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**ORDER NO. 2020-05**

**ORDER OF THE MAYOR OF THE CITY OF EDINBURG**

**STAY HOME WORK SAFE**

**WHEREAS**, COVID-19 (coronavirus) is a contagious respiratory virus that can spread from person to person, especially in group settings; and

**WHEREAS**, COVID-19 has been declared a pandemic by the World Health Organization; and

**WHEREAS**, the United States Federal Government declared a national emergency on March 13, 2020 due to COVID-19; and

**WHEREAS**, Governor Abbot declared a State of Disaster in Texas on March 13, 2020, due to COVID-19; and

**WHEREAS**, Mayor Molina declared a local disaster on March 17, 2020, due to COVID-19; and

**WHEREAS**, Mayor Molina issued Order 2020-01 on March 17, 2020 prohibiting community gatherings of 50 persons or more, controlling prices, and requiring reporting of testing; and

**WHEREAS**, Governor Abbot issued Executive Order GA 08 on March 19, 2020, to take effect at 11:59 P.M. on March 20, 2020, that prohibits social gatherings of more than 10 people; prohibits eating or drinking in bars, restaurants, and food courts, or visiting gyms; prohibits visitations of nursing homes or retirement or long-term care facilities unless to provide critical assistance; and temporarily closes schools; and

**WHEREAS**, Mayor Molina issued Order 2020-02 on March 20, 2020, prohibiting community gatherings of more than 10 people; prohibiting eating or drinking in bars, restaurants, and food courts, or visiting gyms; and prohibiting visitations of nursing homes or retirement or long-term care facilities unless to provide critical assistance; and

**WHEREAS**, Hidalgo County issued an Emergency Order on March 22, 2020 imposing further restrictions in response to the COVID-19 pandemic event; and





**WHEREAS**, Mayor Molina issued Order 2020-03 on March 23, 2020 to align the City's restrictions in response to the COVID-19 pandemic event with the County's Emergency Order; and

**WHEREAS**, Mayor Molina, and the City Council through unanimous support, issued Order 2020-04 on March 24, 2020, ordering all remaining businesses operating within the City of Edinburg to follow minimum standards regarding hygiene, sanitation, and distancing and that those businesses submit a written Work Safe Plan documenting those policies to keep employees and customers safe; and

**WHEREAS**, COVID-19 is easily transmitted through person to person contact, especially in group settings, and it is essential that the spread of the virus be slowed to protect the ability of public and private health care providers to handle the influx of new patients and safeguard public health and safety. Because of the risk of the rapid spread of the virus, and the need to protect the most vulnerable members of the community, this Order requires all individuals anywhere in the City of Edinburg to stay home except for certain essential activities and work.

**NOW, THEREFORE; BE IT PROCLAIMED BY THE MAYOR OF THE CITY OF EDINBURG, TEXAS PURSUANT TO THE AUTHORITY VESTED BY TEXAS GOVERNMENT CODE CHAPTER 418, HEREBY FIND AND ORDER:**

**Section 1.** That the findings and recitations set out in the preamble to this Order are found to be true and correct and they are hereby adopted by the Mayor and made a part hereof for all purposes.

**Section 2.** This Order is effective as of 5:00 a.m. on April 6, 2020, and continuing until the state of disaster is terminated, or other date as determined by the City Council, unless terminated or modified by an earlier Order.

**Section 3. STAY HOME.** All persons living within the City of Edinburg **MUST STAY HOME AT ALL TIMES**. To the extent persons are using shared or outdoor spaces, they **MUST AT ALL TIMES**, as reasonably as possible, maintain a physical distance of **at least six feet from any other person** when outside of their residence.

**Section 4. PERSONS MAY LEAVE HOMES ONLY FOR THE FOLLOWING REASONS:**

- a. **Health and Safety.** For activities and tasks essential to the health and safety of you, your family, your household, and your pets (for example, seeking medical services, supplies, and medication). This includes caring for family or pets in another household.





