

**ORDINANCE 2020-06-01**

**AN AMENDED EMERGENCY ORDINANCE OF THE CITY OF ALPINE INSTITUTING EMERGENCY MEASURES DUE TO A PUBLIC HEALTH EMERGENCY; ESTABLISHING A PENALTY AS PROVIDED HEREIN; ALLOWING FOR SEVERABILITY; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.**

**WHEREAS**, on March 13, 2020, a Declaration of State of Disaster was issued by Governor Greg Abbott to take additional steps to prepare for, respond to, and mitigate the spread of COVID-19 to protect the health and welfare of Texans; and

**WHEREAS**, there currently still exists a declaration of public health disaster in and for the State of Texas as declared by Texas Governor Greg Abbott and the Texas Department of State Health Services (DSHS); and

**WHEREAS**, the COVID-19 virus is contagious and spreads through person-to-person contact, especially in group settings; and

**WHEREAS**, on June 17, 2020, DSHS reported that Brewster County received confirmation of additional COVID-19 positive cases, bringing the County to a total of 22 cases, and further reported that most of these new infections are due to community transmission; and

**WHEREAS**, the transmission of COVID-19 has therefore not dissipated and remains a significant threat to the health and safety of the City of Alpine Community, and rates of infection are increasing at an alarming rate despite efforts by local authorities to control the spread; and

**WHEREAS**, Dr. Anthony Fauci, Director of the National Institute of Allergy and Infectious Diseases, has recommended that individuals wear facial coverings to help prevent individuals from infecting others and an increasing body of evidence supports the effectiveness of such facial coverings in halting the spread of COVID-19; and

**WHEREAS**, the City Council of the City of Alpine has determined that extraordinary emergency measures must be taken to try and mitigate the effects of this public health emergency and to facilitate a response to the public health threat; and

**WHEREAS**, a municipality is authorized to control ingress to and egress from a disaster area and control the movement of persons and occupancy of premises on an appropriate local scale in accordance with Section 418.108(g) of the Texas Government Code; and

**WHEREAS**, it is the intent of this Emergency Ordinance to remain as consistent with and to harmonize, to the extent possible, the executive orders of Governor Greg Abbott and the current Declaration of Disaster by the City of Alpine and by Brewster County (as extended or modified); and

**WHEREAS**, said state of disaster requires that certain emergency measures be taken pursuant to the Executive Order of the Governor Relating to Emergency Management; therefore, the following regulations shall take effect immediately upon issuance, and shall remain in effect until the state of disaster is terminated; and

**WHEREAS**, this Ordinance is intended to supplement previous Ordinances enacted by the City Council of the City of Alpine regarding the City's COVID-19 response.

**NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ALPINE TEXAS THAT:**

The following is hereby in effect:

**1. HEALTH AND SAFETY POLICY – COMMERCIAL ENTITIES**

From the date of this Ordinance, all commercial entities in the City of Alpine providing goods or services directly to the public must 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 or visitors to the commercial entity's business premises or other facilities wear face covering when in an area or performing an activity which will necessary involve close contact or proximity to co-workers or the public where six feet if separation is not feasible. The Health and Safety Policy required to be developed and implemented by this Ordinance 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 screening. Commercial entities must post the Health and Safety Policy required by this Ordinance in a conspicuous location sufficient to provide notice to employees and visitors of all health and safety requirements. Nothing in this Ordinance precludes requiring a customer to follow additional hygiene measures when obtaining services. Failure to develop and implement the Health and Safety Policy required by this Ordinance within five(5) calendar days following the Effective Date may result in a fine not to exceed \$1000.00 for each violation.

**2. FACE COVERINGS – GENERAL PUBLIC**

It is further recommended that all people 10 years or older wear a face covering over their nose and mouth when in a public place where it is difficult to keep six feet away from other people or working in areas that involve close proximity with other coworkers. The CDC advises face coverings for people 2 years or older. Face coverings may include homemade masks, scarfs, bandanas, or a handkerchief. Alpine residents should continue to maintain social distancing of at least six feet while outside their home. Alpine employees and City Officials are also recommended to wear face coverings under the same circumstances as the general public.

IT IS STRONGLY RECOMMENDED THAT YOU NOT OBTAIN OR WEAR MEDICAL MASKS OR N-95 RESPIRATORS AS THEY ARE A NEEDED RESOURCE FOR HEALTH CARE PROVIDERS AND FIRST RESPONDERS.

Our healthcare workers and first responders on the front-line combating COVID-19 must have priority access to medical masks or other personal protective equipment. Face coverings do not need to be worn in the following circumstances:

- When exercising outside or engaging in physical activity outside
- While driving alone or with passengers who are part of the same household as the driver
- When doing so poses a greater mental or physical health, safety, or security risk
- While pumping gas or operating outdoor equipment
- When consuming food or drink

Please note that face coverings are a secondary strategy to other mitigation efforts. Face coverings are not a replacement for social distancing, frequent handwashing, and self-isolation when sick. All people should follow CDC recommendations for how to wear and take off a mask. Residents should keep up the following habits while in public:

- washing hands before you leave home and when you return,
- staying at least six feet away from others,
- avoiding touching nose or face,
- not using disposable masks more than three times, and
- washing reusable cloth masks regularly to prevent the spread of the virus.

### 3. SEVERABILITY

The sections, paragraphs, sentences, clauses and phrases of this Ordinance are severable and if any phrase, clause, sentence, paragraph or section of this Ordinance should be declared invalid by the final judgment or decree of any court or competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections that can be given effect without the invalid provision, and, to this end, the provisions of this Ordinance are severable.

### 4. INTERPRETATION AND ADDITIONAL TERMS

To the greatest extent possible, this Ordinance shall be interpreted as consistent with and supplemental to any executive order issued by the Texas Governor. All provisions of the executive orders of the Texas Governor either existing or as, if and when issued, which are made applicable to all jurisdictions by law shall be automatically incorporated into and constitute terms of this Ordinance enforceable as if set forth herein without necessity for the issuance of any further orders.

### 5. ENFORCEMENT

Excepting Section 2 of this Ordinance and in accordance with the limitations contained in the executive orders of Governor Greg Abbott, that any peace officer or other person with lawful authority is hereby authorized to enforce provisions of this Ordinance.

6. EMERGENCY

This emergency ordinance shall take effect immediately upon its adoption and publication and it is accordingly so ordained. This Ordinance shall remain in effect through the next regular City Council meeting of July 7, 2020, until the State of Disaster is terminated, or until otherwise rescinded or modified by the City Council of the City of Alpine at a duly noticed Emergency Meeting, whichever is sooner.

**PASSED AND ADOPTED THIS 30<sup>th</sup> DAY OF JUNE 2020 BY THE CITY COUNCIL OF THE CITY OF ALPINE, TEXAS.**



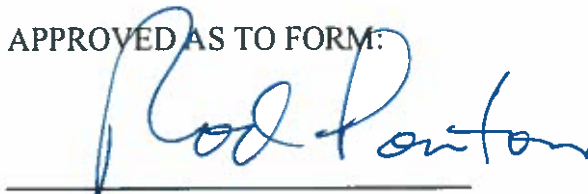
Andres "Andy" Ramos, Mayor  
City of Alpine

ATTEST:



Cynthia Salas, City Secretary  
City of Alpine

APPROVED AS TO FORM:



Rod Ponton, City Attorney  
City of Alpine