



CITY OF WICHITA FALLS, TEXAS

**LIVE SAFE-WORK SAFE
AN ORDER ISSUED BY THE
MAYOR OF THE CITY OF WICHITA FALLS
APRIL 24, 2020**

WHEREAS, on March 13, 2020, President Donald Trump declared a national emergency regarding COVID-19; and,

WHEREAS, March 13, 2020, Governor Greg Abbott declared a national emergency regarding COVID-19; and,

WHEREAS, the COVID-19 virus is contagious and spreads through person-to-person contact, especially in group settings; and,

WHEREAS, on March 19, 2020, Governor Abbott issued Executive Order GA 08 Relating to COVID-19 Preparedness and Mitigating, stating people shall avoid social gatherings in groups of more than 10 people and closed all schools until April 3, 2020; and,

WHEREAS, on March 19, 2020, and March 25, 2020, due to the substantial risks to the public, Mayor Santellana issued an order deeming it in the public interest to prohibit anywhere in the City of Wichita Falls, Community Gatherings of more than 10 people; and,

WHEREAS, at his March 22, 2020 press conference, the Governor acknowledged that the urban centers may need to enact more stringent measures to address this public health emergency and stated that he would applaud the cities for doing so; and,

WHEREAS, as of April 24, 2020, there are 21,944 persons confirmed to have COVID-19 in Texas, with 62 of those residing in Wichita County, Texas; and,

WHEREAS, this Order is issued based on evidence of increasing occurrence of COVID-19 within the City and throughout the Central Texas area, scientific evidence and best practices regarding the most effective approaches to slow the transmission of communicable diseases generally and COVID-19 specifically, the evidence that the age, condition, and health of a significant portion of the population of the City places it at risk for serious health complications, including death, from COVID-19; and,

WHEREAS, making the problem worse, some individuals who contract the COVID-19 virus have no symptoms or have mild symptoms, which means they may not be aware they carry the virus; and,

WHEREAS, because even people without symptoms can transmit the disease, and because evidence shows the disease is easily spread, gatherings can result in preventable transmission of the virus; and,

WHEREAS, this order does not conflict with Governor Abbott's Executive Order GA-16, as it does not restrict essential services or reopened services allowed by GA-16, nor does this Order allow gatherings prohibited by GA-16.

WHEREAS, the scientific evidence shows that at this stage of the emergency, it is essential to slow virus transmission as much as possible to protect the most vulnerable and to prevent the health care system from being overwhelmed. One proven way to slow the transmission is to limit interactions among people to the greatest extent practicable. By reducing the spread of the COVID-19 virus, this Order helps preserve critical and limited healthcare capacity in the City; and,

WHEREAS, the Mayor has determined that extraordinary and immediate measures must be taken to respond quickly to prevent and slow down community spread of COVID-19; and,

NOW, THEREFORE, THE MAYOR OF THE CITY OF WICHITA FALLS, PURSUANT TO THE AUTHORITY VESTED BY TEXAS GOVERNMENT CODE CHAPTER 418, HEREBY FINDS, RESOLVES AND ORDERS THAT:

1. The findings and recitations set out in the preamble to this Order are incorporated herein and found to be true and correct, and they are hereby adopted by the Mayor and made a part hereof for all purposes. This Order rescinds and replaces prior Orders.

The previously declared local state of disaster for the City of Wichita Falls, Texas, is hereby renewed and continued, as amended herein.

Pursuant to §418.108(b) of the Texas Government Code, this renewal and continuance of the declaration of a local state of disaster shall be given prompt and general publicity and shall be filed promptly with the City Clerk.

Pursuant to §418.108(d) of the Texas Government Code, this renewal and continuance of the declaration of a local state of disaster activates the City's emergency management plan.

2. **Effective Date.** This modified Order is effective 8:00am April 25, 2020, and continues until terminated or modified by a subsequent Order.

