



CITY OF KAUFMAN, TEXAS

SECOND MAYORAL DECLARATION REGARDING LOCAL STATE OF DISASTER DUE TO PUBLIC HEALTH EMERGENCY; AND PROVIDING A PENALTY FOR VIOLATIONS HEREOF

WHEREAS, beginning in December 2019, a novel Coronavirus, now designated “COVID-19”, has spread throughout the world and has now been declared a global pandemic by the World Health Organization; and

WHEREAS, on March 13, 2020, Texas Governor Greg Abbott declared a statewide public health disaster; and

WHEREAS, the Mayor of Kaufman serves as the Director of the Office of Emergency Management and has designated the Kaufman Fire Chief, Ronnie Davis, as the coordinator and delegated to the coordinator the authority for execution of his duties and responsibilities as set forth in Article II, “Emergency Management”, of the Code of Ordinances of the City of Kaufman, Texas (“Article II”); and

WHEREAS, on March 17, 2020, the Kaufman City Council adopted the City Council of the City of Kaufman, Texas Declaration of Local Disaster for Public Health Emergency and Order; and

WHEREAS, on March 18, 2020, Kaufman County Judge Hal Richards issued a Declaration of Local Disaster for Public Health Emergency declaring a countywide public health disaster; and

WHEREAS, since the March 13, 2020 Order (GA-08), Governor Abbott has issued additional Executive Orders relating to COVID-19 preparedness and implantation of mitigating actions and guidelines; and

WHEREAS, on April 27, 2020, the Mayor issued an Amended Mayoral Declaration of Local State of Disaster to amend the March 17, 2020 Council Order; and

WHEREAS, on June 26, 2020, in response to the current rise in COVID-19 cases in Texas, Governor Abbott issued Executive Order GA-28 relating to Phase III of the Governor’s plan to re-open Texas; and

WHEREAS, the Mayor has the authority to issue an order that is not inconsistent with the Governor’s order; and

WHEREAS, in order to be consistent with other state and local directives issued by Governor Abbott and Kaufman County, and to address the current increase in COVID cases, the Mayor has determined it necessary to adopt this Second Mayoral Declaration of Local Disaster (hereinafter “Second Mayoral Declaration”); and

WHEREAS, this Second Amended Mayoral shall take effect at 12:01 a.m. on June 30, 2020 and shall remain in effect until the Mayor declares the emergency terminated or other applicable state or local orders or directives are issued, at which time the Mayor shall have the authority to suspend any one or more of the provisions of this Second Mayoral Declaration; and

WHEREAS, the Mayor has determined that this June 29, 2020 Second Mayoral Declaration is necessary for the public health, safety and welfare of the citizens of Kaufman, Texas.

NOW, THEREFORE, BE IT DECLARED MAYOR OF THE CITY OF KAUFMAN, TEXAS THAT:

SECTION 1. INCORPORATION OF PREMISES.

- 1.01.** Recitals. The premises set forth above are the stated findings of the City Council of the City of Kaufman, serve as the basis for and are incorporated into this Declaration as if written word for word.
- 1.02.** Executive Orders of Governor Abbott. All Executive Orders issued by Governor Abbott since the adoption of the June 26, 2020 Executive Order and that are issued subsequent to the date of adoption of this June 29, 2020 Second Mayoral Declaration shall automatically amend this June 29, 2020 Second Mayoral Declaration as required by law and/or such Order.
- 1.03.** The Kaufman County Disaster Declaration and Executive Order. All Declarations and Orders of Kaufman County Judge, that are issued subsequent to the date of adoption of this June 29, 2020 Second Mayoral Declaration shall automatically amend this Second Mayoral Declaration as required by law and/or such Order.

SECTION 2. HEALTH AND SAFETY POLICY - COMMERCIAL ENTITIES.

- a.** From this Order’s effective date, every commercial entity in the City of Kaufman providing goods or services directly to the public must develop and implement a health and safety policy (“Health and Safety Policy”).
- b.** The Health and Safety Policy must require, at a minimum, that every employee or visitor to the commercial entity's business premises or other facilities wear a face covering over their nose and mouth, according to the CDC guidelines, when in an undivided room or area with coworkers or the public or while performing an activity which necessarily involves or is reasonably likely to involve close proximity to coworkers or the public such that six feet of separation is not feasible.
- c.** The Health and Safety Policy required to be developed and implemented by this Order 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 screenings.