- b. **Necessary Supplies and Services.** To obtain necessary services or supplies for yourself, your family, or your household (for example, buying groceries, food, pet supplies and food, supplies needed to work from home, toiletries, and cleaning supplies). This includes obtaining supplies and services for family or pets in another household.
- c. **Outdoor Exercise.** Exercising outdoors (for example walking, running, biking), but only between the hours of 5:00 a.m. and 10:00 p.m. and only if you maintain a **physical distance of at least six feet from any other person** other than a member of your household.
- d. **Work for an Essential Business with a Work Safe Plan.** To work for an exempted business, organization, or government entity providing services necessary to the public during this disaster period and that follows the distancing, sanitation, and hygiene requirements of Section 7 of this Order.

**Section 5. NO MORE THAN 10 PERSONS.** No single room or other single confined or enclosed space may have more than 10 persons within it anywhere in the City of Edinburg. This restriction also applies to any outdoor space that is enclosed by a fence, physical barriers, or other structure. This Order does not prohibit gatherings of people in multiple, separate enclosed spaces in a single building or different floors of a multi-level building, so long as 10 people are not present in any single enclosed space at the same time and no one is within 6 feet of each other for prolonged periods of time. This Order does not prohibit such groups (i) of members of a household within the household's dwelling or (ii) within a single enclosed space greater than 4,700 square feet so long as people are not within six feet of each other for prolonged periods of time.

**Section 6. BUSINESS CLOSURE.** All businesses (except those identified below) **must close and stop operations**, except that businesses may allow employees and contractors to work from home, to secure and maintain business property, and to facilitate technology services that allow employees to work from home.

**Section 7. WORK SAFE PLAN.** Businesses and organizations identified by the Department of Homeland Security, through the National Cybersecurity and Infrastructure Agency, as critical to the nation's infrastructure may continue to operate. However, any business or organization that continues to operate **must implement and enforce distancing, sanitation, and hygiene practices**. At a minimum, such practices **must** include the following:

- a. To the maximum extent possible, ensure that all customers and all employees stay at least six feet away from each other at all times.

- b. To the maximum extent possible, minimize employees on site, minimize in person meetings, and allow employees to work from home.
- c. Provide sanitation supplies accessible and available to all employees such as disinfectants, hand sanitizer comprised of at least 60% alcohol, and soap.
- d. Provide hand sanitation at all entrances for customers.
- e. If an employee reports possible exposure, or reports or shows symptoms of COVID-19, send the employee home and sanitize the employee's work area.
- f. Mandate that employees clean and sanitize work areas, including vehicles, at least twice during the workday.
- g. Perform thorough cleaning/sanitation of all common areas and surface areas at least once during the workday.
- h. Prior to beginning work, screen all employees and send home any employee who
  - 1. Shows signs or symptoms of a respiratory infection, such as a cough, shortness of breath, sore throat, and low-grade fever, or
  - 2. In the previous 14 days has had close contact (defined by the CDC as being within 6 feet for a prolonged period of time; for example riding in a vehicle together) with someone with a confirmed diagnosis of COVID-19; is under investigation for COVID-19; or is ill with a respiratory illness.

All operating businesses and organizations must submit a **Work Safe Plan** to the City of Edinburg. Businesses that continue to operate in the City of Edinburg must submit to inspections upon request of the City ensure compliance with this section.

**Section 8. BUSINESS EXEMPTIONS.** Subject to these mandatory **Work Safe Plan** measures, the following businesses and organizations may continue to operate during the period of this Order:

- a. **Healthcare.** Healthcare operations, including hospitals, clinics, dentists, pharmacies, veterinary offices, mental health providers, substance abuse providers, blood banks, and related ancillary healthcare services. Healthcare operations shall be viewed broadly to avoid any impacts to the delivery of healthcare.
- b. **Government functions.** Services provided by local governments for the health, safety, and welfare of the public, including emergency services, trash collection, and utilities.