3. **COVID-19 Guidelines.** It is strongly recommended that Individuals and Business should follow the Guidelines from the President and the CDC and Texas Department of Health and Human Services by practicing good hygiene, environmental cleanliness, and sanitation, implementing social distancing, and working from home if possible. In particular, it is recommended that all work and services be provided through remote telework from home unless they cannot be provided through remote telework. Individuals taking part in outdoor recreation are recommended to wear face coverings.

4. **Religious Institutions.** Religious Institutions are exempt from the requirements of this Order. However, it is highly recommended that religious services be conducted in accordance with the Guidelines for Houses of Worship During the COVID-

19 Crisis, as promulgated by the Texas Attorney General and Governor (**Exhibit A**). Individuals who visit Religious Institutions are required to comply with sections 8a and 8b of this Order in the same manner as at other locations in Wichita Falls. The requirements of 8a and 8b may be temporarily waived at Religious Institutions if necessary for the Individual to perform religious acts.

5. Social Gatherings. It is strongly recommended that theaters, churches, auditoriums, wedding and funeral venues, and other places that allow social gatherings located within a confined area be limited to no more than 10 Individuals. Regardless, all Individuals taking part in a social gathering are required to comply with section 8a and 8b of this Order.

6. Travel. It is strongly recommended that everyone who travels to any area where there is widespread community transmission of COVID-19 to self-isolate and monitor for symptoms for 14 days, so as to reduce the spread of the virus.

7. Employee Screening. Businesses are strongly recommended to screen all employees before allowing them to come into the Business for a new or worsening cough, shortness of breath, sore throat, diarrhea, loss of taste or smell, feeling feverish or a measured temperature greater than or equal to 100.0 degrees Fahrenheit, or known close contact with a person who is lab-confirmed to have COVID-19. Any employee who meet any of these criteria is recommended to be sent home and to seek medical care, as necessary.

8. City Wide Requirements. For the purposes of this Order, covered Businesses include any for-profit, non-profit, or educational entities, regardless of the nature of the service, the function they perform, or its corporate or entity structure.

For the purposes of this Order, Individuals include all persons within the City limits of Wichita Falls. Individuals are required to comply with the requirements of this Order.

For the purposes of this Order, Businesses are required to comply with this Order and to ensure that all Individuals located on the Business's Premises are in compliance with the regulations in this Order.

- a. All Individuals the age of six (6) years or over shall wear some form of covering over their nose and mouth, such as a homemade mask, scarf, face shield, bandana or handkerchief, when indoors or when using public transportation. Such covering is not required to be worn at the Individual's residence, in their own motor vehicle, when the Individual is outside, or when an Individual is indoors in an area not accessible to the general public where said Individual can be certain that the Individual will not be coming within 6 foot of any other person. Parents and Guardians of children under 10 shall be responsible for appropriately masking children pursuant to this Order. An owner or operator of a Business is allowed to refuse admission or service to any Individual who fails to wear a face covering. Wearing a face covering is not a substitute for maintaining 6-foot social distancing and hand washing, as these remain important steps to slowing the spread of the virus. Individuals are not required to wear nose and face coverings while they are eating or drinking at a restaurant, cafeteria, bar, break room, or

other locations intended for food consumption. This requirement is waived when it is medically contraindicated.