- d. The commercial entity must post the Health and Safety Policy required by this Order in a conspicuous location sufficient providing notice to employees and visitors of its Health and Safety Policy.
- e. Failure to develop, conspicuously place, and implement the Health and Safety Policy required by this Order after its passage may result in a fine not to exceed \$1,000.00. Each day for which a Health and Safety Policy is not developed, conspicuously placed, and implemented shall be a separate offense.
- f. This Order does not apply to and it is a defense to prosecution that the commercial entity operated a restaurant or bar and did not require a patron to wear a face covering while eating or drinking when the patron was at least six feet away from persons not in his or her party.

SECTION 3. FACE COVERINGS - GENERAL PUBLIC.

- a. **CDC Guidelines.** All persons 10 years or older must wear a face covering, according to the CDC guidelines, 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 coworkers. The CDC advises face coverings for people 2 years or older. Face coverings may include homemade masks, scarfs, bandanas, or handkerchiefs. City of Kaufman residents should continue maintaining social distancing of at least six feet while outside their homes.
- b. **City Employees.** All City of Kaufman employees are required to wear face coverings under the same circumstances as the general public.
- c. **MEDICAL MASKS. 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 frontlines combating COVID-19 must have priority access to medical masks or other personal protective equipment.
- d. **Mitigation Efforts.** Face coverings are a secondary strategy to other mitigation efforts. Face coverings are not a replacement for social distancing, frequent handwashing, quarantining, and self-isolation when sick. People should follow CDC recommendations for how to wear and take off a face covering. People should maintain 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 COVID-19.

SECTION 4. FACE COVERINGS DO NOT NEED TO BE WORN IN THE FOLLOWING CIRCUMSTANCES:

- a.** When exercising outside or engaging in physical activity outside;
- b.** When driving alone or with passengers who are part of the same household as the driver;
- c.** When doing so poses a greater mental or physical health, safety, or security risk;
- d.** When pumping gas or operating outdoor equipment;
- e.** While in a building or participating in an activity that requires security surveillance, screening, or identification, for example, banks;
- f.** When consuming food or drink; or
- g.** When receiving a service where a face covering would impair the service.

SECTION 5. LARGE BUSINESSES OR RETAILERS. Large Businesses or Retailers are encouraged to establish special or designated shopping times for people who are considered high-risk for contracting COVID-19.

SECTION 6. To the greatest extent possible, this Order shall be interpreted as consistent with and supplemental to any executive order issued by the Governor of Texas. All provisions of the executive orders of the Governor of Texas either existing or subsequently issued, and which are made applicable to all jurisdictions by law, shall be automatically incorporated into and constitute terms of this Order, and shall be enforceable as if set forth herein without the necessity for the issuance of any further orders.

SECTION 7. Consistent with the Governor's Executive Order GA-26, no civil or criminal penalty shall be imposed on individuals for failure to wear a face covering and in accordance with the limitations contained in the Governor's executive orders, any peace officer, code enforcement officer, health official, or other person with lawful authority is hereby authorized to enforce the provisions of this Order in accordance with the authority granted under the Texas Disaster Act of 1975.

All provisions of this Order should be interpreted to effectuate this intent.

SECTION 8. Failure to comply with any of the provisions of this Order constitutes an imminent threat to public health.

SECTION 9. PENALTY. A violation of this order shall be a fine of not less than one dollar (\$1.00) and no more than one thousand dollars (\$1,000.00), and each day a violation exists shall be a separate offense. This Order also authorizes the use of any other lawfully available enforcement tools.

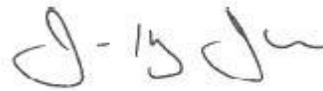
SECTION 10. PUBLICATION. Pursuant to applicable law, this Second Mayoral Declaration of Local State of Disaster shall be given prompt and general publicity and shall be filed promptly with the City Secretary.

SECTION 11. SEVERABILITY. If any subsection, sentence, clause, phrase, or word of this Ordinance or 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 of applications of this Ordinance. This Ordinance approves and ratifies all actions taken in response to COVID-19 prior to its adoption.

SECTION 12. CONTINUATION AND EFFECTIVE DATE. The emergency powers herein provided shall be exercised only to the extent made necessary by the nature of the emergency and during the continuation of the state of emergency. This Ordinance shall become effective immediately at 12:01 a.m. on June 30, 2020.

SO DECLARED AND ORDERED this 29th day of June, 2020.

A handwritten signature in black ink, appearing to read "J. Jordan", is written above a horizontal line.

Jeff Jordan, Mayor