

ORDINANCE NO. 2020-6-11

An Ordinance of the City of Plano, Texas, adopting and approving a strong recommendation for businesses that provide goods and/or services to the public to implement a health and safety policy to require face coverings to protect the health of persons in the City; and providing an effective date.

WHEREAS, in December 2019, a novel coronavirus, now designated COVID-19, was detected as a public health threat; and

WHEREAS, on March 11, 2020, the World Health Organization declared COVID-19 a worldwide pandemic; and

WHEREAS, Governor Greg Abbott issued a State of Disaster for all Texas counties for COVID-19 on March 13, 2020; and

WHEREAS, President Donald Trump declared a State of National Emergency for the United States of America on March 13, 2020; and

WHEREAS, on March 19, 2020, John W. Hellerstedt, M.D., the Commissioner of the Texas Department of State Health Services, in accordance with Section 81.082(d) of the Texas Health and Safety Code, declared a state of public health disaster for the entire State of Texas for the first time since 1901; and

WHEREAS, since April 2, 2020, Governor Greg Abbott issued several Executive Orders including among others those related to the reopening of Texas businesses and hospital capacity; and

WHEREAS, the continued spread of COVID-19, specifically in the State of Texas and the North Texas region, presents an imminent threat of widespread illness, which requires emergency action; and

WHEREAS, Sections 121.003 and 122.006 of the Texas Health and Safety Code provide that the City of Plano is authorized to adopt rules to protect the health of persons in the City; and

WHEREAS, on June 6, 2020, Governor Greg Abbott publicly stated, “pursuant to my plan, local governments can require stores and businesses to require masks;” and

WHEREAS, the conditions necessitating disease prevention measures continue to exist and immediate measures must be taken to respond quickly to prevent and alleviate the suffering of people exposed to and those infected with the virus, as well as those that could potentially be infected or impacted by COVID-19; and

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WHEREAS, the City Council finds that it is in the public interest to require business entities in the City of Plano providing goods and/or services directly to the public to implement a health and safety policy to require face coverings as further detailed herein to protect the health of persons in the City pursuant to the Texas Health and Safety Code, as amended.

NOW THEREFORE, BE IT ORDAINED, BY THE CITY COUNCIL OF THE CITY OF PLANO, TEXAS:

SECTION I. Beginning on the effective date of this ordinance, and continuing through August 10, 2020, all business entities¹ in the City of Plano providing goods and/or services directly to the public must develop and implement a “Health and Safety Policy.” The Health and Safety Policy must require, at a minimum, that all employees and visitors to the business entity’s premises or other facilities wear face coverings when in an area or performing an activity which will necessarily involve 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 ordinance 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. The entity must post the Health and Safety Policy required by this ordinance in a conspicuous location sufficient to provide notice to employees and visitors of all health and safety requirements.

SECTION II. The requirement of a face covering does not apply if covering their nose and mouth poses a significant mental or physical health risk to the individual or for children under the age of 10. The requirement of a face covering also does not apply when an individual is consuming a food or beverage or receiving a service where the wearing of a face covering would impair the performance of the service.

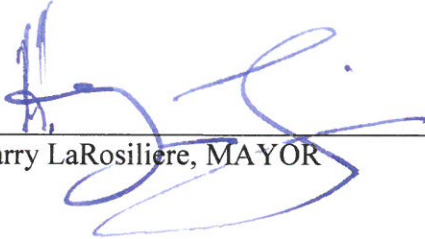
SECTION III. Consistent with Executive Order GA-26 issued by Governor Greg Abbott, no civil or criminal penalty will be imposed on individuals for failure to wear a face covering.

SECTION IV. This Ordinance shall become effective immediately upon its passage.

¹ Business Entity shall not include Houses of Worship. The Offices of the Texas Governor and Texas Attorney General have issued joint guidance for Houses of Worship during the COVID-19 crisis which is the official guidance for religious services.


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DULY PASSED AND APPROVED THE 30th DAY OF JUNE 2020.



Harry LaRosiliere, MAYOR

ATTEST:



Lisa C. Henderson, CITY SECRETARY

APPROVED AS TO FORM:



Paige Mims, CITY ATTORNEY