

ORDINANCE

AUTHORIZING THE HEALTH AUTHORITY TO ADOPT ADMINISTRATIVE RULES TO PROTECT INDIVIDUALS FROM COVID-19; CREATING AN OFFENSE AND PENALTY; AND DECLARING AN EMERGENCY

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WHEREAS, COVID-19 is a virus that spreads mainly between people who are in close contact with one another (within about 6 feet) through respiratory droplets produced when an infected person speaks, signs, coughs, or sneezes; and it also may be possible that a person can get COVID-19 by touching a surface that has the virus on it and then touching their own mouth, nose, or possibly their eyes; and

WHEREAS, a significant percentage of individuals with the COVID-19 virus are “pre-symptomatic,” which means an infected person can transmit the virus to others before showing any symptoms; and

WHEREAS, Section 122.006 of the Texas Health and Safety Code states that a home-rule municipality may adopt rules to protect the health of individuals in the municipality; and

WHEREAS, Section 121.003 of the Texas Health and Safety Code states that a home-rule municipality may enforce any law reasonably necessary to protect the public health; and

WHEREAS, the San Antonio City Charter, Article I, Section 3, entitled “General Powers” establishes the City as a home-rule municipality; **NOW THEREFORE**,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:

SECTION 1. The City Council finds that the statements in the recitals above are true and correct and are incorporated in full and made a part of this ordinance. The City Council further affirms the Health Authority and the City Manager have the authority, consistent with local and state law, to act in accordance with Section 2, below.

SECTION 2. PROTECTIONS FOR THE HEALTH OF PERSONS.

- (A) To protect the health of individuals within the City, the health authority may adopt administrative rules reasonably necessary to protect the health of persons within the City, including mitigating and reducing the transmission of COVID-19.
- (B) The City Manager, consistent with local and state law, may designate one or more city departments to assist the health authority with administering, implementing, and enforcing this ordinance.

SECTION 3. This ordinance expires [REDACTED], 2020. Provided, however, the San Antonio City Council can vote to extend the provisions within this ordinance at any time before [REDACTED], 2020.

SECTION 4. The City Clerk is directed to publish public notice of this ordinance in accordance with Section 17 of the City Charter of San Antonio, Texas.

SECTION 5. OFFENSE AND PENALTY. Penalties provided for in this Ordinance shall be effective five days after publication by the City Clerk.

- (A) A person who knowingly violates a health authority rule commits an offense.
- (B) Each day that a violation occurs is a separate offense.
- (C) Each offense is punishable by a fine not to exceed \$2,000.

SECTION 6. EFFECTIVE DATE. The COVID-19 pandemic is the subject of disaster declarations and orders because it jeopardizes the public health and safety of individuals within the City. Because of this emergency, this ordinance takes effect the day following publication for the preservation of the public peace, health, and safety.

PASSED AND APPROVED this ____ day of ____, 2020.

M A Y O R
Ron Nirenberg

ATTEST:

APPROVED AS TO FORM:

Tina Flores, Acting City Clerk

Andrew Segovia, City Attorney