



TO: Law Enforcement/Code Enforcement Departments

FROM: Anthony Callaway – Chief Fire Marshal Travis County

SUBJECT: Enforcement Procedures for County Judge Order No. 2020-5: COVID-19

DATE: March 26, 2020

As you are all aware, our County Judge along with our neighboring counties has recently been forced to take extraordinary action as part of our comprehensive mitigation efforts related in response to the COVID-19 outbreak. Part of these actions have included a series of County Orders with the latest being implemented on March 24, 2020. During this time the Travis County Fire Marshal's Office (TCFMO) in partnership with the Travis County Sheriff's Office (TCSO) has taken the lead on behalf of the County for the enforcement component of the order.

Mission

Chuck Brotherton- Executive Director of Emergency Services on behalf the County Judge has tasked the TCFMO with developing enforcement procedures for those involved with this unfortunately necessary campaign. The following should provide a consistent process for all participating agencies and hopefully answer many of the common questions.

Participating Departments

We have successfully coordinated with many of you already over the last few weeks on procedures and want you to know that the County greatly appreciates all you have done to assist us with this campaign. It is important for us to emphasize that your department/agency is not required to participate in the enforcement of the County Order. TCFMO and TCSO will continue to be the lead departments enforcing the aforementioned Order. We are cognizant of the differing department sizes, missions in addition to the new challenges resulting from COVID-19. However, we do welcome and appreciate any available assistance your department can provide us with the campaign. Please send an email to both Major Smith (TCSO) and I if your department is planning to actively participate with the with the education and outreach enforcement component of this campaign as it relates to the County Order or is not unable to do so at this time. This will assist us with immensely with the routing of initial complaints and follow-ups throughout the County. In the email please identify the points of contact for your department.

Tony Callaway Tony.Callaway@traviscountytexas.gov
Craig Smith Craig.Smith@traviscountytexas.gov

Enforcement Philosophy and Procedures

First off, I think we would all agree that the most successful way to enforce a law (order) is through a comprehensive and consistent education and outreach campaign. This has been our method over the last several weeks and will continue to be our top priority and tool used to gain compliance. I am happy to report that we have received overwhelming cooperation from our businesses and the general public thus far. Unfortunately, we know there will potentially be times in the near future when enforcement is necessary to gain compliance for the safety of all.

It is important to note that the County and City orders do not apply to State or Federal projects or facilities.

Enforcement Links

The Travis County Fire Marshal's Office created a couple of email links during the campaign to assist with tracking complaints and concerns related to potential violations of the County Order. The first link is tied to a template form for the public to send their concerns titled: **Report a Hazard/County Order Violation**. This link is posted on the TCFMO website along with numerous other locations and can be accessed directly as follows:

<https://www.traviscountytexas.gov/fire-marshall/life-fire-safety-hazard-form>

Currently, TCFMO staff sort through the complaints along with phone calls on a daily basis and route complaints to areas with participating departments/agencies for initial follow-up. TCFMO staff perform the initial site visit and accompanying education for all remaining areas.

A second email link has been established specific to internal communication for participating departments to send communication on violation follow-up to the TCFMO.

Hazards@traviscountytexas.gov

***This email link is not to be shared with the general public.**

Process for Non-Participating Departments

All complaints or complainants can be forwarded through the following methods.

- Fill-out template or have complainant fill-out template at the following link:

<https://www.traviscountytexas.gov/fire-marshall/life-fire-safety-hazard-form>

- During normal business hours contact TCFMO at 512-854-4621
- After hours contact TCFMO or TCSO through TCSO Dispatch

Process for Participating Departments

First Violation Steps:

1. Officer makes contact with business/commercial establishment they believe is violating Order or received a complaint in regards to a potential violation.
2. Officer determines if it does or does not fall within critical infrastructure (exempt category).
3. Officer obtains identifiers on the subject(s) who were provided with a copy of the Order.
4. If does not, Officer provides onsite manager with copy of the order in addition to answering related question. Manager and employees are instructed that they are currently in violation of the County Order and instructed to immediately shutdown and vacate the property.
5. Officer sends email to: Hazards@traviscountytexas.gov with the following:
 - Name of Business
 - Address
 - Type of Activity/Business Operation
 - Identifiers on Manager(s) (subject) provided with a copy of the Order
6. TCFMO will log information on comprehensive spreadsheet

***Deputies shall adhere to all other internal procedures and/or protocols of their department. Any potential conflict should be handled through the Officers chain of command within their department.**

Second Violation

1. Contact TCFMO to confirm it is the second potential violation.
2. Someone from TCFMO or TCSO will coordinate to conduct a second visit to the business/commercial establishment to determine the current condition and status. The original reporting Officer or Department will be encouraged to attend the site visit, but not required.
3. TCFMO will coordinate with County Attorneys to file a criminal complaint affidavit if it is determined a violation of the Order continues and is necessary gain and maintain compliance.

