

**EXECUTIVE ORDER SK-01 RELATED TO COVID-19  
STAY HOME STAY SAFE ORDER  
DATE ISSUED: APRIL 3, 2020**

**WHEREAS**, on March 13, 2020, President Trump declared a National State of Emergency under the Stafford Act to combat the growing COVID-19 pandemic in the United States; and

**WHEREAS**, on March 13, 2020, Governor Greg Abbott declared a State of Disaster for all 254 Counties in the State of Texas; and

**WHEREAS**, on March 17, 2020, City of New Braunfels Mayor Barron Casteel declared a Local Disaster due to a public health emergency, that was extended by the City Council on March 23, 2020; and

**WHEREAS**, on March 18, 2020, Comal County Judge Sherman Krause issued a Local Disaster Declaration due to a public health emergency, that was extended by the Comal County Commissioners Court on March 24, 2020; and

**WHEREAS**, on March 19, 2020, the Texas Commissioner of Public Health issued a Declaration of Public Health Disaster in the State of Texas, that provides recommendations such as limiting public outings unless essential as defined in the Declaration; and

**WHEREAS**, City of New Braunfels Mayor Barron Casteel issued an Order to all individuals living within the City of New Braunfels to stay at home and all non-essential businesses to cease operations unless conducted from home that took effect March 25, 2020, at 11:59 PM; and

**WHEREAS**, on March 25, 2020, President Trump declared that a major disaster exists in the State of Texas and ordered Federal assistance to supplement State and local recovery efforts in the areas affected by the Coronavirus Disease 2019 (COVID-19) pandemic beginning on January 20, 2020, and continuing; and

**WHEREAS**, the Governor has issued a total of fourteen (14) Executive Orders in order to combat the spread of COVID-19 throughout the state and to prevent the depletion of hospital capacity and personal protective equipment for non-elective procedures; and

**WHEREAS**, on March 31, 2020, the Governor issued Executive Order GA-14 relating

to statewide restrictions on non-essential businesses and activities, and continuity of essential services and activities through April 30, 2020, unless later extended or rescinded; and

**WHEREAS**, Executive Order GA-14 mandates that every Texan shall minimize social gatherings and in-person contact with people who are not in the same household, except where necessary to provide or obtain essential services; and

**WHEREAS**, because of the risk of the rapid spread of the virus, the need to protect the most vulnerable members of the community, the intent to ensure that the maximum number of people self-isolate in their places of residence to the maximum extent feasible, while enabling essential services to continue, and the desire to slow the spread of COVID-19 to the maximum extent possible, this Order is required; and

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

**WHEREAS**, the confirmed cases of COVID-19 in the County are both travel related and community spread, which underscores the importance of this Stay Home Stay Safe Order; and

**WHEREAS**, pursuant to the Texas Disaster Act of 1975, the County Judge is designated as the Emergency Management Director for the County of Comal and may exercise the powers granted to the Governor of Texas on an appropriate local scale.

**NOW, THEREFORE PURSUANT TO AND IN ACCORDANCE WITH THE TEXAS DISASTER ACT OF TEXAS GOVERNMENT CODE CHAPTER 418, BE IT ORDERED BY THE COUNTY JUDGE OF COMAL COUNTY, TEXAS THAT:**

**SECTION 1. All individuals currently living within Comal County, Texas ("the County") are ordered to remain and stay at their place of Residence. Individuals must at all times as reasonably possible maintain social distancing of at least six feet from any other person when they are outside their Residence. Individuals may leave their Residence only for Essential Activities or for performing or accessing Essential Governmental Functions, Healthcare Operations, Essential Businesses, and Essential Critical Infrastructure, all as defined in Section 4.**

**SECTION 2. All businesses operating in the County, except Essential Businesses as defined below in Section 4, are required to cease all activities at facilities located within the County except Minimum Basic Operations, as defined in Section 4. For clarity, businesses may also continue operations consisting exclusively of employees or contractors performing activities at their own Residences (i.e.,**

working from home) without regard to homeowner's association restrictions providing otherwise. To the greatest extent feasible, Essential Businesses shall comply with Social Distancing Requirements as defined in Section 4 below, including six-foot social distancing for both employees and the general public.

