

**AN ORDER OF THE MAYOR OF LA MARQUE PURSUANT TO TEXAS GOVERNMENT CODE CH 418 RELATED TO CONTROL MEASURES TO LIMIT THE SPREAD OF THE COVID-19 VIRUS REQUIRING COMMERCIAL ENTITIES PROVIDING GOODS OR SERVICES DIRECTLY TO THE PUBLIC TO DEVELOP A HEALTH AND SAFETY POLICY MANDATING THE WEARING OF FACE MASKS IN THEIR FACILITY, REQUIRING THE PUBLIC TO WEAR FACE MASKS, PROHIBITING MASS GATHERINGS IN THE CITY AND LIMITING ACCESS TO CITY BUILDINGS**

**WHEREAS**, pursuant to Texas Government Code Ch. 418, City of La Marque Mayor Bobby Hocking declared a state of local emergency and disaster on March 13, 2020 due to imminent threat arising from COVID-19; and

**WHEREAS**, in accordance with Texas Government Code Section 418.108(b), on March 13, 2020, the La Marque City Council adopted an Ordinance Continuing the Declaration of State of Local Disaster for the City and has repeatedly continued the State of Local Disaster for the City of La Marque concurrent with the Governor's orders declaring a statewide disaster; and

**WHEREAS**, in accordance with Texas Government Code Section 418.108(b), the Mayor is authorized by City Council to continue to exercise the powers granted by the Texas Disaster Act of 1975 for the period specified in the order; and

**WHEREAS**, there currently still exists a declaration of public health disaster in and for the State of Texas as declared by Texas Governor Greg Abbott and the Texas Department of State Health Services (DSHS) as well as those Declarations and Ordinances passed by the Mayor and City Council of La Marque, Texas; and

**WHEREAS**, the transmission of COVID-19 has not dissipated but remains a significant threat to the health and safety to the citizens of the City of La Marque and rates of infection are increasing at an alarming exponential rate and the number of people ending up in the hospital, ICU, or on ventilators is also dramatically rising despite efforts by local authorities to control the spread; and

**WHEREAS**, the Mayor has determined that extraordinary emergency measures must be taken to try and mitigate the effects of this public health emergency and to facilitate a response to the public health threat;

**WHEREAS**, a Mayor is authorized to control ingress to and egress from a disaster area and control the movement of persons and occupancy of premises on an appropriate local scale in accordance with Section 418.08(g) of the Texas Government Code and his authority as Emergency Management Director;

**WHEREAS**, it is the intent of this Executive Order to remain as consistent and in harmony to the extent possible, with the Executive Orders of Governor Greg Abbott; and

**WHEREAS**, by the authority vested in me as Mayor of the City of La Marque and as the Emergency Management Director for the City of La Marque to continue to protect the health and safety of the community and address developing and rapidly changing circumstances when presented by the current public health emergency, I hereby issue this Order.



**NOW, THEREFORE, PURSUANT TO THE TEXAS DISASTER ACT OF 1975, MAYOR BOBBY HOCKING ISSUES THIS ORDER AS FOLLOWS:**

Effective as of 12:01 a.m. on Saturday, July 4, 2020 ("Effective Date"), and continuing through 11:59 p.m. on Friday, July 10, 2020 unless extended, modified or terminated early by the City Council of the City of La Marque or as otherwise indicated below:

**Section 1. Health and Safety Policy - Commercial Entities.** From the date of this Executive Order all commercial entities in the City of La Marque providing goods or services directly to the public must develop and implement a health and safety policy ("Health and Safety Policy"). The Health and Safety Policy must require, at a minimum, that all employees or visitors to the commercial entity's business premises or other facilities wear face coverings when in an area or performing an activity which involves close contact or proximity to co-workers or the public where six feet of separation is not feasible. The Health and Safety Policy required to be developed and implemented by this Executive 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. Commercial entities must post the Health and Safety Policy required by this Executive Order in a conspicuous location sufficient to provide notice to employees and visitors of all health and safety requirements. Failure to develop and implement the Health and Safety Policy required by this Executive Order within five (5) calendar days following the Effective Date may result in a fine not to exceed \$1,000 for each violation.

**Section 2. Face Coverings and Social Distancing - General Public.** Consistent with the Proclamation issued June 22, 2020, citizens 10 years or older are strongly encouraged to wear a face covering 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 others outside their household. The CDC advises face coverings for people 2 years or older. Face coverings may include homemade masks, scarfs, bandanas, or a handkerchief. City of La Marque residents should continue to maintain social distancing of at least six feet while outside their home. City of La Marque employees are also required to wear face coverings under the same circumstances as the general public. Citizens should also perform City business online, through regular mail, by telephone, or through the City's utility payment window on the side of City Hall to avoid visiting City facilities unless absolutely necessary.

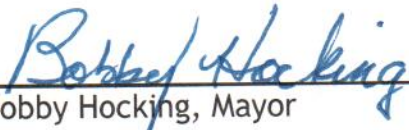
**Section 3. Publicity and Filing.** Pursuant to §418.108(c) of the Texas Disaster Act, this declaration of a local state of disaster due to this public health emergency shall be given prompt and general publicity and shall be filed promptly with the City Clerk.

**Section 4. Severability.** The sections, paragraphs, sentences, clauses and phrases of this Executive Order are severable and if any phrase, clause, sentence, paragraph or section of this Executive Order should be declared invalid by the final judgment or decree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections that can be given effect without the invalid provision, and to this end, the provisions of this Order are severable.

**Section 5. Interpretation and Additional Terms.** To the greatest extent possible, the Order shall be interpreted as consistent with and supplemental to any Executive Order issued by the Texas Governor. All provisions of the Executive Orders of the Texas Governor either existing or as, if and when issued, which are made applicable to all jurisdictions by law shall automatically be incorporated into and constitutes terms of this Order enforceable as is set forth herein without necessity for the issuance of any further orders.

**Section 6. Penalty and Exceptions.** Excepting Section 2 of this Executive Order and in accordance with the limitations contained in the executive orders of Governor Greg Abbott, that any peace officer or other person with lawful authority is hereby authorized to enforce provisions of this Executive Order in accordance with the authority granted under Texas Disaster Act of 1975.

**ORDERED** this 2<sup>nd</sup> day of July 2020.

  
\_\_\_\_\_  
Bobby Hocking, Mayor

ATTEST:

  
\_\_\_\_\_  
Robin Eldridge, TRMC, City Clerk