- c. **Critical infrastructure.** Companies providing or maintaining infrastructure, including construction of public works, housing, and commercial projects, airport operations, water, sewer, gas, electrical, roads and highways.
- d. **Transportation.** Businesses related to transportation, including gas stations, repair shops, car dealerships, and automotive supply.
- e. **Telecommunications.** Businesses that provide, maintain, and support internet and telecommunication systems.
- f. **Essential retail.** Retail businesses that sell household products, and office supplies, including big box stores, liquor stores, convenience stores, laundromats, drycleaners, and hardware stores. This includes businesses that ship or deliver foods, goods, or services directly to residences.
- g. **Food.** Food service providers, including grocery stores or businesses that ship or deliver groceries or food. Restaurants and other facilities that prepare and serve food may only do so for delivery or carry out. Those restaurants and other facilities that have drive-through capabilities may only serve food by drive through or curbside, curbside meaning that food is served and picked up outside of the facility. Those restaurants and other facilities that do not have drive-through capabilities may allow only 1 customer inside of the facility at a time, but food must be served and picked up curbside. Employees of restaurants and other facilities that prepare and serve food may not contact exposed, ready-to-eat foods with bare hands and shall use suitable utensils such as deli tissue, spatulas, tongs, single use-gloves, or dispensing equipment.
- h. **Charity organizations.** Organizations that provide food, shelter, and services to vulnerable populations, including animals. This includes schools and other entities that provide free meals to students or members of the public on a pick-up or delivery basis only.
- i. **Education.** Schools, institutions, educators, or other personnel supporting public and private K-12 schools, colleges, and universities for purposes of facilitating distance learning.
- j. **Hotels.** Hotels and other temporary residence facilities.
- k. **Home maintenance, products, and services.** Businesses that provide home maintenance and other home services, such as mail and shipping companies, plumbers, electricians, and exterminators.
- l. **Essential services to maintain essential operations.** Mail and shipping services, building cleaning, maintenance and security, warehouse/distribution fulfillment,

storage for essential businesses, professional services such as legal or accounting necessary to comply with legally required activities, and others who provide services necessary to maintain the safety, sanitation, and essential operations of essential businesses.

- m. **News media.** Newspapers, television, radio, and other media services.
- n. **Financial Institutions.** Financial institutions including banks, credit unions, and title companies.
- o. **Childcare services.** Childcare services, such as child day cares, in compliance with federal and state health mandates.
- p. **Worship.** Religious and worship organizations. Religious services must be provided by remote methods. Remote methods include but are not limited to pre-recorded videos electronically distributed through email, social media, or a webpage; live streaming through social media or a webpage; videoconferencing through cell phone apps or a free or paid service; telephone conferencing through a cell phone app or a free or paid service; pre-recorded audio or live audio broadcasted by radio. Religious services may be provided otherwise only if the religious or worship organization does not have access to or cannot afford remote methods, but must follow all other group restrictions and hygiene, sanitation, and distancing requirements of this Order.
- q. **Mortuary services.** Business that provide mortuary and related services, including funeral homes, crematoriums, and cemeteries.
- r. Any other business or organization recognized by a federal, state, or county authority as an essential service or critical infrastructure.

**Section 9. MANDATED CLOSURES.** For clarity, the following categories of business are not exempt from the Order and must close and stop operations during the period of this Order:

- a. Fitness centers and gyms,
- b. Spas and massage parlors, tattoos and piercing parlors, and tanning salons.
- c. Hair and nail salons, barber shops, estheticians, and related personal care businesses.
- d. Entertainment facilities such as bowling alleys and movie theaters.

**Section 10. SELF SERVICE CLOSURE.** Self-service drink and food stations are closed in all businesses, including self-serve fountain drink dispensers, self-serve coffee bars, and self-serve condiments. Self-service drink and food, such as grab-and-go food stations, coolers, and snack racks, are permitted only for packaged and sealed drink and food items. Businesses using self-service checkout registers and other point of sale systems touched by customers must sanitize those registers and systems after each use by a customer.



**Section 11. SELF QUARANTINE.** People who are ill, especially those with symptoms consistent with influenza or COVID-19, **MUST ISOLATE THEMSELVES AT HOME** until they recover. Such persons should communicate with an appropriate health care professional and, when seeking in-person medical care, should call their doctor or health care facility before arriving to allow them to prepare.

An entire household is ordered to self quarantine at home, and no one within the household may go to work, school, or any public function of any kind, for a period of no less than two weeks, unless a health authority imposes a longer time period, if

- a. Anyone in a household tests positive for COVID-19; or
- b. Anyone in the household has had close contact with anyone who has tested positive for COVID-19. Close contact is defined as being within 6 feet for a prolonged period of time.

