



City Order requiring Facial Coverings and Limiting Outdoor Gatherings in excess of 100 People, and authorizing Closure of Beaches and Parks to Vehicles



This declaration and order implementing emergency powers is issued pursuant to Texas Government Code Chapter 418 (including, but not limited to Texas Government Code § 418.108 and authority to control ingress, egress, movement, and premises' occupancy), and the *Mayoral Declaration of a Local State of Disaster Due to a Public Health Emergency* and Section 16-4 of the City of Corpus Christi Code of Ordinances [City Code] (authorizing the presiding officer of the City, in the interest of public health, safety, and welfare, subject to confirmation or revocation by the City Council, to issue proclamations, orders, or regulations, which shall have the force and effect of law). In accordance with said Chapter, Declarations, and City Code, the Mayor hereby finds and orders as follows:

WHEREAS, pursuant to Texas Government Code Section 418.108, the Mayor issued a Declaration of Local Disaster for Public Health Emergency, due to a novel coronavirus now designated SARS-CoV2 which causes the disease COVID-19, and the City Council extended that Declaration of Local Disaster for Public Health Emergency;

WHEREAS, the County Judge and Mayor have issued several Orders since the extension of the Disaster Declaration under the authority of Section 418(g) of the Texas Government Code that authorizes the Mayor "to control ingress and egress to and from a disaster area and the movement of persons and the occupancy of premises in the area;"

WHEREAS, the Governor of Texas, Greg Abbott, issued Executive Order GA-28 ("Governor Abbott's Order") relating to the expanded reopening of services, and the transmission of COVID-19 remains a significant threat to the health and safety of the residents of City of Corpus Christi;

WHEREAS, the Mayor has determined that extraordinary emergency measures must be taken to mitigate the effects of this public health emergency and facilitate a response to the public health threat, and after on-going evaluation of circumstances related to the coronavirus, the updated recommendation of the Centers for Disease Control, and the Texas Department of State Health Services warrant this further Order.

NOW THEREFORE, UNDER THE AUTHORITY OF TEXAS GOVERNMENT CODE SECTION 418.108 AND SECTION 16-4 OF THE CITY CODE, THE MAYOR ORDERS:

Effective upon execution and continuing until the date it is rescinded, superseded, or amended pursuant to applicable law:

1. Governor Abbott's Order is applicable to the City of Corpus Christi, Texas without any further action. Recognizing Governor Abbott's Order and in an effort to re-affirm it, Governor Abbott's Order is herein incorporated by reference.
2. This order supersedes prior City orders affecting the general public.
3. **Facial Coverings must be required in Commercial Entities.** Commercial entities ("Commercial Entities"), as described below, providing goods or services directly to the public in the City of Corpus Christi **must develop, implement and post notice of COVID-19 related health and safety practices** ("Health and Safety Practices").

For purposes of this Order, Commercial Entities are only those entities which interact directly with the public in provision of goods and services. Commercial Entities' Health and Safety Practices shall set out the measures and protocols developed and implemented to ensure the control and reduce the transmission of COVID-19 at each location providing goods and services directly to the public in City of Corpus Christi. Commercial Entities for purposes of this Order do **not** include construction sites or Cybersecurity and

Infrastructure Security Agency (CISA) (essential critical infrastructure commercial service) providers' places of business that do not directly interact with the public.

The Health and Safety Practices of all Commercial Entities, except religious services, **must require** that all employees and visitors inside a Commercial Entities' business premises wear face coverings when in a space that will necessarily involve close contact (areas where 6 feet of separation is not feasible) with others - excepting family members. Areas where 6 feet of separation is not feasible include public spaces and common spaces.

Commercial Entities **must post** a notice in a conspicuous manner of their Health and Safety Practices at each customer and employee entrance. This Health and Safety Practices notice **must be** in contrasting colors with block letters at least one inch in height.