**SECTION 3. All public and private gatherings of any number of people occurring outside a Residence are prohibited, except for the limited purposes as expressly permitted herein and defined in Section 4. Nothing in this Stay Home Stay Safe Order prohibits the gathering of members of the same household or family unit at their place of Residence.**

**SECTION 4. Definitions and Exemptions:**

- A. Residence.** For purposes of this **Stay Home Stay Safe Order**, the term "Residence" means the physical place where a person, group or family resides, including single family houses, apartment units, townhomes, condos, multi-family homes, such as duplexes, triplexes, and quadplexes, manufactured homes and recreational vehicles (RVs), hotels, motels, shared rentals, and other related facilities. Where applicable, the term "Residence" shall include the entire area within a property's boundary lines, including porches, yards and balconies. Residence does not include short term rentals for RV park spaces or campground spaces as further outlined in Section 8 below.
- B. Covered Businesses and Covered Entities.** For the purposes of this **Stay Home Stay Safe 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.
- C. Essential Activities.** For purposes of this **Stay Home Stay Safe Order**, individuals may leave their Residence only to perform any of the following "**Essential Activities**":
  - 1. To engage in activities or perform tasks essential to their health and safety, or to the health and safety of their family or household members (including, but not limited to, pets), such as obtaining medical supplies or medication, and visiting a health care professional.
  - 2. To obtain necessary services or supplies for themselves and their family or household members, or to deliver those services or supplies to others and to food banks and food bank depositories, such as canned food, dry goods, fresh fruits and vegetables, pet supply, fresh meats, fish, and poultry, and any other household consumer products, and products necessary to maintain the safety, sanitation, and essential operation of Residences, and obtaining supplies they need to work from home.
  - 3. To engage in outdoor activity, provided the individuals comply with Social Distancing Requirements as defined in this Section, such as walking, hiking, running, cycling, hunting or fishing.
  - 4. To perform work providing essential products and services at an Essential

Business or to otherwise carry out activities specifically permitted in this **Stay Home Stay Safe Order**, including Minimum Basic Operations.

5. To care for a family member or pet in another household.
6. To exchange children between parents, guardians, or managing conservators pursuant to a child custody order or agreement between the parties.

**D. Healthcare Operations.** For purposes of this **Stay Home Stay Safe Order**, individuals may leave their Residence to work for or obtain services at any "**Healthcare Operations**" including hospitals, clinics, dentists, pharmacies, pharmaceutical and biotechnology companies, other healthcare facilities, healthcare suppliers, home healthcare services providers, mental health providers, substance abuse service providers, blood banks, medical research, laboratory services, or any related and/or ancillary healthcare services. Home-based and residential-based care for seniors, adults, or children are also considered Healthcare Operations. Healthcare Operations also includes veterinary care and all healthcare and welfare services provided to animals. This exemption shall be construed broadly to avoid any impacts to the delivery of healthcare, broadly defined. Healthcare Operations does **not** include fitness and exercise facilities, athletic gyms, exercise gyms and similar facilities. Healthcare operations do not include elective medical, surgical, and dental procedures. Hospitals, ambulatory surgery centers, dental offices, and other medical facilities are directed to identify procedures that are deemed "elective" by assessing which procedures can be postponed or cancelled based on patient risk considering the emergency need for redirection of resources to the current public health and safety concerns.