- b. Except as allowed in subsection c., where possible, all Individuals are required to maintain at least a six-foot distance from other individuals. This applies whether the Individual is indoors or outside. Individuals who reside in the same household are not required to maintain this distancing requirement. Medical providers, law enforcement employees, and emergency response personnel are not required to maintain social distancing when it is necessary to perform essential job functions.
- c. Businesses are ordered to establish controls to require a minimum of six feet of distance between Individuals in lines queuing in front of and inside the Business, as well as within the Business in general. Additionally, Businesses are required to ensure that employees maintain at least 6 feet separation from one another whenever possible, even though employees are wearing face coverings.
- d. A Business's employees are authorized to come within 6 feet of a patron when it is a necessary function of the employee to do so, but the Business is required to have in place controls to minimize possible transmission of COVID-19 during these encounters.
- e. Businesses are required to establish controls to require a minimum of six feet between any Individuals seated on the Business Premises. These controls may take into consideration that members of the same household are not required to maintain the social distance requirement.
- f. Business employees who are required to touch patrons as a necessary function of the Business, such as at nail and hair salons, tattoo shops, massage establishments, spas, or barber shops, are required to wash and disinfect their hands and all equipment utilized on one Individual before they may provide services to another Individual.
- g. Businesses are required to ensure that, upon entering the Business, all Individuals and employees wash or sanitize their hands.
- h. Businesses that provide equipment, touch screens, buttons, tangible personal property, or other devices that are regularly used or touched by different patrons throughout the day, are required to disinfect such items, at minimum, every two hours.
- i. Businesses are required to train all employees on environmental cleaning and disinfection, hand hygiene, respiratory etiquette, and proper wearing and cleaning of face coverings.
- j. Businesses are strongly recommended to post educational signage as to best sanitary practices.
- k. Each Business is ordered to create a written plan to implement the rules found in Section 8, as well as the recommendations in this outlined Order.

This plan must be completed by 9am April 28 and shall be presented to government officials upon request.

9. Federal and State Authority.

- a. The Sheppard Air Force Base Installation Commander may set conflicting rules for the installation in accordance with the authorities inherent in the position and consistent with Federal law and department regulations, measures necessary to ensure mission accomplishment, to ensure good order and discipline, and to maintain the health, safety, and morale of Sheppard Air Force Base personnel.
- b. Child Care Facilities are required to follow Texas Health and Human Services COVID-19 guidance. As to the operation of Child Care Facilities, THHS guidance will control in the event of any conflict with this Order. In any event, Section 8.a. applies to Child Care Facilities.
- c. Independent School Districts (ISD) are separate governmental entities and any order issued by an ISD with regard to its employees, who are acting within their scope of employment or to children in the care of an ISD on ISD property, controls in the event of any conflict with this Order.
- d. Medical Facilities are authorized to set their own guidelines as it relates to their operations. Such policies set by Medical Facilities will control in the event of any conflict with this Order.
- e. Governor Abbott's Executive Order GA-16 regulates nursing homes, state supported living centers, assisted living facilities, and long-term care facilities. Additionally, there is guidance from the Texas Health and Human Services Commission. Where such guidance conflicts with this Order, the guidance controls.

10. Suspension and Modification of Ordinances.

- a. Any ordinances or regulations that conflict with this amended proclamation are suspended or modified as necessary to make this amended proclamation effective.
- b. Any ordinance or regulation that imposes an obligation upon the City to bring an application, waiver, or variance to the next available meeting required by ordinance to any board or commission is hereby suspended, including but not limited to the following ordinances:
 - (1) 7220 – Public hearing and notice for a Conditional Use Permit.
 - (2) 7325 -- Public hearing and notice for a Variance.
 - (3) 7430 – Public hearing and notice for Administrative Appeals.
 - (4) 7525 – Public hearing and notice for Zoning Amendments.
- c. The following City of Wichita Falls Code of Ordinances are hereby suspended:
 - (1) Chapter 10, Article III. – Shows, Carnivals and Circuses. Transient show permits shall not be issued.

- (2) Chapter 26, Article III. – Solicitors. Solicitation permits shall not be issued.
- (3) Chapter 26, Article IV. – Itinerant Merchants. Itinerant merchant permits shall not be issued.
- (4) Chapter 14, Article IV, Division 3, Sec. 14-373(b) - (e). – Waiver of requirement to provide proof of rabies vaccination and spay/neuter reclaimed animal.

d. The following are hereby modified:

- (1) Chapter 22, Article II, Sec. 22-27. – Changes, Section 109.1 Payment of fees shall be modified as follows:
 - a. *The building official shall have the authority to issue a permit without fee and issue an invoice for said permit to be paid at a later date.*
- (2) Chapter 58, Article IV, Sec. 58-138(c)(1) shall be modified as follows:
 - a. *A manager of operations of a public or semi-public aquatic facility shall obtain certification from the regulatory authority. A manager of operations may obtain certification if a manager of operations has successfully completed a training course conducted by the regulatory authority in the preceding three years.*

e. Suspension or modification of the ordinances and regulations shall remain in effect until these regulations are terminated or until the state of disaster is terminated, whichever is sooner.