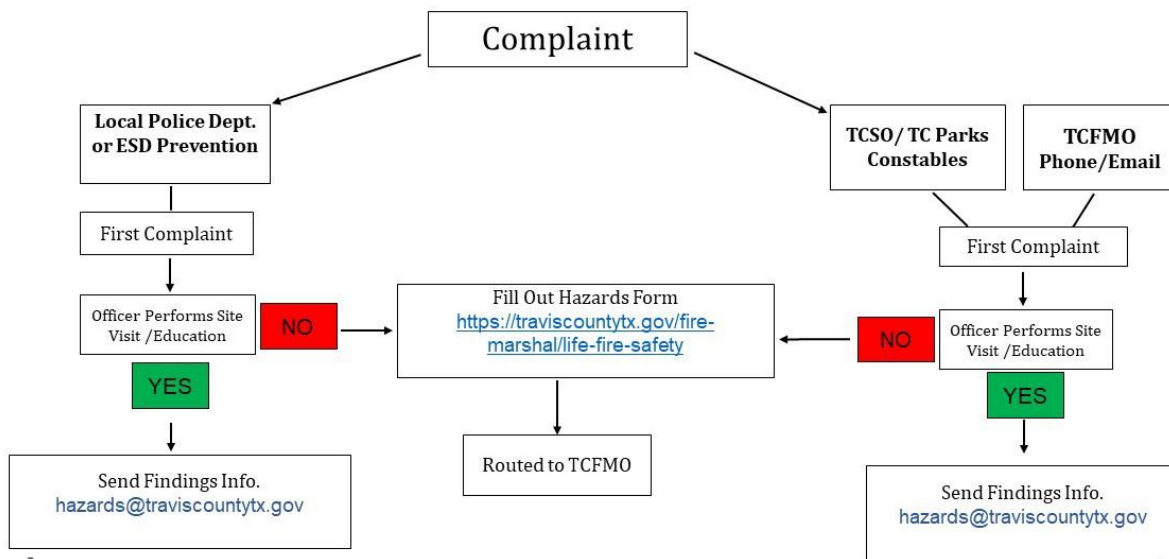
***Complaint affidavit will be written and filed by the TCFMO Deputy or TCSO Deputy who conducts site visit investigation and determines ongoing violation of the Order.**

Third Violation

1. TCFMO will file a criminal complaint affidavit with the County Court at Law.
2. TCFMO will coordinate with County Attorneys assigned to the Civil Enforcement Division to evaluate the need for criminal penalties and potential injunction.

The flow chart below should assist with navigating the process:

Process Flowchart



I have also attached some additional documents to assist with determining if the business/commercial establishment fall within the category of critical infrastructure, essential businesses or non-essential businesses.

Please do not hesitate to call me at any time with questions or concerns related to the mission. Thanks again for your continued partnership.

DISASTER RESTRICTIONS

Locations	Restrictions
<p>Non-essential businesses, including: Bars, lounges, taverns Malls Retail establishments that do not sell household goods Commercial amusement and entertainment establishments Bingo halls Theaters Gyms, Fitness classes, yoga and personal training facilities, similar facilities and classes Private clubs Hair and nail salons and barber shops Estheticians and related personal care businesses Spas and massage parlors Tattoo and piercing parlors and tanning salons Residential meeting spaces Event Centers Hotel meeting spaces and ballrooms Outdoor plazas and markets (not including farmers' markets)</p>	<p>No occupancy permitted, except:</p> <ul style="list-style-type: none"> • minimum necessary activities to maintain the value of the business's inventory, ensure security, process payroll and employee benefits, or for related functions; and • minimum necessary activities to facilitate employees of the business being able to continue to work remotely from their residences.
<p>Restaurants for consumption off-premises</p>	<p>In-house dining – not permitted Drive-through, drive-in, take-away, and delivery – permitted</p> <ul style="list-style-type: none"> • Practice social distancing – sufficient space for all people to be 6 feet apart at all times.
<p>Essential business, including: Healthcare operations Stores selling groceries and other essential supplies Food cultivation Social services and charitable organizations News media Gas stations and businesses needed for transportation Financial institutions Hardware and supply stores Critical trades (plumbers, electricians, exterminators, and other service providers for essential operation of residences and essential entities)</p>	<p>Strongly encouraged to remain open</p> <p>Practice social distancing – sufficient space for six feet from other individuals</p>

<p>Mail and delivery services Laundry services Supplies to work from home Supplies for essential businesses, critical infrastructure, and essential government functions Food delivery services Transportation Home-based care and services Residential facilities and shelters Professional services (legal, accounting, insurance, and real estate services to assist in compliance with legally mandated activities) Information technology services Moving supply services Hotels and motels Funeral services</p>	<p>Strongly encouraged to remain open</p> <p>Practice social distancing – sufficient space for six feet from other individuals</p>
<p>Childcare facilities which provide services to enable parents to continue working in essential businesses</p>	<p>To the extent possible, must operate under the following mandatory conditions:</p> <ul style="list-style-type: none"> • Carried out in stable groups of 10 or fewer (same group each day) • Children shall not change from one group to another • If more than one group present, each group shall be in a separate room and groups shall not mix • Childcare providers shall remain solely with one group