**E. Essential Critical Infrastructure.** For purposes of this **Stay Home Stay Safe Order**, individuals may leave their Residence to provide any services or perform any work necessary to the operations and maintenance of "**Essential Critical Infrastructure**," including, but not limited to, work necessary to the operations and maintenance of the 16 critical infrastructure sectors as identified by Presidential Policy Directive 21 (PPD-21). These are outlined at:

[https://www.cisa.gov/sites/default/files/publications/CISA\\_Guidance\\_on\\_the\\_Essential\\_Critical\\_Infrastructure\\_Workforce\\_Version\\_2.0\\_Updated.pdf](https://www.cisa.gov/sites/default/files/publications/CISA_Guidance_on_the_Essential_Critical_Infrastructure_Workforce_Version_2.0_Updated.pdf); and  
<https://tdem.texas.gov/essentialservices/>

Essential Businesses providing Essential Critical Infrastructure should implement screening precautions to protect employees and all activity shall be performed in compliance with Social Distancing Requirements.

**F. Essential Governmental Functions.** For purposes of this **Stay Home Stay Safe Order**, all services provided by governmental entities needed to ensure the continuing operation of the governmental entities to provide for the health, safety, and welfare of the public are categorically exempt from this **Stay Home Stay Safe Order**. Further, nothing in this **Stay Home Stay Safe Order** shall prohibit any

individual from performing or accessing "**Essential Governmental Functions**," as determined by the governmental entity performing those functions. All Essential Governmental Functions shall be performed in compliance with Social Distancing Requirements as defined in this Section, including the six-foot social distancing, to the extent possible. This Order does not apply to the Federal or State Government.

**G. Essential Businesses.** For purposes of this **Stay Home Stay Safe Order**, "**Essential Businesses**" means:

1. Healthcare Operations, Essential Critical Infrastructure, and Essential Government Functions;
2. Grocery stores, farmers' markets, farm and produce stands, supermarkets, food banks, convenience stores, and other establishments engaged in the retail sale of canned food, dry goods, fresh fruits and vegetables, pet supply, fresh meats, fish, and poultry, and any other household consumer products (such as cleaning and personal care products). This includes stores that sell groceries and also sell other non-grocery products, and products necessary to maintaining the safety, sanitation, and essential operation of Residences;
3. Food cultivation, including farming, livestock, fishing, nurseries, and garden centers;
4. Residential, transportation and commercial/industrial construction;
5. Businesses that provide food, shelter, and social services, and other necessities of life for economically disadvantaged or otherwise needy individuals;
6. Newspapers, television, radio, and other media services;
7. Gas stations and fuel suppliers;
8. Auto-supply, auto-repair, auto parts, auto-maintenance, vehicle manufacturing, vehicle sales and related facilities;
9. Banks and related financial institutions;
10. Hardware stores;
11. Trash and recycling collection, processing and disposal;
12. Cleaning, maintenance and security for facilities;
13. Warehouse distribution and fulfillment;
14. Storage for Essential Businesses;
15. Funeral homes, crematoriums, cemeteries, burial, and related services, provided that Social Distancing Requirements are maintained to the greatest extent possible;
16. Plumbers, electricians, exterminators, and other service providers who provide services that are necessary to maintaining the safety, sanitation, and essential operation of Residences, Essential Activities, and Essential Businesses, in addition to emergency repairs for facilities of non-essential businesses;
17. Real estate functions to include: real estate property management, including scheduling necessary repairs that effect the safety and well-being of

residents, executing and managing leases (commercial and residential), renewal and adjustments of leases (commercial and residential); real estate recordings and transfers, including the execution and documentation of real estate transfers; and real property related services such as permitting, inspections, construction, procurement, appraisals, surveys, and title searches;

