



ORDER NO. 2020-03

**ORDER OF THE MAYOR OF THE CITY OF EDINBURG TEMPORARILY
PROHIBITING COMMUNITY GATHERINGS OF 10 PERSONS OR
MORE; LIMITING VISTATION OF CERTAIN FACILITIES;
LIMITING TRIPS INTO THE PUBLIC.**

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, it is necessary to take further steps to prepare for, respond to and mitigate the spread of COVID-19 to protect public health and welfare; and now, therefore, the following regulations shall take effect immediately upon issuance, and shall remain in effect until the state of disaster is terminated, or other date as determined by the City Council, unless terminated or modified by an earlier Order.

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. Effective as of 5:00 P.M. on Monday, March 23, 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, the Mayor of Edinburg, Texas deems it in the public interest to **PROHIBIT any public or private Community Gatherings (as defined in Section 3, below) anywhere in the City of Edinburg.**

Section 3. Definitions:

- a. For purposes of this Order, a “Community Gathering” is any indoor or outdoor event or convening, subject to the exceptions and clarifications below, that brings together or is likely to bring together ten (10) or more persons at the same time in a single room or other single confined or enclosed space, such as an auditorium, theater, stadium (indoor or outdoor), arena or event center, meeting hall, conference center, convention center, large cafeteria, restaurant, or nightclub/bar, or any other confined indoor or outdoor space. For clarity, this includes, but is not limited to, weddings, religious gatherings, parties, funerals, sporting events, social events, conferences, and other large gatherings.
- b. An outdoor “Community Gathering” under this Order is limited to events in confined outdoor spaces, which means an outdoor space that (i) is enclosed by a fence, physical barriers, or other structure and (ii) where people are present and they are within arm’s length of one another for extended periods.
- c. 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 space at the same time. This Order does not prohibit the use of enclosed spaces where 10 or more people may be present at different times



during the day, so long as 10 or more people are not present in the space at the same time. For any gathering covered by this subsection, compliance with social distancing recommendations, including providing hand sanitizer and tissues and increasing cleaning of commonly and frequently touched surfaces, is strongly encouraged.

- d. For purposes of clarity, a “Community Gathering” does not include spaces where 10 or more persons may be in transit on buses, trains or airplanes; or waiting for transit, such as airports, bus stops or terminals. In addition, “Community Gathering” does not include the following spaces, where 10 or more persons may congregate, so long as persons are generally not within arm’s length of one another for extended periods:
- i. Residential buildings so long as the persons in these spaces comply with section (c) hereinabove;
 - ii. Grocery stores, gas stations, or other retail establishments that sell essential household goods where large numbers of people may be present, but their presence is transient and it is unusual for them to be within arm’s length of one another for extended periods;
 - iii. Hospitals and medical offices and facilities, including but not limited to nursing homes and retirement or long-term care facilities (such as assisted living facilities and adult day care centers).
 - iv. Child day care centers, group day care homes, or family homes so long as those facilities follow the COVID-19 guidance from HHSC Childcare Licensing, the Center for Disease Control (CDC), and the Texas Department of State Health Services.
 - v. Critical infrastructure and essential services as recognized by a federal, state, or county authority.

Section 4. Persons shall not visit nursing homes or retirement or long-term care facilities except to provide critical assistance.

Section 5. Non-essential retail establishments shall be prohibited from servicing customers, including but not limited to:

- a. Bars, restaurants, and food courts. However, the use of drive-thru, pickup, or delivery options is allowed and highly encouraged.



- b. Fitness centers and gyms, 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.
- e. Malls and retail stores that do not sell essential household goods. For purposes of this Order, essential household goods are those goods listed under Price Gouging restrictions in Emergency Order 2020-01 as well as goods recognized as essential by a federal, state, or county authority.

Section 6. A person shall stay within their dwelling between the hours of 10:00 p.m. and 5:00 a.m. For purposes of this curfew provision, the Order does not apply to:

- a. Persons identified as part of the critical infrastructure or essential services industries.
- b. Persons part of a governmental workplace that remains open during the period of this Order.
- c. Persons travelling directly to and from those spaces included in Section 3(d) above, including but not limited to grocery stores, gas stations, retail establishments that sell essential household goods, hospitals, and medical offices.

Section 7. At all times, persons shall limit trips into the public to essential outings. Travelling to work that remains open, the grocery store, the pharmacy, or to seek medical care would be considered essential trips.

Section 8. City parks will remain open to the extent practicable, but playground areas shall be closed to the public. 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 9. 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 10. All provisions of Order 2020-01 and Order 2020-02 not in conflict with this Order remain in effect, including that 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.

Section 11. Peace officers, City of Edinburg Code Enforcement Officers, and the Edinburg Fire Marshal 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 12. 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.

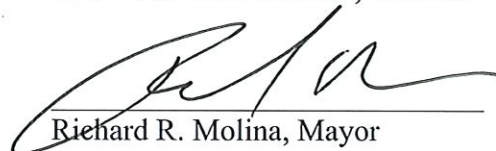
Section 13. People who are ill, especially those with symptoms consistent with influenza or COVID-19, should isolate themselves at home until they recover. Such persons should only present for medical evaluation or treatment if their symptoms are such that they cannot continue to be cared for in their home. And, when seeking medical care, should call their doctor or health care facility before arriving to allow them to prepare.

Section 14. 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 15. 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 23rd day of March, 2020.

CITY OF EDINBURG, TEXAS


Richard R. Molina, Mayor

ATTEST:


Myra L. Ayala, City Secretary

APPROVED AS TO FORM:


Omar Ochoa, City Attorney