**Section 12. RETIREMENT FACILITIES.** Persons shall not visit nursing homes or retirement or long-term care facilities except to provide critical assistance.

**Section 13. ELECTIVE MEDICAL PROCEDURES.** All elective medical, surgical, and dental procedures are prohibited in the City of Edinburg. 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 COVID-19 response

**Section 14. VENTILATORS AND MEDICAL PPE.** Any business who repurposes so that a substantial part of its business is to manufacture or distribute ventilators or medical personal protective equipment may apply for an “essential business” exemption under this Order.

**Section 15. BUSINESS REPURPOSE.** Any business mandated to close under this Order may repurpose so that it is compliance with this Order. However, the business must comply with all applicable federal, state, and local requirements, and contact the City, before it may begin its repurposed operations.

**Section 16. NOSE AND MOUTH COVER.** All persons three years and older **MUST WEAR SOME FORM OF COVERING OVER THEIR NOSE AND MOUTH** when entering into or inside of any building that is not their dwelling, in business parking lots, and when pumping gas. Examples of facial covering include items such as a homemade mask, scarf, bandana, or handkerchief. This section does not apply to a person engaged in permissible outdoor activity; riding in a personal vehicle; alone in an enclosed space; or when eating or drinking. For clarity,

medical grade coverings, such as N95 and surgical masks, are **NOT REQUIRED** and the public is encouraged to use other forms of coverings so not to disrupt the supply of medical grade coverings for health care facilities and professionals and first responders. A covering may be factory-made or sewn by hand, or can be improvised household items such as scarfs, T-shirts, sweatshirts, or towels.

**Section 17. CITY PARKS.** City parks will remain open to the extent practicable, but all equipment and facilities shall be closed to the public. All persons in City parks must be no less than 6 feet away from any other person. Furthermore, for the health and safety of City employees and the public, members of the public are encouraged to limit any in person transactions or visits to City facilities that are not related to emergency and essential services, as necessary.

**Section 18. CITY BOARDS.** All City boards and advisory committees shall cease in person meetings; any meetings shall be conduct in compliance with guidance provided by the Texas Attorney General.

**Section 19. TESTING FACILITIES.** Any person, business, or organization providing testing for COVID-19 shall report to the Emergency Management Coordinator, Chief Shawn Snider, that they are conducting such testing by calling 956-605-0760 or emailing [ssnider@cityofedinburg.com](mailto:ssnider@cityofedinburg.com).

**Section 20. INVOLUNTARY QUARANTINE.** In addition, people who are known to have, or are under investigation or monitoring, for COVID-19 must abide by direction provided to them by duly authorized persons, including public health officials. Failure to abide by such

direction may result in involuntary quarantine or isolation for the purposes of preventing further community spread of COVID-19.

**Section 21. PREVIOUS ORDERS.** All provisions of Order 2020-01 and Order 2020-02 not in conflict with this Order remain in effect.

**Section 22. ENFORCEMENT.** Peace officers, City of Edinburg Code Enforcement Officers, and Edinburg Fire Marshals are hereby authorized to enforce this order. A violation of this Order is a Class C Misdemeanor punishable by a fine not to exceed \$1,000 and/or confinement in jail not to exceed 180 days.





**Section 23. USE OF FINES.** All amounts collected for violations of this Order shall be used to purchase emergency supplies such as personal protective equipment for first responders.

**Section 24. PUBLIC NOTICE.** The City of Edinburg shall post this Order on its website. In addition, the owner, manager or operator of any facility that is likely to be impacted by this Order is strongly encouraged to post a copy of this Order onsite and to provide a copy to any member of the public asking for a copy.

**Section 25. SEVERABILITY CLAUSE.** If any subsection, sentence, clause, phrase or word of this Order or application of it to any person, structure, gathering or circumstance is held to be invalid or unconstitutional by a decision of a court of competent jurisdiction, then such decision will not affect the validity of the rest of the order.

**ORDERED** this the 3rd day of April, 2020.


**CITY OF EDINBURG, TEXAS**

  
Richard R. Molina, Mayor

**ATTEST:**

  
Myra L. Ayala, City Secretary

**APPROVED AS TO FORM:**

  
Omar Ochoa, City Attorney

