



“Back in Business” - Update 7/2/2020

The City of Wharton has established a “Back in Business” framework to help ease our businesses in re-opening their doors. The “Back in Business” campaign has been developed as the State and Federal government announced more business to resume. At this time, we are reminding businesses of the importance of following the recommended guidelines for reducing the spread of COVID-19.

BREAKING NEWS!

Governor Abbott issued [Executive Order GA-29](#) stating “effective at 12:01 p.m. on July 3, 2020:

Every person in Texas shall wear a face covering over the nose and mouth when inside a commercial entity or other building or space open to the public, or when in an outdoor public space, wherever it is not feasible to maintain six feet of social distancing from another person not in the same household; provided, however, that this face-covering requirement does not apply to the following:

1. any person younger than 10 years of age;
2. any person with a medical condition or disability that prevents wearing a face covering;
3. any person while the person is consuming food or drink, or is seated at a restaurant to eat or drink;
4. any person while the person is (a) exercising outdoors or engaging in physical activity outdoors, and (b) maintaining a safe distance from other people not in the same household;
5. any person while the person is driving alone or with passengers who are part of the same household as the driver;
6. any person obtaining a service that requires temporary removal of the face covering for security surveillance, screening, or a need for specific access to the face, such as while visiting a bank or while obtaining a personal care service involving the face, but only to the extent necessary for the temporary removal;
7. any person while the person is in a swimming pool, lake, or similar body of water;
8. any person who is voting, assisting a voter, serving as a poll watcher, or actively administering an election, but wearing a face covering is strongly encouraged;
9. any person who is actively providing or obtaining access to religious worship, but wearing a face covering is strongly encouraged;
10. any person while the person is giving a speech for a broadcast or to an audience; or
11. any person in a county (a) that meets the requisite criteria promulgated by:

the Texas Division of Emergency Management (TDEM) regarding minimal cases of COVID-19, and (b)

whose county judge has affirmatively opted-out of this face-covering requirement by filing with TDEM the required face-covering attestation form—provided, however, that wearing a face covering is highly recommended, and every county is strongly encouraged to follow these face-covering standards. Not excepted from this face-covering requirement is any person attending a protest or demonstration involving more than 10 people and who is not practicing safe social distancing of six feet from other people not in the same household.

Following a verbal or written warning for a first-time violator of this face covering requirement, a person's second violation shall be punishable by a fine not to exceed \$250. Each subsequent violation shall be punishable by a fine not to exceed \$250 per violation.

Local law enforcement and other local officials, as appropriate, can and should enforce this executive order, Executive Order GA-28, and other effective executive orders, as well as local restrictions that are consistent with this executive order and other effective executive orders. But no law enforcement or other official may detain, arrest, or confine in jail any person for a violation of this executive order or for related non-violent, non-felony offenses that are predicated on a violation of this executive order; provided, however, that any official with authority to enforce this executive order may act to enforce trespassing laws and remove violators at the request of a business establishment or other property owner. This executive order hereby prohibits confinement in jail as a penalty for the violation of any face-covering order by any jurisdiction.”

Q. Am I required to provide customers or employees with masks?

A. No, customers can and should provide their own masks. Customers refusing to wear masks can be turned away and denied service. Businesses can provide masks for employees or customers, as they see fit. City of Wharton is providing local businesses with less than 50 employees a FREE box of 50 masks for their employees (not for customers or for re-sale), while supplies last.

Q. Who is enforcing this order and what happens if a customer or employee in my business is caught not wearing a mask?

A. Per the Governor's order, local law enforcement 'can and should enforce' this new mandate. They may not 'detain, arrest, or confine in jail any person for a violation of this executive order', but a warning and possible 'fine not to exceed \$250' can be issued to the person in violation. For businesses, this means the person not complying is fined, not the business.

Q. What do I do if my employees refuse to wear a mask?

A. A business owner has the right to send an employee home, paid or unpaid at the business owners' discretion.

We know there are many more questions out there and that there will continue to be as we move forward in this process. The City of Wharton is dedicated to supporting its business community through this time and is eager to see Wharton 'back in business' as usual. Please contact the Community Development Department at 979-532-2491 for questions and more information.

Sincerely,

Community Development Department
City of Wharton