

ORDINANCE NO. _____

1 AN ORDINANCE DECLARING A SITE THAT FAILS TO MEET CERTAIN
2 STANDARDS DESIGNED TO PREVENT THE TRANSMISSION OF COVID-19
3 AS A PUBLIC HEALTH NUISANCE; AUTHORIZING CIVIL ENFORCEMENT;
4 AND DECLARING EMERGENCY.

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

6 PART 1. FINDINGS. The City Council finds:

- 7 (1) On March 6, 2020, Mayor Steve Adler issued a Declaration of Local
8 Disaster that allows the City to take measures to reduce the possibility of
9 exposure to COVID-19 and promote the health and safety of Austin
10 residents; and
- 11 (2) On March 13, 2020, Governor Greg Abbott issued a Declaration of State of
12 Disaster to prepare for, respond to, and mitigate the spread of COVID-19 to
13 protect the health and welfare of Texans; and
- 14 (3) Coronavirus (COVID-19) is a virus that spreads mainly between people who
15 are in close contact with one another (within about 6 feet) through
16 respiratory droplets produced when an infected person coughs or sneezes;
17 and it also may be possible that a person can get COVID-19 by touching a
18 surface that has the virus on it and then touching their own mouth, nose, or
19 possibly their eyes; and
- 20 (4) A significant percentage of individuals with the COVID-19 virus lack
21 symptoms, which means an infected person can transmit the virus to others
22 before showing any symptoms; and
- 23 (5) That an object, place, or condition that is a possible and probable medium of
24 disease transmission in or between humans is a public health nuisance.

25 PART 2. DEFINITIONS.

- 26 (A) A term defined in City Code Section 1-1-2 (*General Definitions*) has the same
27 meaning in this ordinance.
- 28 (B) In this ordinance, the following definitions apply:
- 29 (1) COVID-19 means the pandemic that is the subject of the Local Disaster
30 Declaration, dated March 6, 2020.

- 31 (2) HAND SANITIZER means a liquid or gel generally used to decrease
32 infectious agents on the hands that consists of at least 60% alcohol.
- 33 (3) HIGH TOUCH ITEM means an object, surface, tool, equipment, or piece of
34 electronics that is utilized by individuals multiple times a day. This includes,
35 but is not limited to, levers, light switches, phones, remote controls,
36 counters, tabletops, doorknobs, bathroom fixtures, toilets, keyboards, tablets,
37 hammers and wrenches.
- 38 (4) MAINTAINS means to own, operate, manage, or oversee a site.
- 39 (5) MINIMUM STANDARD means a standard set forth in Part 6 of this
40 ordinance.
- 41 (6) NOTICE means a written notice that a site does not comply with minimum
42 standards.
- 43 (7) PERSON IN CONTROL means a person who maintains a site.
- 44 (8) SITE means property. A site does not include:
- 45 (a) property maintained by a governmental entity,
46 (b) property where medical services are provided, or
47 (c) dwelling unit where the individual resides.
- 48 (9) VULNERABLE INDIVIDUAL means an individual who:
- 49 (a) is 65 years old and older; or
50 (b) has certain health conditions such as heart disease, lung disease,
51 diabetes, kidney disease, Human Immunodeficiency Virus (HIV),
52 Acquired Immune Deficiency Syndrome (AIDS), and weakened
53 immune systems
- 54 (10) WORKER means an employee, independent contractor, subcontractor, or
55 other similar agent present at the site.

56 **PART 3. DECLARATION.** The City Council declares a site that does not follow the
57 minimum standards established in this ordinance as a public health nuisance because it is
58 a place or condition that is a possible and probable medium of COVID-19 transmission in
59 or between humans.

60 **PART 4. APPLICABILITY.** This ordinance applies to a site with ten or more
61 individuals present at any one time.

62 **PART 5. PUBLIC HEALTH NUISANCE.** A person who maintains a site that does not
63 comply with minimum standards and, after notice, fails to take corrective actions that
64 comply with minimum standards maintains a public health nuisance.

