

**SUPPLEMENTAL ORDER TO STAY HOME-WORK SAFE ORDER
OF THE MAYOR OF THE CITY OF NEW BRAUNFELS
ISSUED ON MARCH 24, 2020, RELATED TO THE NOVEL CORONAVIRUS
("COVID-19")
DATE ISSUED: MARCH 27, 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, on March 24, 2020, the Governor issued Executive Order GA-10 relating to daily reporting by licensed hospitals and state-run hospitals of number of available hospital beds to Texas Department of State Health Services, and daily reporting by private and public entities of COVID-19 test results so that the State can report this information to the Centers for Disease Control and Prevention (CDC); and

WHEREAS, on March 26, 2020, the Governor issued Executive Order GA-11 relating to airport screening and mandatory fourteen day self-quarantine when arriving in Texas by plane from a point of origin or point of last departure in New York, New Jersey, Connecticut, New Orleans, and any other state or city as maybe proclaimed by the Governor hereafter; 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, the Stay Home-Work Safe Order and this Supplemental Order are required; and

WHEREAS, this Supplemental 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, there are confirmed cases of COVID-19 in the City of New Braunfels, which underscores the importance of this Stay Home-Work Safe Order; and

WHEREAS, on March 24, 2020, the Mayor issued a Stay Home-Work Safe Order and would like to supplement that Order to allow curbside and home delivery of non-essential goods and services so these businesses can continue to operate during this Local State of Disaster; 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 Supplemental Order are found to be true and correct and they are hereby adopted by the Mayor and made part of this Supplemental 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 upon execution of this Supplemental Order issued this day, March 27, 2020, I hereby Order the following supplements to the Stay Home-Work Safe Order issued on March 24, 2020:

A. The list of Exempt Businesses shall be supplemented to include the following:

- i. gun sales and repairs;
- ii. bail bonds services;
- iii. title companies, land surveyors, and appraisers;
- iv. car washes;
- v. RV sales and repairs;

- vi. mattress stores; and
- vii. home appliance stores and repair shops.

B. Non-essential businesses or activities shall be amended to allow limited real estate services with the following restrictions:

- i. Real estate office shall remain closed to the public;
- ii. In-person showings of owner or tenant occupied residential properties is prohibited;
- iii. Sales agents may enter vacant properties to conduct a virtual showing. Vacant means no one is residing at the unit or home.
- iv. If a property is under a purchase contract, all related activities are allowed such as surveys, inspections, appraisals, and in-person viewing by buyer, so long as the resident(s)/occupant(s) leave the property during the showing. When conducting these allowed activities, people shall not be within six (6) feet of one another for extended periods. For the purposes of this Supplemental Order, “extended periods” refers to more than incidental or momentary passing.

C. All non-essential businesses must continue to keep stores, show rooms, and offices closed to the public. Employees may continue to work onsite only if they cannot perform work activities from home; however, products and services may be provided by means of curbside pick-up or home delivery by the retailer or service provider.

D. As provided in the prior Stay Home-Work Safe Order, all non-essential businesses that provide services or products to exempt businesses, may continue their work from home if possible. If working from home is not possible, then work may be conducted at the business location, but the business must remain closed to the public. All other restrictions on Minimum Basic Operations in the March 24th Order shall also apply.

Section 4. All other terms and conditions of the Mayor’s prior Stay Home-Work Safe Order shall remain in full force and effect and are incorporated herein for all purposes. When there is a conflict, this Supplemental Order shall govern.

Section 5. **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 Supplemental Order. The City Manager is also authorized to exempt the application of provisions of this Supplemental 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 6. **Duration of Emergency Order.** The regulations in this Supplemental Order shall take effect immediately upon execution, 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 7. **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 Supplemental Order.

Section 8. **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 9. The City will post this Supplemental Order on its website and social media site.

Section 10. If any subsection, sentence, clause, phrase, or word contained in this Supplemental 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 Supplemental Order.

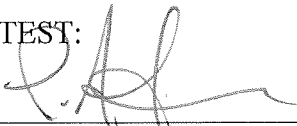
IT IS HEREBY ORDERED this 27 day of March, 2020 at 6:22 p.m.

CITY OF NEW BRAUNFELS, TEXAS



Barron Casteel, Mayor

ATTEST:



Patrick D. Aten, City Secretary