18. Businesses and providers providing mailing and shipping services, including post office boxes;
19. Educational institutions-including public and private pre-K establishments, K-12 schools, colleges, and universities-for purposes of facilitating distance learning or performing essential functions, provided that social distancing of six-feet per person is maintained to the greatest extent possible;
20. Laundromats, drycleaners, and laundry service providers;
21. Restaurants and other facilities that prepare and serve food, but only for delivery, drive-thru or carry-out. Schools and other entities that typically provide free food services to students or members of the public may continue to do so under this **Stay Home Stay Safe Order** on the condition that the food is provided to students or members of the public on a pick-up or carry-out basis only;
22. Businesses that supply products needed for people to work from home or office;
23. Businesses that provide Information Technology (IT) services that are necessary to maintain internet and telecommunications systems, including the provision of essential global, national and local infrastructure for computing services, business infrastructure, communications and web-based services;
24. Businesses that provide residential and/or commercial moving services and necessary moving supplies;
25. Businesses that supply other Essential Businesses with the support or supplies necessary to operate;
26. Businesses that ship or deliver groceries, food, goods or services directly to Residences;
27. Any business or manufacturer who restructures so that a substantial part of their business is for the purpose of manufacturing, producing or distributing products, intended to be directly utilized for the COVID-19 response;
28. Airlines, taxis, and other private transportation providers providing transportation services necessary for Essential Activities and other purposes expressly authorized in this **Stay Home Stay Safe Order**;
29. Professional services, such as legal or accounting services;
30. Childcare, daycare and child watch facilities and providers providing services that enable employees exempted in this **Stay Home Stay Safe Order** to work as permitted. To the extent possible, childcare, daycare and child watch facilities and providers must operate under the following mandatory conditions:
  - a. Childcare, daycare and child watch be carried out in stable groups of

10 or fewer ("stable" means that the same 10 or fewer children are in the same group each day).

- b. Children should not change from one group to another.
- c. If more than one group of children are cared for at one facility, each group should be in a separate room. Groups should not mix with each other.
- d. Childcare providers should remain solely with one group of children.

**H. Minimum Basic Operations.** For purposes of this **Stay Home Stay Safe Order**, "**Minimum Basic Operations**" may be conducted as long as the business uses only the minimum number of employees that are absolutely necessary to conduct (1) the minimum necessary activities to maintain the value of the business's inventory, ensure security, process payroll and employee benefits, or for related functions; and (2) the minimum necessary activities to facilitate employees of the business being able to continue to work remotely from their Residences. At all times, individuals shall comply with the Social Distancing Requirements detailed below.

**I. Essential Travel.** For purposes of this **Stay Home Stay Safe Order**, "**Essential Travel**" includes travel for any of the following purposes:

- 1. Any travel related to the provision of or access to Essential Activities, Healthcare Operations, Essential Governmental Functions, Essential Businesses, or Minimum Basic Operations.
- 2. Travel to care for elderly, minors, dependents, persons with disabilities, or other vulnerable persons.
- 3. Travel to or from educational institutions for purposes of receiving materials for distance learning, for receiving meals, and any other related services.
- 4. Travel to return to a place of Residence from outside the jurisdiction.
- 5. Travel required by law enforcement or court order.
- 6. Travel required for non-residents to return to their place of Residence outside the County. Individuals are strongly encouraged to verify that their transportation out of the County remains available and functional prior to commencing such travel.

**J. Social Distancing Requirements.** For purposes of this **Stay Home Stay Safe Order**, "**Social Distancing Requirements**" includes maintaining at least six-foot social distancing from other individuals, washing hands with soap and water for at least twenty seconds as frequently as possible or using hand sanitizer, covering coughs or sneezes (into the sleeve, elbow, or tissue, but not hands), regularly cleaning high-touch surfaces, and not shaking hands.

**SECTION 5:** On March 31, 2020, Texas Governor Greg Abbott issued Executive Order GA 14, to include religious and worship services as "Essential Services".

**SECTION 6.** All County boat ramps on Canyon Lake shall only be used for the launching

and recovery of watercraft.

**SECTION 7.** Nursing homes, retirement, and long-term care facilities are instructed by this Order to prohibit non-essential visitors from accessing their facilities unless to provide critical assistance or for end-of-life visitation.

**SECTION 8.** Businesses that offer short term camping or RV space rentals of less than thirty (30) days are hereby ordered to cease short term rentals. Long term camping or RV space rentals of thirty (30) days or more, for individuals in the same household, are considered temporary residences and may remain in place so long as individuals comply with the Social Distancing Requirements. Businesses that rent or provide river and lake recreational equipment are not essential businesses and are hereby ordered to cease operations.