65 **PART 6. MINIMUM STANDARDS.**

66 (A) A person in control of a site shall:

- 67 (1) require each individual to wear a face covering as set forth in Subsection
68 (B);
- 69 (2) clean and disinfect high touch items at least twice per day;
- 70 (3) post one or more face covering signs at or near each entrance;
- 71 (4) limit the number of individuals who gather or stand together to ten or less;
- 72 (5) require at least six feet between groups of individuals;
- 73 (6) conduct a general health pre-screening of each worker that complies with
74 Subsection (C) every day before the worker begins his or her shift;
- 75 (7) post one sign in English and one sign in Spanish where information for
76 workers is customarily posted that explains the requirement to remain at
77 least six feet apart and the requirement to wear a face covering;
- 78 (8) keep toilets clean, sanitary and operational at all times and ensure proper
79 disposal of waste from these facilities;
- 80 (9) provide single use disposable paper towels and no-touch trash receptacles in
81 restrooms and breakrooms;
- 82 (10) mandate workers wash their hands for at least twenty seconds at the
83 following times:
 - 84 (a) before workers begin work;
 - 85 (b) after workers remove gloves;
 - 86 (c) before and after the use of shared items such as tools, electronic
87 devices or multi-user devices;
 - 88 (d) before and after any meal or restroom breaks; and

- 89 (e) after a worker's shift or work time ends; and
- 90 (11) for workers confirmed to have contracted COVID-19, follow all directions
- 91 from Austin Public Health concerning that worker and other workers that
- 92 may have come in contact with the infected worker.
- 93 (B) Face Covering.
- 94 (1) A covering that fits snugly over an individual's nose and mouth, such as a
- 95 commercially made or homemade fabric mask, scarf, bandana, handkerchief,
- 96 or shield.
- 97 (2) A face covering is not required for:
- 98 (a) any person younger than 10 years of age;
- 99 (b) any person with a medical condition or disability that prevents
- 100 wearing a face covering;
- 101 (c) any person while the person is eating or drinking, or is seated at a
- 102 restaurant to eat or drink;
- 103 (d) any person while the person is:
- 104 (i) exercising outdoors or engaging in physical activity outdoors
- 105 and
- 106 (ii) maintaining a safe distance from others not in the same
- 107 household;
- 108 (e) any person while the person is driving alone or with passengers of the
- 109 same household as the driver;
- 110 (f) any person obtaining a service that requires temporary removal of the
- 111 face covering for security surveillance, screening, or the need for
- 112 specific access to the face, such as while visiting a bank or while
- 113 obtaining a personal care service involving the face, but only to the
- 114 extent necessary for the temporary removal;
- 115 (g) any person while the person is in a swimming pool, lake, or similar
- 116 body of water;
- 117 (h) any person who is voting, assisting a voter, serving as a poll watcher,
- 118 or actively administering an election;

- 119 (i) any person who is actively providing or obtaining access to religious
120 worship;
- 121 (j) any person while the person is giving a speech for a broadcast or to an
122 audience;
- 123 (k) any person while temporary removal of the face covering is necessary
124 for communication by or with a person who is hearing impaired; or
- 125 (l) any person who is alone, or in the presence of only members of the
126 same household or residence, in a separate room or single space not
127 accessible to the public, and not in an indoor common area.
- 128 (C) General Health Pre-Screening. A screening that includes:
- 129 (1) questions intended to find out whether an employee is experiencing
130 symptoms or has been exposed to someone with COVID-19;
- 131 (2) a briefing reiterating public health requirements; and
- 132 (3) face covering checks.
- 133 (D) Construction Sites. In addition to the minimum standards described in Subsections
134 (A), (B), and (C), a person in control of a construction site shall:
- 135 (1) institute staggered shifts for sites with more than 10 active workers and post
136 at these sites, in languages understood by all persons working there, a notice
137 showing the sizes and types of shift crews working there, and directions on
138 how the person in control is limiting crew sizes and rotating shifts;
- 139 (2) ensure handwashing station and restroom(s) are spaced six feet apart or more
140 from each other;
- 141 (3) prohibit the use of community water coolers;
- 142 (4) provide individual water bottles or instruct workers to bring their own;
- 143 (5) designate a COVID-19 safety monitor who is on-site at all times; and
- 144 (6) ensure that each worker who enters a jobsite has signed in and keep a list of
145 and contact information for each worker that enters the jobsite every day for
146 the purpose of identifying and notifying workers if they have shared a
147 jobsite with someone who has been confirmed to have COVID-19.

148 **PART 7. CIVIL ENFORCEMENT.**

