



ORDER NO. 2020-11

ORDER OF THE MAYOR OF THE CITY OF EDINBURG

LIVE SAFE, 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, Mayor Molina, and the City Council through unanimous support, issued Order 2020-05 on April 3, 2020, ordering all persons within the City of Edinburg to wear facial coverings of the nose and mouth; and

WHEREAS, Governor Abbot announced on April 27, 2020 that his stay-at-home order would expire on April 30, 2020 and subsequently issued Executive Order GA 18 to reopen services as part of a plan to Open Texas; and

WHEREAS, Mayor Molina, and the City Council through unanimous support, issued Order 2020-06 on April 30, 2020, reopening dine-in restaurants, banquet halls, movie theaters, and other businesses with certain restrictions to protect public health; and

WHEREAS, Governor Abbot issued Executive Order GA 21 on May 5, 2020 to reopen salon services on May 8, 2020; and

WHEREAS, Governor Abbot issued Executive Order GA 22 on May 7, 2020 to eliminate jail time as punishment for violation of an executive order, to supersede any local order allowing jail time as punishment, and to reopen salon services immediately instead of waiting until May 8, 2020; and

WHEREAS, Mayor Molina, and the City Council through unanimous support, issued Order 2020-07 on May 7, 2020 reopening salon services and removing jail time as punishment for violation of an Emergency Order; and

WHEREAS, Mayor Molina issued Order 2020-08 on May 15, 2020 reopening gyms and exercise facilities with restrictions; and

WHEREAS, Governor Abbot issued Executive Order GA 23 on May 18, 2020 to reopen bars and other entertainment facilities, remaining personal service businesses not yet opened, and expanding capacity for dine-in services;

WHEREAS, Mayor Molina issued Order 2020-09 on May 19, 2020 reopening bars, entertainment facilities, and personal service businesses, and expanding capacity restrictions; and

WHEREAS, on June 3, 2020, Governor Abbot issued Executive Order GA 26 to increase capacity restrictions.





WHEREAS, on June 17, 2020, Hidalgo County issued an Emergency Order requiring that businesses operating within the County must require that all employees and customers wear some form of covering over their mouth and nose, and Governor Abbott stated that “ever county is authorized ... to impose requirements on business operations.”

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 immediately 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.

LIVE SAFE

GUIDANCE:

Section 3. SAFER AT HOME. All persons living within the City of Edinburg are encouraged to stay at home and avoid unnecessary interactions whenever possible to reduce the spread of disease. Persons at high risk of severe illness from COVID-19 are urged to stay in their residence at all times except as necessary to seek medical care.

Section 4. PRACTICE GOOD HYGIENE. All persons should wash their hands with soap and water or hand sanitizer containing at least 60% alcohol for at least twenty seconds as frequently as possible, avoid touching their nose or face, cover coughs and sneezes by doing so into a sleeve or elbow, regularly clean high-touch surfaces, and not shake hands.

Section 5. NOSE AND MOUTH COVER. All persons three years and older should **WEAR SOME FORM OF COVERING OVER THEIR NOSE AND MOUTH** when in public or around persons that are not in their household. Examples of facial covering include items such as a homemade mask, scarf, bandana, or handkerchief. Persons are encouraged not to wear medical grade masks to no disrupt the supply of personal protective equipment.

Section 6. PHYSICAL DISTANCING. To the extent persons are outside of their residence, they **MUST AT ALL TIMES**, as reasonably as possible, maintain a physical distance of **at least six feet from any other person** who is not a member of their household.





MANDATE:

Section 7. 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.

WORK SAFE

MANDATES:

Section 8. WORK SAFE PLAN. Any business or organization that operates within the City of Edinburg **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. Work stations may be within 4 feet if the business provides partitions, such as a clear hard plastic barrier, between work stations.
- 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.
- i. Train all employees on appropriate cleaning, hygiene, and sanitation procedures.
- j. Place visible signage within the business to remind employees and customers of best hygiene practices.
- k. To the maximum extent possible, require that all employees and customers three years and older **WEAR SOME FORM OF COVERING OVER THEIR NOSE AND MOUTH**, such as a homemade mask, scarf, bandana, or handkerchief. For clarity, this requirement applies to customers and employees upon entering into or inside of the business or organization facility, in the business or organization's parking lot, in an outdoor setting where customers and/or employees are expected to be within close proximity, in company vehicles, or (where applicable) when pumping gas. This requirement shall not apply to persons alone in an enclosed space within the business or organization facility or company vehicle, when eating or drinking, or when covering the nose or mouth poses a health or safety risk to the person. Persons are encouraged not to wear medical grade masks to no disrupt the supply of personal protective equipment.