11. Failure to Comply. Failure to comply with any of the provisions of this Order constitutes an imminent threat to public health.

12. Enforcement. The Wichita Falls Police Department, Wichita County Sheriff's Office, the Wichita Falls Fire Marshal's Office, and other Texas peace officers, are hereby authorized to enforce this order. A violation of this order may be punishable through criminal or civil enforcement. A violation of this order shall be a Class C misdemeanor and the penalty for violating this Order shall be a fine of not less than one dollar (\$1.00) and no more than one thousand dollars (\$1,000.00), as authorized by Texas Government Code 418.173.

13. Legal Remedy. Any violation of this Order can be enjoined by a suit filed in the name of the City of Wichita Falls in a court of competent jurisdiction, and this remedy shall be in addition to any penal provision in this Order or in the Code of Ordinances, City of Wichita Falls, Texas.

14. Posting of this Order. The Wichita Falls/Wichita County Public Health District will post this Order on its website.

15. Savings Clause. If any provision of this Order or its application to any person or circumstance is held by a court of competent jurisdiction to be invalid or unconstitutional, then the remainder of the Order, including the application of such part or provision to other persons or circumstances, shall not be affected and shall continue in full force and effect. To this end, the provisions of this Order are severable.

ORDERED this the 24th day of April, 2020, in the City of Wichita Falls, Wichita County, Texas, in witness whereof I subscribe my name and cause to be affixed the seal of the City of Wichita Falls.



Stephen Santellana, Mayor
City of Wichita Falls

Filed with me, the City Clerk of the City of Wichita Falls, this 24th day of April, 2020, by Mayor Stephen Santellana, whose signature I hereby attest under my hand and the seal of the City of Wichita Falls.



Marie Balthrop, City Clerk
City of Wichita Falls



Guidance for Houses of Worship During the COVID-19 Crisis

During these challenging times, government and faith communities throughout Texas need to work together to stop the spread of Coronavirus. To facilitate this collaboration, State and local governments must clearly articulate their directives aimed at mitigating spread of the virus. This joint guidance from the Office of the Attorney General and the Office of the Governor responds to frequently asked questions by members of the faith community and is the official guidance regarding the effect of Executive Order GA 14 on religious services conducted in churches, congregations, and houses of worship.

The government must give special consideration to houses of worship when issuing orders related to the COVID-19 crisis.

The First Amendment to the United States Constitution and Article I of the Texas Constitution protect the right of Texans to freely exercise their religion. In addition, the Texas Religious Freedom Restoration Act ("RFRA") provides even stronger protections to faith communities, and government must ensure that it complies with RFRA when it acts. Thus, when state or local governments issue orders prohibiting people from providing or obtaining certain services, they must ensure that these orders do not violate these constitutional and statutory rights.

Houses of worship provide "essential services."

On March 31, 2020, Governor Abbott issued Executive Order GA 14, which defines essential services to include "religious services conducted in churches, congregations, and houses of worship."¹ Institutions providing these essential services can provide them under certain conditions described in Executive Order GA 14 and local orders by counties or municipalities that are consistent with GA 14. To the extent there is conflict between the Governor's Executive Order GA 14 and local orders, GA 14 controls.

Houses of worship must, whenever possible, conduct their activities from home or through remote audio or video services.

Houses of worship often gather as large groups of people in one building during a religious service or activity. But during this public health crisis, in accordance with guidance from the White House, Centers for Disease Control and Prevention ("CDC"), and Texas Department of State Health Services ("Texas DSHS"), providers of essential services must follow certain mitigation strategies to slow the spread of the

¹ Exec. Order No. GA 14 at 2 (Mar. 31, 2020).

virus.² Thus, under the Governor's Executive Order GA 14, houses of worship should conduct remote audio, video, or teleconference activities whenever possible.

