ORDINANCE # O-2020-023

PURSUANT TO SECTION 3.15 OF THE GUN BARREL CITY CHARTER, THIS IS AN EMERGENCY ORDINANCE DECLARING A PUBLIC HEALTH EMERGENCY DUE TO THE COVID-19 PANDEMIC; ESTABLISHING REQUIREMENTS AND REGULATIONS RELATED TO THE POSTING OF PUBLIC NOTICES BY COMMERCIAL ENTITIES REGARDING THE WEARING OF FACE COVERINGS BY PATRONS; REQUIRING THE WEARING OF FACE COVERINGS; PROVIDING FOR A SEVERABILITY CLAUSE, A REPEALER CLAUSE AND AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GUN BARREL CITY, TEXAS:

I.
DECLARATION OF PUBLIC HEALTH EMERGENCY

a. Pursuant to Sec. 3.15 of the Gun Barrel City Charter, the City Council hereby declares that a public health emergency exists in the City of Gun Barrel City due to the novel coronavirus ("Covid-19") pandemic.

b. On March 13, 2020, Greg Abbott, Governor of Texas, issued a disaster proclamation that Covid-19 poses an imminent threat of disaster for all counties and cities in the State of Texas.

c. The Commissioner of the Texas Department of State Health Services has determined that Covid-19 continues to represent a public health disaster.

d. On June 17, 2020, Governor Abbott publicly announced that according to his interpretation of his executive orders, "local governments can require stores and businesses to require masks" and further that every city and county is authorized to impose this "requirement on business operations."

II.
MANDATORY NOTICE FOR COMMERCIAL ENTITIES

a. Effective as of 12:00 p.m. on Thursday, July 30, 2020, and continuing for a period not to exceed sixty (60) days, all commercial entities in the City that provide goods or services directly to the public shall post a notice to the public that all employees and visitors to the commercial entity's business premises or other facilities are required to wear face coverings. Said face coverings must be worn at all times while visiting the commercial establishment from the time of entering the premises until exiting the premises.

b. The aforesaid notice shall be posted in a conspicuous location sufficient to provide notice to employees and visitors of the health and safety requirements.

c. A commercial entity may add its own additional requirements as determined by the entity.

III.
MANDATORY FACE COVERINGS FOR INDIVIDUALS

a. Except as provided below, effective as of 12:00 p.m. on July 30, 2020, and continuing for a period not to exceed sixty (60) days, all persons ten (10) years or older shall wear a face covering over their nose and mouth when:

1. inside a commercial entity or other building open to the public; or
2. outside with a group of people where it is difficult to keep six (6) feet away from other persons in the group.

b. The requirement to wear face coverings does not apply to the following situations:

1. when exercising or engaging in physical activity;
2. when in a building that requires security surveillance or screening, such as banks;
3. while consuming food or drink;
4. when outside with a group of only members of a single household.

IV.
PENALTY

a. Any person found guilty of violating this Ordinance shall be punished by a fine not exceeding $500.00.

b. Any commercial entity that fails to enforce the provisions of this Ordinance and is found guilty of such violation shall be punished by a fine not exceeding $500.00.

c. Each and every violation of this Ordinance shall constitute a separate offense.

V.
EXPIRATION DATE

Pursuant to Sec. 3.15(4) of the Gun Barrel City Charter, this Emergency Ordinance shall be automatically repealed on the sixty-first (61st) day following the date of its adoption, unless terminated sooner or re-enacted by the Council.

VI.
REPEALER

All ordinances, parts of ordinances, resolutions, declarations or orders in conflict herewith are expressly repealed.

VII.
SEVERABILITY

Should any section, sentence, provision or regulation of this Ordinance be held invalid or unconstitutional by a court of competent jurisdiction, such findings shall not affect the remaining sections, sentences, provisions or regulations hereof, which shall remain in full force and effect.

VIII.
EFFECTIVE DATE

Pursuant to Section 3.15(4) of the Gun Barrel City Charter, this Ordinance shall become effective immediately following its passage and approval by the City Council of Gun Barrel City.

PASSED AND APPROVED BY THE CITY COUNCIL FOR THE CITY OF GUN BARREL CITY, TEXAS, ON THIS 28th DAY OF JULY, 2020.

APPROVED:

CITY OF GUN BARREL CITY, TEXAS

By: _____
J. David Skains, Mayor

ATTEST:

_____
Janet Dillard, City Secretary