

**AMENDED ORDER BY MAYOR OF THE CITY OF NEW BRAUNFELS
RELATED TO THE NOVEL CORONAVIRUS 2019 (“COVID-19”)
DATE ISSUED: MARCH 22, 2020**

WHEREAS, on March 5, 2020, the World Health Organization Director General urged aggressive preparedness and activation of emergency plans to aggressively change the trajectory of the COVID-19 pandemic; and

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 17, 2020, as Mayor, and under the authority of state law, city charter, and local ordinance, I issued a Declaration of Local State of Disaster in response to this public health emergency; 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 Governor issued an Executive Order that applies to citizens statewide and requires people to avoid social gatherings in groups of more than 10; avoid eating or drinking in bars, restaurants, and food courts; visiting gyms, massage parlors; but allows and encourages the use of drive-thru, take out, or delivery options; and

WHEREAS, the Governor’s Executive Order also temporarily prohibits visits to nursing homes, retirement facilities, and long-term care facilities, unless to provide critical assistance and all schools are ordered temporarily closed; 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, the Governor’s Executive Order took effect on March 20, 2020, at 11:59 PM and expires on April 3, 2020, at 11:59 PM; and

WHEREAS, on March 22, 2020, the Governor issued a second Executive Order that is incorporated by reference as if set out at length in this Amended Order; and

WHEREAS, the Mayor’s Original Order took effect March 19, 2020, at 11:59 PM and this Amended Order shall take effect today, March 22, 2020, at 11:59 PM; 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, THAT:

Section 1. 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. Amended Emergency Order Related to Gatherings.

Effective today, March 22, 2020, at 11:59 PM, by this Amended Order, I hereby limit the size of gatherings as follows:

A. Gatherings of more than ten (10) persons will not be allowed. In brief, a “gathering” is defined as more than ten (10) persons that are present in a space, room or arena, both indoor and outdoor, for a scheduled event or common endeavor. Refer to section D below for a more detailed explanation of this temporary restriction.

B. A food establishment may only provide take out, delivery, drive-in, room service, or drive-through services under this section and must adhere to social distancing requirement of six (6) feet between persons for any waiting area or queue. “Food establishment” means a restaurant with or without drive-in, drive-through, room service, or curbside service; a drive-in restaurant; a drive-through restaurant.

C. Bars, lounges, nightclubs, taverns, microbreweries, micro-distilleries, wineries, private clubs, gyms or health studios, indoor commercial amusement businesses, bowling alleys, bingo parlors, theaters, massage parlors, nail salons, hair salons, barber shops, beauty salons, hair removal services, spas, tattoo and piercing parlors, and all other non-medical, personal care services that cannot be provided while maintaining six (6) feet of distance shall close to the public. Private clubs shall close to its members.

D. A “Gathering” is any event or convening, subject to the exceptions and clarifications below, that brings together or is likely to bring together more than ten (10) persons at the same time in a single room or other single enclosed or unenclosed space, such as, and without limitation, an auditorium, theater, stadium (indoor or outdoor), arena or event center, meeting hall, conference center, large cafeteria, or any other indoor or outdoor space. Further clarification and exemptions are listed below:

a. A “Gathering” includes events at outdoor spaces (that may or may not be enclosed by a fence, physical barrier, or other structure) where people are present and they are within six (6) feet of one another.

b. A “Gathering” does not include the following:

- i. Childcare facilities and funeral homes;
- ii. Places of worship, so long as attendees are not within six (6) feet of one another for extended periods;
- iii. Meetings of the governing bodies of local and county government, including government boards and commissions;
- iv. Museums, so long as visitors are not within six (6) feet of one another for extended periods;
- v. Office space, hotels, or residential buildings, manufacturing facilities;
- vi. Grocery stores, shopping malls, outdoor markets, or other retail establishments where large numbers of people are present, so long as customers are not within six (6) feet of one another for extended periods;
- vii. Hospitals, medical facilities, pharmacies, and shelters; and
- viii. Jails and detention centers;
- ix. Businesses that provide food, shelter, and social services, and other necessities of life for economically disadvantaged or otherwise needy individuals.

c. For the purposes of this Order, the following terms will be defined as follows:

- i. For purposes of this Order, “grocery stores” includes warehouse stores, big-box stores, bodegas, gas stations, meat markets, and farmers’ markets that sell food products and household staples.
- ii. For the purposes of this Order, “extended periods” refers to more than incidental or momentary passing.

d. To the extent possible, businesses that provide food as a social service, and retail establishments, including but not limited to, grocery stores and pharmacies that sell food products or household staples are ORDERED to establish controls to require a minimum of six (6) feet of distance between patrons in lines queuing in front of and inside stores. Controls may include, but are not limited to, requiring each person to take shopping cart or placing markers on the floor.

e. It is hereby RECOMMENDED, that any business not required to be closed by this Amended Order or the Governor’s Order, should maintain a distance of six (6) feet between each person. It is also RECOMMENDED that businesses with lobbies or waiting rooms should provide curbside services wherever possible.

E. **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 3. **Duration of Amended Emergency Order.** The regulations in this Amended Order shall take effect today, March 22, 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 4. **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 5. **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 6. The City will post this Order on its website and social media site.

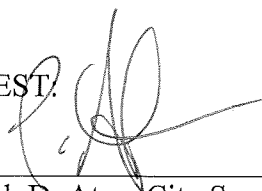
Section 7. If any subsection, sentence, clause, phrase, or word contained in this Order is held invalid or unconstitutional by a decision of a court of competent jurisdiction, then such decision will not affect the validity of the remaining provisions of this Order.

IT IS HEREBY ORDERED this 22nd day of March, 2020 at 6:45 p.m.

CITY OF NEW BRAUNFELS, TEXAS


Barron Casteel, Mayor

ATTEST.


Patrick D. Aten, City Secretary

