

# Face Covering Rules for City Property During COVID-19 Pandemic

March 10, 2021

## Exhibit A

1. **Purpose.** These rules are adopted to reduce the possibility of exposure to COVID-19 and protect members of the public and employees.
2. **Definitions.**
  - 2.1. Except as otherwise provided, a term defined in the Austin City Code has the same meaning in this rule.
  - 2.2. In this rule:
    - 2.2.1. CITY PROPERTY means a property or part of a property that the City owns, manages, or otherwise controls.
    - 2.2.2. COVID-19 means the pandemic that is the subject of the Local Disaster Declaration, dated March 6, 2020.
    - 2.2.3. EMPLOYEE means a City employee, contractor, or volunteer engaged in City duties. This term includes security personnel.
    - 2.2.4. 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.
    - 2.2.5. USE OF CITY PROPERTY RULES means Rules for Public Use of City Properties adopted by the City Manager and effective on September 21, 2015.
3. **Face Coverings.**
  - 3.1. An individual over the age of six must wear a face covering while present on or in City property unless expressly exempted in 3.2 or by a City policy applicable to the premises or facility.
  - 3.2. Exceptions. A face covering is not required for:
    - 3.2.1. any individual with a medical condition or disability that prevents wearing a face covering;
    - 3.2.2. any individual while the individual is eating or drinking, or is seated at City property to eat or drink;
    - 3.2.3. any individual while the individual is (a) exercising outdoors or engaging in physical activity outdoors and (b) maintaining a safe distance from others not in the same household;
    - 3.2.4. any individual while the individual is driving alone in a City-owned vehicle;
    - 3.2.5. 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;

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- 3.2.6. any individual while the individual is in a swimming pool, lake, or similar body of water;
- 3.2.7. 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;
- 3.2.8. any person who is actively providing or obtaining access to religious worship;
- 3.2.9. any individual while the individual is giving a speech for a broadcast or to an audience; or
- 3.2.10. any individual while temporary removal of the face covering is necessary for communication by or with an individual who is hearing impaired; or
- 3.2.11. 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.

#### **4. Failure to comply.**

- 4.1. This rule applies to a violation of 3.1 except as provided in 5.2.
- 4.2. 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.
- 4.3. If after the employee complies with 4.2, an individual refuses to wear a face covering or the alternative method to obtain services, the employee shall ask the individual to leave city property for the remainder of the day.
- 4.4. If an individual refuses a request to leave city property, the employee should seek the assistance of security or law enforcement.

#### **5. Other administrative rules.**

- 5.1. These rules do not supersede or modify Use of City Property Rules.
- 5.2. 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 fails to wear a face covering and engages in conduct prohibited by Use of City Property Rules.

**NOTICE OF EMERGENCY RULES ADOPTION**

**BY:** Spencer Cronk, City Manager.

**ADOPTION DATE:**

The Management Services Department (“Department”) adopts this emergency rule. This notice is issued under Chapter 1-2 (*Adoption of Rules*) of the City Code.

**EFFECTIVE DATE OF EMERGENCY RULES**

The Emergency Rules adopted by this notice are **effective on March 10, 2021** and **expire on July 8, 2021** (not later than the 121st day after the effective date) unless the rules are withdrawn or amended.

**SUMMARY OF RULES**

The Emergency Rules govern face covering requirements on city property.

**TEXT OF THE RULES**

See Exhibit A attached to this Notice of Emergency Rules Adoption.

**NATURE OF EMERGENCY**

The City Manager find that an imminent peril to the public health, safety, or welfare requires adoption of the rules on an emergency basis. Specifically, emergency rules are required to reduce the possibility of exposure to COVID-19 and protect public health.

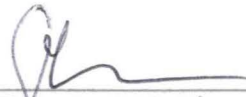
**AUTHORITY FOR ADOPTION OF PROPOSED RULES**


The authority and procedure for adoption of a rule is provided in City Code Chapter 1-2 (*Adoption of Rules*).

**CERTIFICATION BY CITY ATTORNEY**

By signing this Notice of Emergency Rules, the City Attorney certifies the City Attorney has reviewed the Emergency Rules and finds that adoption of the Emergency Rules is a valid exercise of the City Manager's authority.

**REVIEWED AND APPROVED**

  
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Date: 3/5/2021  
Spencer Cronk, City Manager

  
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Date: 3/5/2021  
Anne L. Morgan, City Attorney