged or other vulnerable populations.

ix. Services to Maintain Operations of Residences or Support Exempted Businesses.

1. Hotels and other temporary residence facilities;
2. Trash and recycling collection, processing and disposal;
3. Mail and shipping services, building cleaning and maintenance, auto repair, warehouse/distribution and fulfillment, and storage for essential businesses;

4. Plumbers, electricians, exterminators, moving services and other service providers who provide services to maintain the safety, sanitation, and operations of residences;
5. Professional services, such as legal or accounting services, when necessary to assist in compliance with legally mandated activities, such as filing of taxes; and
6. Businesses that supply other essential businesses with the support or supplies necessary to operate such as a chamber of commerce.

x. Comal County Appraisal District.

xi. News Media. Newspapers, television, radio, and other media services.

xii. Financial Institutions. Banks, credit unions, insurance companies and other financial institutions including pawn shops and payday lenders.

xiii. Childcare Services. License childcare facilities, organizations, or individuals providing childcare services. To the extent possible, childcare facilities must operate under the following mandatory conditions:

1. Childcare must be carried out in stable groups of 10 or fewer (“stable” means that the same 10 or fewer children are in the same group each day).
2. Children shall not change from one group to another.
3. If more than one group of children is cared for at one facility, each group shall be in a separate room. Groups shall not mix with each other.
4. Childcare providers shall remain solely with one group of children.

xiv. Worship Services. Religious and worship services may only be provided by video, teleconference or other remote measures.

xv. Funeral Services. For example, funeral homes, crematoriums and cemeteries.

3. To facilitate delivery for activity allowed under this Order, all delivery hour restrictions related to the selling or distribution of food products, medicine, or medical supplies is suspended for the next 60 days.

4. People who are sick should stay at home and not engage in any activity outside their residence unless related to treatment or health care. If someone in a household has tested positive for COVID-19 then they must follow then isolation and quarantine measures proscribed by local, state, or federal health authorities. If a member of a household tests positive then other members of the household should consider themselves positive if they become symptomatic and also follow the isolation and quarantine measures proscribed by local, state, or federal health authorities.

5. Nursing homes, retirement, and long-term care facilities must prohibit non-essential visitors from accessing their facilities unless to provide medical assistance or for end-of-life visitation.

6. Existing Court Orders Related to Child Visitation and Possession. This Order and preceding Orders of the Mayor should not be interpreted in a way that supersede, alters, amends, modifies, or interferes with existing court orders related to the rights of parents or guardians and visitation with or possession of children.

Section 4. **Delegation of Authority.** The Mayor, as Emergency Management Director, hereby delegates to the City Manager the authority to temporarily suspend the application of city ordinances that may interfere with compliance with the Order. The City Manager is also authorized to exempt the application of provisions of this Order in the event he deems it necessary to ensure the continuation of essential services required by the City or Comal County to continue operations.

Section 5. **Duration of Emergency Order.** The regulations in this Stay Home-Work Safe Order shall take effect March 25, 2020, at 11:59 PM and shall remain in full force and effect until the Local State of Disaster is terminated or until rescinded, superseded, or amended by a subsequent Order or action by the City Council.

Section 6. **Enforcement.** New Braunfels Police Officers, New Braunfels Fire Marshals, City Park Rangers, City Health and Building Inspectors, City Code Enforcement Officers, and City Animal Control Officers are hereby authorized to enforce this Order.

Section 7. **Penalties.**

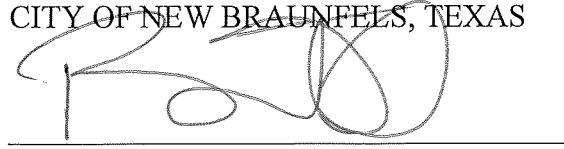
- a. These regulations shall have the effect of ordinances when duly filed with the City Secretary.
- b. A person who violates any provision of these regulations, upon conviction, is punishable by a fine of not less than fifty dollars (\$50.00) and not more than two thousand dollars (\$2,000.00).

Section 8. The City will post this Order on its website and social media site.

Section 9. If any subsection, sentence, clause, phrase, or word contained in this Order is held invalid or unconstitutional by a decision of a court of competent jurisdiction, then such decision will not affect the validity of the remaining provisions of this Order.

IT IS HEREBY ORDERED this 24 day of March, 2020 at 4:00 p.m..

CITY OF NEW BRAUNFELS, TEXAS



Barron Casteel, Mayor

ATTEST:


Patrick D. Aten, City Secretary