

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE AUTHORIZING THE HEALTH AUTHORITY TO ADOPT ADMINISTRATIVE RULES TO PROTECT INDIVIDUALS FROM COVID-19; CREATING AN OFFENSE AND PENALTY; AND DECLARING EMERGENCY.**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:**

**PART 1. FINDINGS.** The City Council finds:

- (1) Coronavirus (COVID-19) is a virus that spreads mainly between people who are in close contact with one another (within about 6 feet) through respiratory droplets produced when an infected person speaks, sings, coughs, or sneezes; and it also may be possible that a person can get COVID-19 by touching a surface that has the virus on it and then touching their own mouth, nose, or possibly their eyes; and
- (2) A significant percentage of individuals with the COVID-19 virus lack symptoms, which means an infected person can transmit the virus to others before showing any symptoms; and
- (3) Section 122.006 of the Texas Health and Safety Code states that a home-rule municipality may adopt rules to protect the health of individuals in the municipality; and
- (4) Section 121.003 of the Texas Health and Safety Code states that a home-rule municipality may enforce any law reasonably necessary to protect the public health; and
- (5) The Austin City Charter, Article I, Section 3 (*General Powers*) establishes the City as a home-rule municipality.

**PART 2. DEFINITIONS.**

- (1) A term defined in City Code Section 1-1-2 (*General Definitions*) has the same meaning in this ordinance.
- (2) HEALTH AUTHORITY RULE means an administrative rule adopted in accordance with Part 3 of this ordinance.

**PART 3. PROTECTIONS FOR THE HEALTH OF PERSONS.**

- 30 (A) To protect the health of individuals within the City, the health authority  
31 may adopt administrative rules reasonably necessary to protect the health  
32 of persons within the City, including mitigating and reducing the  
33 transmission of COVID-19.
- 34 (B) The health authority must adopt the administrative rules described in this  
35 ordinance in a manner that complies with City Code Chapter 1-2  
36 (*Adoption of Rules*) except for the following sections:
- 37 (1) Section 1-2-10 (*Appeal of Adopted Rule to City Manager*);  
38 (2) Section 1-2-11 (*Notice of Appeal of an Adopted Rule*);  
39 (3) Section 1-2-12 (*Suspension of Appealed Rule*);  
40 (4) Section 1-2-13 (*Decision on Appeal of an Adopted Rule Notice*);  
41 (5) Section 1-2-14 (*Failure to Decide an Appeal*);  
42 (6) Section 1-2-15 (*Notice of Decision on Appeal of an Adopted Rule*);  
43 and  
44 (7) Section 1-2-16 (*Reconsideration of an Appeal*).
- 45 (C) The City Manager may designate one or more city departments to assist  
46 the health authority with administering, implementing, and enforcing this  
47 ordinance.

48 **PART 4. OFFENSE AND PENALTY.**

- 49 (A) A person who knowingly violates a health authority rule commits an  
50 offense.
- 51 (B) Each day that a violation occurs is a separate offense.
- 52 (C) Each offense is punishable by a fine not to exceed \$2,000.

53 **PART 5.** This ordinance expires on December 31, 2020.

54 **PART 6.** The COVID-19 pandemic is the subject of disaster declarations and  
55 orders because it jeopardizes the public health and safety of individuals within  
56 the City. Because of this emergency, this ordinance takes effect the day

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following publication for the preservation of the public peace, health, and safety.

**PASSED AND APPROVED**

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\_\_\_\_\_, 2020

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Steve Adler  
Mayor

**APPROVED:** \_\_\_\_\_  
Anne L. Morgan  
City Attorney

**ATTEST:** \_\_\_\_\_  
Jannette S. Goodall  
City Clerk