4. **City-Owned Facilities.** Each person 10 years of age or older shall wear a face covering over his/her nose and mouth when inside a City-owned or operated indoor facility within the boundaries of City of Corpus Christi (a "City-Owned Facility"), unless each person is able to maintain at least 6 feet of separation from all other members of the public and co-workers (excepting family members) while inside such City-Owned Facility. Face coverings may include masks, scarves, bandanas, or handkerchiefs. **Persons attempting to enter a City-Owned Facility may be prohibited from entering, but are not subject to fine for failure to wear a face covering.** City staff and security personnel operating on behalf of the City are authorized to refuse entry to a City-Owned Facility. Persons who receive notice to depart but fail to depart may be subject to prosecution for trespass or attempted trespass.
5. Face coverings do not need to be worn when doing so poses a greater mental or physical health, safety, or security risk to the person. For example, face coverings do not need to be worn by a person who has a medical condition that makes it unsafe for him or her to wear a face covering, or by a person whose treating physician deems wearing of a face mask to be unsafe.
6. It is recommended that Corpus Christi residents continue to maintain social distancing of at least 6 feet of separation from all others (indoors and outdoors). Face coverings do not need to be worn when engaging in outdoor activity, riding alone or with members of the same household in a personal vehicle, or when consuming food or drink. Face coverings do not need to be worn when social distancing of at least 6 feet is observed.
7. **Outdoor Gatherings in excess of 100 Prohibited.** Pursuant to Governor Abbott's Order, outdoor gatherings in excess of 100 persons, except for those set out below, **are prohibited** unless otherwise approved by the Mayor. The Mayor may grant permission for outdoor gatherings in excess of 100 if it is demonstrated that protocols are in place to ensure the further spread of COVID-19, such as adequate social distancing. As per Governor Abbott's Order, these restrictions on outdoor gatherings do **not** apply to:
 - a. Youth camps;
 - b. Recreational sports programs for youths and adults;
 - c. Professional, collegiate, or other similar sporting events;
 - d. Swimming pools;
 - e. Water parks;
 - f. Museums and libraries;
 - g. Zoos, aquariums, natural caverns, and similar facilities;
 - h. Rodeos and equestrian events;
 - i. Amusement parks;
 - j. Child-care services; and
 - k. Other outdoor gatherings pursuant to services listed by the U.S. Department of Homeland Security's Cybersecurity and Infrastructure Security Agency, religious services, and local government operations, each as further described in Abbott's Order.

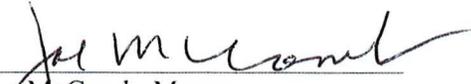
8. **Temporary Beach Curfew.** Until July 11, 2020 at 6:00 a.m. unless extended, modified, amended, rescinded or superseded by the Mayor, all beaches within the geographic boundaries of Corpus Christi **are subject to a curfew** from 8:00 p.m. to 6:00 a.m.

9. **Fourth of July Weekend Limitation on Vehicle Access to Beaches and Parks.** From July 3, 2020 at 6:00 a.m. until July 7, 2020 at 6:00 a.m., beaches and parks and portions thereof with vehicular access points will be closed to the extent directed by barricades and signs placed at the vehicular access points. This vehicular access restriction is inclusive of golf carts and all-terrain vehicles. Pedestrian access to the beaches and parks is permitted. Golf carts, as defined by section 502.001 of the Texas Transportation Code, displaying a disabled parking placard will be allowed on the beach to the extent being operated by or for a disabled veteran or person with physical disability, and access points to the beach will be specifically designated for this purpose.

10. **Penalties.** Consistent with Governor Abbott's Order, no civil or criminal penalty will be imposed on individuals for failure to wear a face covering. While no penalty may be imposed on individuals for failure to wear a face covering, **violation of any other mandatory provision of this order is punishable by a fine of up to \$500 per violation or separate day of violation pursuant to Section 16-8 of the City Code.**

11. The City will provide copies of this Order by posting on the City website. 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. If any subsection, sentence, clause, phrase, or word of this Order or any application of it to any person, structure, gathering, or circumstance is 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 remaining portions or applications of this Order.

ORDERED this the 2nd day of July, 2020.



Joe McComb, Mayor

ATTEST:


Rebecca Huerta, City Secretary

APPROVED TO FORM:



Miles K. Risley, City Attorney