

CITY OF VICTORIA

Established 1824, Founded by Congress, Republic of Texas, 1839



Order Requiring Additional Hygiene Measures

***Summary:** This Order amends and supersedes the Mayor's June 25, 2020 executive order to provide exceptions for young children and people with certain medical conditions.*

Whereas, in December 2019, a respiratory disease caused by a novel coronavirus was detected in Wuhan City, Hubei Province, China. The virus has been named "SARS-CoV-2" and the disease it causes has been named "coronavirus disease 2019" ("COVID-19"). 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 Greg Abbott, Governor of the State of Texas, issued Executive Order GA-28 on June 26, 2020, ("EO-GA-28"), which ordered that every Texan (including individuals, businesses, and other legal entities) should use good-faith efforts and available resources to follow the minimum standard health protocols recommended by DSHS and expressly allowed business to require a customer to follow additional hygiene measures when obtaining services; and

Whereas, I, Rawley McCoy, Mayor of the City of Victoria, declared a State of Local Disaster due to a Public Health Emergency on June 23, 2020; and

Whereas CDC recommends all people 2 years of age and older wear a cloth face covering in public settings and when around people who don't live in your household, especially when other social distancing measures are difficult to maintain.

Whereas, section 122.006 of the Texas Health and Safety Code authorizes the City to take any actions necessary to promote health and suppress disease, including quarantine, examining and regulating hospitals, regulating ingress and egress from the City, and fining those who do not comply with the City's rules;

Whereas section 7-3 of the City of Victoria code of ordinances provides that the Mayor, operating as the Emergency Management Director has responsibility and authority for the issuance of reasonable rules, regulations, or directives which are necessary for the protection of life and property in the City; and

Whereas section 7-6 of the City of Victoria Code of Ordinances provides that it is a Class "C" misdemeanor for any person willfully to obstruct, hinder, or delay any member of the emergency management organization in the enforcement of any rule or regulation issued pursuant to this Chapter, or to do any act forbidden by any rule or regulation issued pursuant to the authority contained in this Chapter; and

Whereas, section 418.108(g) of the Texas Government Code authorizes the mayor of a municipality, during a declared local disaster, to control the movement of persons and the occupancy of premises in that area, which 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; and

Whereas Section 418.173 of the Texas Government Code provides that a state, local, or interjurisdictional emergency management plan may provide that failure to comply with the plan or with a rule, order, or ordinance adopted under the plan is an offense punishable by a fine not to exceed \$1,000 or confinement in jail for a term not to exceed 180 days, or both; and

Whereas the Victoria County/City of Victoria Emergency Management Plan provides that failure to comply with the terms of the plan, or with a rule, order, or ordinance adopted under the plan is an offense punishable by a fine of not more than \$1,000 or confinement in jail for a term not to exceed 180 days; and

Whereas this order seeks to provide the greatest degree of protection available to the Citizens of Victoria, consistent with the limitations imposed by EO-GA-28;

Now therefore, I, Rawley McCoy, Mayor of the City of Victoria, Texas, acting under the authority granted to me by Chapter 122 of the Health and Safety Code, Chapter 7 of the City of Victoria Code of Ordinances, and Chapter 418 of the Texas Government Code, do hereby find and order:

1. That this Order supersedes the Executive Order that I executed on June 25, 2020.
2. That this Order is consistent with EO-GA-28, in that it does not restrict services allowed by EO-GA-28, allow gatherings prohibited by EO-GA-28, or expand the list or scope of services in EO-GA-28.
3. That, from the date of this Order, all commercial entities in the City of Victoria providing goods or services directly to the public are hereby **ORDERED** to develop and implement a health and safety policy ("Health and Safety Policy"). The Health and Safety Policy must require, at a minimum, that all employees and visitors to the commercial entity's business premises or other facilities wear face coverings when in an area where six feet of separation is not feasible or performing an activity which will necessarily involve close contact or proximity to co-workers or the public, excepting children under two (2) years of age, people who have trouble breathing, and people who are unable to remove the face covering without assistance. For example, in a restaurant, patrons should be required to wear face coverings when sitting within 6 feet of any person outside of their party, or when restaurant staff is within 6 feet of the party's table. 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. Commercial entities must post the Health and Safety Policy required by this Order in a conspicuous location sufficient to provide notice to employees and visitors of all health and safety requirements. Failure to develop and implement the Health and Safety Policy required by this Order before 8:00am Monday, June 29, 2020, may result in a fine not to exceed \$1,000 for each violation. Each day that a commercial entity violates this order shall be a separate violation.

4. That, beginning Monday, June 29, 2020, each person is **ORDERED** to wear a face covering over his/her nose and mouth when inside a City Facility within the City of Victoria unless each person is able to maintain at least six feet of separation from all other people in the facility, excepting members of the same household, excepting children under two (2) years of age, people who have trouble breathing, and people who are unable to remove the face covering without assistance. For the purpose of this Order, the term "City Facility" includes City Hall, 700 Main Center, The Victoria Public Library, the Municipal Court, City Council Chambers, The Police Station, the Police station annex located within Victoria Mall, each fire station, the Fire Department administration building, the Parks Department administration building, the Surface Water Treatment Plant, the fleet maintenance garage, the Public Works facility, the Fire Department Training Facility, the Odem Street Wastewater Treatment Plant, Solid Waste Facility, and the Community Center. Any person in violation of this paragraph of this order shall be denied admittance to such City Facility and, if necessary, may be removed from such City Facility, but no person shall be issued a fine or confined in jail for failure to wear a facial covering.

5. That peace officers, City of Victoria Code Enforcement inspectors, City of Victoria Building Inspectors and Officials, and the Office of the Victoria City Fire Marshal, are hereby authorized to enforce this order to the extent of their authority under state and local law.

6. That the Victoria County Public Health Department will post this Order on the website www.VictoriaTxOEM.org. In addition, the owner, manager, or operator of any 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.

7. That, if any subsection, sentence, clause, phrase or word of this Order or any application of it to any person, structure, gathering or circumstance is preempted by an executive order of the Governor, or 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 remainder of this Order and its application.

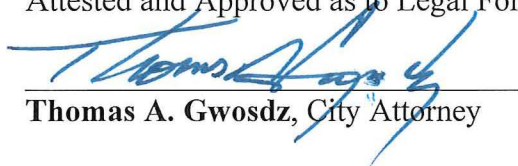
8. That this **ORDER** shall take effect immediately and continue until lifted or further extended by separate order.

ORDERED this the 1st day of July, 2020.



Rawley McCoy, Mayor of the City of Victoria

Attested and Approved as to Legal Form:



Thomas A. Gwosdz, City Attorney