

**ORDER BY MAYOR OF THE CITY OF NEW BRAUNFELS  
RELATED TO THE NOVEL CORONAVIRUS 2019 (“COVID-19”) AND THE  
DECLARATION OF A LOCAL STATE OF DISASTER DATED MARCH 19, 2020**

**WHEREAS**, on March 5, 2020, the World Health Organization Director General urged aggressive preparedness and activation of emergency plans to aggressively change the trajectory of the COVID-19 pandemic; and

**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 17, 2020, as Mayor, and under the authority of state law, city charter, and local ordinance, I issued a Declaration of Local State of Disaster in response to this public health emergency; 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 15, 2020, the Center for Disease Control and Prevention issued guidance and a statement that large events and gatherings such as conferences, festivals, parades, concerts, sporting events, weddings, and other types of assemblies can contribute to the spread of COVID-19 in the United States via travelers who attend such events and introduce the virus to new communities; and

**WHEREAS**, based on revised guidance by the U. S. Centers for Disease Control and Prevention (CDC) issued on March 16, 2020, the public is strongly urged to avoid social gatherings in groups of more than ten (10) people; and

**WHEREAS**, on March 19, 2020, the Governor issued an Executive Order that applies to citizens statewide and requires people to avoid social gatherings in groups of more than 10; avoid eating or drinking in bars, restaurants, and food courts; visiting gyms, massage parlors; but allows and encourages the use of drive-thru, take out, or delivery options; and

**WHEREAS**, the Governor’s Executive Order has also temporarily prohibits visits to nursing homes, retirement facilities, and long-term care facilities, unless to provide critical assistance and all schools are ordered temporarily closed; 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**, the Governor’s Executive Order takes effect tomorrow, March 20, 2020, at 11:59 PM and expires on April 3, 2020, at 11:59 PM; and

**WHEREAS**, this Order of the Mayor of the City of New Braunfels takes effect today, March 19, 2020, at 11:59 PM; 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, THAT:**

Section 1. The findings and recitations set out in the preamble to the Order are found to be true and correct and they are hereby adopted by the Mayor and made part of this Order for all purposes.

**Section 2. Emergency Order Related to Gatherings.**

Effective today, March 19, 2020, at 11:59 PM, by this Order, I hereby limit the size of gatherings as follows:

A. Gatherings of more than ten (10) persons more will not be allowed. In brief, a “gathering” is defined as more than ten (10) persons or more that are present in a space, room or arena, both indoor and outdoor, for a scheduled event or common endeavor. Refer to section D below for a more detailed explanation of this temporary restriction.

B. A food establishment may only provide take out, delivery, drive-in, room service, or drive-through services under this section and must adhere to social distancing requirement of six (6) feet between persons for any waiting area or queue. “Food establishment” means a restaurant with or without drive-in, drive-through, room service, or curbside service; a drive-in restaurant; a drive-through restaurant.

C. Bars, lounges, nightclubs, taverns, microbreweries, micro-distilleries, wineries, private clubs, gyms or health studios, indoor commercial amusement businesses, bowling alleys, bingo parlors and theaters shall close to the public or members of private clubs.

D. A “Gathering” is any event or convening, subject to the exceptions and clarifications below, that brings together or is likely to bring together more than ten (10) persons at the same time in a single room or other single enclosed or unenclosed space, such as and without limitation, an auditorium, theatre, stadium (indoor or outdoor), arena or event center, meeting hall, conference

center, large cafeteria, or any other indoor or outdoor space. Further clarification and exemptions are listed below:

- a. A “Gathering” includes events at outdoor spaces (that may or may not be enclosed by a fence, physical barrier, or other structure) where people are present and they are within six (6) feet of one another.
- b. A “Gathering” does not include the following:
  - i. Childcare facilities and funeral homes;
  - ii. Places of worship, so long as attendees are not within six (6) feet of one another;
  - iii. Meetings of the governing bodies of local and county government, including government boards and commissions;
  - iv. Museums, so long as visitors are not within six (6) feet of one another;
  - v. Office space, hotels, or residential buildings, manufacturing facilities;
  - vi. Grocery stores, shopping malls, outdoor markets, or other retail establishments where large numbers of people are present but it is unusual for them to be within six (6) feet of one another;
  - vii. Hospitals, medical facilities and shelters; and
  - viii. Jails and detention centers.

**E. 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 Order. The City Manager is also authorized to exempt the application of provisions of this 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 3. Duration of Emergency Order.** The regulations in this Order shall take effect today, March 19, 2020, at 11:59 PM 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 4. Enforcement.** New Braunfels Police Officers, New Braunfels Fire Marshalls, City Park Rangers, City Health and Building Inspectors, City Code Enforcement Officers, and City Animal Control Officers are hereby authorized to enforce this Order.

**Section 5. Penalties.**

- a. These regulations shall have the effect of ordinances when duly filed with the City Secretary.

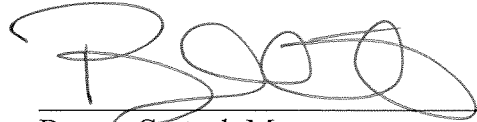
- b. A person who violates any provision of these regulations, upon conviction, is punishable by a fine of not less than fifty dollars (\$50.00) and not more than two thousand dollars (\$2,000.00).

Section 6. The City will post this Order on its website and social media site.

Section 7. If any subsection, sentence, clause, phrase, or word contained in this 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 Order.

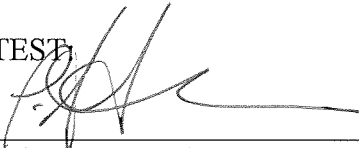
IT IS HEREBY ORDERED this 19 day of March, 2020 at 5:55 PM.

CITY OF NEW BRAUNFELS, TEXAS



Barron Casteel, Mayor

ATTEST



Patrick D. Aten, City Secretary

