

MASK TO BE SAFE AT CITY FACILITIES

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ORDER NO. 20210811-033

BY

THE MAYOR OF THE CITY OF AUSTIN

WHEREAS, on March 6, 2020, I, Mayor Steve Adler, issued a Declaration of Local Disaster pursuant to Texas Government Code Chapter 418, ratified by City Council Resolution No. 20200312-074, to allow the City of Austin to take measures in response to the COVID-19 pandemic and protect the health and safety of Austin residents; and

WHEREAS, on March 13, 2020, Governor Greg Abbott proclaimed a state-wide state of disaster due to the COVID-19 pandemic and has since issued numerous Executive Orders related to the pandemic; and

WHEREAS, COVID-19 continues to menace the health of Austin residents, and the local Health Authority has advised on the need for continued vigilance by individuals and Austin businesses in complying with health measures; and

WHEREAS, infected persons can transmit the COVID-19 virus to others before showing any symptoms, and widespread and consistent use of face coverings over the nose and mouth when in public is a critical and necessary measure to help slow the spread of the virus to allow local businesses and schools to remain open; and

WHEREAS, the Delta variant, which is the dominant strain in the United States, is highly contagious, nearly twice as contagious as previous variants; and

WHEREAS, a substantial number of individuals in Austin have already received the most effective known protection against the most serious effects of COVID-19, a vaccine, but many individuals, although eligible, have not received the vaccine; and

WHEREAS, reliable medical information indicates that even individuals who have received a COVID-19 vaccine are capable of contracting and spreading the current Delta variant of the virus; and

WHEREAS, cases and hospitalizations continue to increase in Austin as new variants, such as the Delta variant, spread throughout the community; and

WHEREAS, Austin Public Health and the Local Health Authority recommend that individuals take additional precautions such as set forth in the COVID-19 Risk-Based Charts for vaccinated and unvaccinated/partially vaccinated individuals attached as Exhibit A; and

WHEREAS, the Local Health Authority continues to encourage people to stay home except when necessary, and to wear face coverings to provide for the safety of the public when individuals are outside their household; and

WHEREAS, this Order is necessary to protect the public health and welfare of the community and those individuals who attend, visit or work in city facilities and help control further transmission of COVID-19.

NOW THEREFORE, I, MAYOR OF THE CITY OF AUSTIN, PURSUANT TO THE AUTHORITY VESTED BY TEXAS GOVERNMENT CODE CHAPTER 418, HEREBY ORDER, EFFECTIVE AS OF 12:01 A.M. ON AUGUST 12, 2021 THAT IN THE CITY OF AUSTIN:

SECTION 1. Face Coverings. An individual over the age of two is **REQUIRED** to wear a face covering while present on or in City property unless expressly exempted in Section 2 or by a City policy applicable to the premises or facility.

SECTION 2. Exceptions. A face covering is not required for:

- (a) any individual with a medical condition or disability that prevents wearing a face covering;
- (b) any individual while the individual is eating or drinking, or is seated at City property to eat or drink;
- (c) any individual while the individual is (i) exercising outdoors or engaging in physical activity outdoors and (ii) maintaining a safe distance from others not in the same household;
- (d) any individual while the individual is driving alone in a City-owned vehicle;
- (e) any individual obtaining a service that requires temporary removal of the face covering for security surveillance, screening, or the need for specific access to the face, but only to the extent necessary for the temporary removal;
- (f) any individual while the individual is in a swimming pool, lake, or similar body of water;
- (g) any individual who is voting, assisting a voter, serving as a poll watcher, or actively administering an election, but wearing a face covering is strongly encouraged;
- (h) any person who is actively providing or obtaining access to religious worship;
- (i) any individual while the individual is giving a speech for a broadcast or to an audience; or
- (j) any individual while temporary removal of the face covering is necessary for communication by or with an individual who is hearing impaired; or
- (k) any individual who is alone, or in the presence of only members of the same household or residence, in a separate room or single space that is not an indoor common area.

SECTION 3. Enforcement.

- (a) If an individual fails to comply with this rule, an employee responsible for the city property shall make a verbal request that the individual wear a face covering and offer a face covering, if available, or an alternative method to obtain the services provided at the city property.

- (b) If after the employee complies with subsection (a), an individual refuses to wear a face covering or comply with the alternative method to obtain services, the employee shall ask the individual to leave city property for the remainder of the day.
- (c) If an individual refuses a request to leave city property, the employee should seek the assistance of security or law enforcement.
- (d) An employee shall follow Use of City Property Rules and Administrative Bulletin Number 11-4 (Handling Inappropriate Conduct by the Public on City Property) in the event an individual refuses to wear a face covering and engages in conduct prohibited by Use of City Property Rules.
- (e) A person who violates this Order violates Austin City Code Section 2-6-24. A violation is a misdemeanor punishable by a fine not to exceed \$1,000. A violation of this Order may be enforced by the filing of a probable cause affidavit alleging the criminal violation with the appropriate court or by issuing a citation to the person violating, that contains written notice of the time and place the person must appear before a magistrate of this state, the name and address of the person charged, and the offense charged.

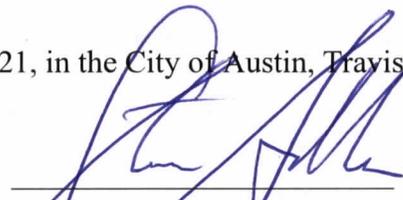
SECTION 4. Definitions. In this Order,

- (a) CITY PROPERTY means a property or part of a property that the City owns, manages, or otherwise controls.
- (b) COVID-19 means the pandemic that is the subject of the Local Disaster Declaration, dated March 6, 2020.
- (c) EMPLOYEE means a City employee, contractor, or volunteer engaged in City duties. This term includes security personnel.
- (d) FACE COVERING means a covering that fits snugly over an individual's nose and mouth, such as a commercially made or homemade fabric mask, scarf, bandana, handkerchief, or shield. Although the CDC does not recommend that face shields be used for normal everyday activities or as a substitute for cloth face coverings, individuals who cannot wear a cloth face covering may consider wearing a face shield.
- (e) USE OF CITY PROPERTY RULES means Rules for Public Use of City Properties adopted by the City Manager and effective on September 21, 2015.

SECTION 5. Exhibits. This Order incorporates by reference Exhibit A: Austin Public Health's Risk-Based Chart.

SECTION 6. Posting. The Austin Public Health Department and the City Clerk will post this Order on their websites.

ORDERED this the 11th day of August 2021, in the City of Austin, Travis County, Texas, in witness whereof I subscribe my name.



Mayor, City of Austin

Filed with me, the City Clerk of the City of Austin, this 11th day of August 2021, by Mayor Steve Adler, whose signature I hereby attest under my hand.



City Clerk