If a house of worship cannot conduct its activities remotely, then the White House and CDC guidelines still control in order to stop the spread of Coronavirus.

If a house of worship cannot conduct its service remotely due to a lack of capability (technological or financial), then it should follow the Governor's Executive Order GA 14, that houses of worship are to conduct their activities in accordance with the White House Guidelines.³ For example:

- Instruct sick employees, volunteers, and guests to stay home;
- Practice social distancing by maintaining appropriate distance between people;
- Maintain good hygiene by washing your hands frequently, using hand sanitizer, using your elbow to cover coughs, and not touching your face; and
- Clean and disinfect work areas frequently.

Houses of worship, like providers of other essential services, are to follow additional guidance from the White House and CDC whenever possible.⁴

Some houses of worship must avoid large gatherings.

Texas is a big state and the transmission rate of COVID-19 varies in different communities. Given this, houses of worship should work with counties and municipalities to evaluate the rate of local community spread and determine the appropriate level of mitigation strategies to implement. For example, more detailed guidance from the CDC currently recommends that if a community is experiencing substantial community spread of COVID-19, then the houses of worship in that community should cancel all in-person gatherings of any size. But if a community is experiencing moderate to substantial spread, then the CDC recommends a reduction of activities in coordination with local health officials, possible smaller gatherings incorporating social-distancing measures, cancelation of activities with 10 or more people when high-risk populations attend in person (including those over 65 and those with underlying medical conditions),⁵ and use of creative means to deliver other

² Ctr. for Disease Control, Interim Guidance for Businesses and Employers to Plan and Respond to Coronavirus Disease 2019 (COVID-19) (Mar. 21, 2020), <https://www.cdc.gov/coronavirus/2019-ncov/community/guidance-business-response.html>; Tex. Dep't of State Health Servs., Prevention of COVID-19 (Mar. 31, 2020), <https://www.dshs.texas.gov/coronavirus/#prevent>.

³ The President's Coronavirus Guidelines for America, 30 Days to Slow the Spread (Mar. 31, 2020), https://www.whitehouse.gov/wp-content/uploads/2020/03/03.16.20_coronavirus-guidance_8.5x11_315PM.pdf.

⁴ CDC: <https://www.cdc.gov/coronavirus/2019-ncov/community/guidance-business-response.html>. Texas DSHS: <https://www.dshs.texas.gov/coronavirus/#prevent>.

⁵ CDC: <https://www.cdc.gov/coronavirus/2019-ncov/need-extra-precautions/people-at-higher-risk.html>.

faith-based services. For more information, houses of worship should consult CDC guidance.⁶

For example, a church may hold Easter services in its parking lot, with attendees remaining in their cars (windows down), parked in every other parking spot, with the minister using amplification to preach. Or because Executive Order GA 14 permits drive-thrus to operate, then a house of worship may, according to their faith practices, provide communion or a blessing through a similar drive-up service. Or pastors with smaller congregations may consider conducting multiple services of 10 people or fewer in their sanctuaries, so long as they maintain appropriate social distancing, properly sanitize the building between each service, and provide hand sanitizer.

These restrictions do not violate the religious liberty of houses of worship.

Under the extraordinary circumstances in which we temporarily live, these restrictions do not violate the religious liberty of houses of worship because the government has a compelling interest for implementing the rules (stopping contagion) and the rules are the least restrictive means of burdening religious practice (they allow houses of worship to stay open for ministry, but suggest ways that help stop the spread of COVID-19).

⁶ CDC, Interim Guidance for Administrators and Leaders of Community- and Faith-Based Organizations to Plan, Prepare, and Respond to Coronavirus Disease 2019 (COVID-19) (Mar. 23, 2020), <https://www.cdc.gov/coronavirus/2019-ncov/community/organizations/guidance-community-faith-organizations.html>.