**SECTION 9.** This **Stay Home Stay Safe Order** is issued based on evidence of an increasing risk to the health and safety of the residents within the County, throughout the United States of America and the State of Texas, and scientific evidence and best practices regarding the most effective approaches to address the concerns for the health and safety of the public. The notable risk to the health and safety of the public has resulted in a public health emergency throughout the County.

**SECTION 10.** This **Stay Home Stay Safe Order** also is issued based on known risks to the health and safety to the people of Comal County. This **Stay Home Stay Safe Order** is necessary to protect the health and safety of the people and to limit the factors creating the risks.

**SECTION 11.** The findings and recitations set out in the preamble to this **Stay Home Stay Safe Order** are found to be true and correct and they are hereby adopted by the Comal County Judge and made a part hereof for all purposes.

**SECTION 12.** Pursuant to Section 418.108(h) of the Texas Government Code, this **Stay Home Stay Safe Order** shall control the movement of persons and the occupancy of premises in Comal County, Texas, and includes the incorporated and unincorporated areas of Comal County, Texas; and to the extent of a conflict between this **Stay Home Stay Safe Order** and any decisions of a Mayor of municipality in Comal County, Texas, the municipal orders shall prevail.

**SECTION 13. AS AUTHORIZED BY SECTION 418.173 OF THE TEXAS GOVERNMENT CODE AND AS ADOPTED IN COMAL COUNTY'S EMERGENCY MANAGEMENT PLAN, A FAILURE TO COMPLY WITH ANY ORDER ADOPTED UNDER SAID PLAN, INCLUDING, BUT NOT LIMITED TO THIS STAY HOME STAY SAFE ORDER, SHALL BE A CRIMINAL OFFENSE PUNISHABLE BY A FINE THAT DOES NOT EXCEED \$1,000.00 OR CONFINEMENT IN JAIL FOR A TERM NOT TO EXCEED 180 DAYS. ANY LICENSED PEACE OFFICER OR OTHER PERSON WITH LAWFUL AUTHORITY ARE HEREBY AUTHORIZED TO ENFORCE THIS ORDER AND ORDERS REFERENCED HEREIN.**

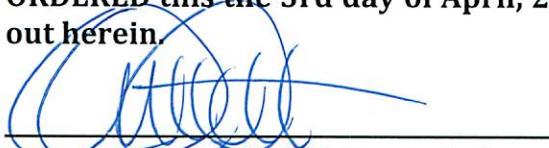


**SECTION 14.** If any provision of this **Stay Home Stay Safe Order** or its application to any person or circumstance is held to be invalid, the remainder of the **Stay Home Stay Safe Order**, including the application of such part or provision to other persons or circumstances, shall not be affected and shall continue in full force and effect. To this end, the provisions of this **Stay Home Stay Safe Order** are severable.

**SECTION 15.** This **Stay Home Stay Safe Order** will be posted on Comal County's website at: <https://www.co.comal.tx.us/> and filed with the Comal County Clerk.

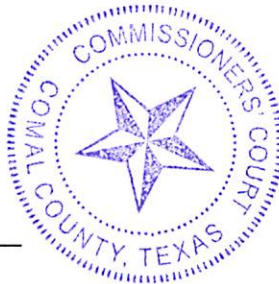
**SECTION 16.** This **Stay Home Stay Safe Order** shall become effective at **12:01 a.m. on April 4, 2020**, and will continue to be in effect until **11:59 p.m. on April 30, 2020**, or until it is extended, rescinded, superseded, or amended in writing by the Comal County Judge.

**ORDERED this the 3rd day of April, 2020 to be effective as of the date and time set out herein.**



Sherman Krause, Comal County Judge

ATTEST:

  
Bobbie Koepf, County Clerk

Filed and Recorded  
Official Public Records  
Bobbie Koepf, County Clerk  
Comal County, Texas  
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*Bobbie Koepf*