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

Section 9. BUSINESS RESTRICTIONS. Subject to these mandatory **Work Safe Plan** measures, the following businesses and organizations must restrict their operations as follows:

a. **Retail.**

- i. **At-Risk Customers.** To the extent possible, retail establishments shall dedicate a certain period of time each day for only at-risk customers, at-risk customers being those who are 65 or older, especially those with chronic lung disease; moderate to severe asthma; chronic heart disease; severe obesity; diabetes; chronic kidney disease undergoing dialysis; liver disease; or weakened immune system.
- ii. **Self-Service Checkouts and Touch Systems.** Retail establishments 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.



b. **Restaurants, Coffee Houses, and other Food Service, including Banquet Halls.**

- i. **Limited Occupancy.** Restaurants and other facilities that prepare and serve food or drink may provide dine-in or sit-in services, but must operate at no more than 50% of the capacity of its facility. Beginning June 12, 2020 at 12:01 a.m., such facilities may operate at up to 75% of the capacity of its facility. Employees and contractors are not counted towards the occupancy limit.
- ii. **Disposable Menus and Items.** All such facilities shall provide only disposable menus and single use condiments.
- iii. **Physical Distancing.** Dine-in or sit-in parties must be at least six feet away from other parties, including while waiting to be seated. Parties may be seated four feet away from other parties if parties are separated by a partition, such as a clear hard plastic barrier. The partition must reach at least 6 feet above ground level and be at least 6 feet wide.
- iv. **Limited Table Seating.** All such facilities must have no more than 10 persons at a table, regardless of the party size.
- v. **Mandatory Sanitation.** All dining tables, chair, and other items touched by employees or customers must be sanitized after each use. All used items must be removed before another party can be seated.

c. **Bars.**

- a. **Limited Occupancy.** Bars and other similar establishments with a permit from TABC that are not otherwise considered restaurants must operate at no more than 50% of the occupancy of its facility. Employees and contractors are not counted towards the occupancy limit.
- b. **Disposable Menus and Items.** All such facilities shall provide only disposable menus and single use condiments.
- c. **Physical Distancing.** All parties must be at least six feet away from other parties at all times. Parties may be seated four feet away from other parties if parties are separated by a partition, such as a clear hard plastic barrier. The partition must reach at least 6 feet above ground level and be at least 6 feet wide.
- d. **Limited Table Seating.** All such facilities must have no more than 10 persons at a table, regardless of the party size. If the facility has a main, large bar area with seating, that area may have more than 10 persons seated. So long as parties are at least six feet away from other parties or at least four feet away from other parties if a partition divides them.
- e. **Mandatory Sanitation.** All tables, chairs, glasses, and other items touched by employees or customers must be sanitized after each use. All used items must be discarded immediately after use.



d. **Movie Theaters.**

- i. **Limited Occupancy.** Movie theaters must operate at no more than 50% of the occupancy of its facility. Employees and contractors are not counted towards the occupancy limit.
- ii. **Mandatory Spacing.** Movie theaters must ensure that there are at least two empty seats (or six feet separation) between parties in any row and one empty row between each used row.
- iii. **Mandatory Sanitation.** All used chairs must be sanitized after each use. All used items must be removed from a theater after the end of each screening.

e. **Personal Care Services.**

- i. **Appointment Only.** Cosmetology establishments (i.e. hair salons, barbershops, nail salons, eyebrow threading, tanning salons, beauticians, makeup artists), tattoo parlors, piercing studios, massage services, and other personal care businesses must serve clients by appointment only. Appointments may be made by phone, online, or in-person just before the start of the service to limit the number of persons within the facility. Walk-in clients may schedule appointments, but may not wait inside of the facility for the appointment.
- ii. **Mandatory Spacing.** Persons in the facility must be at least six feet apart from each other except when staff is providing service to the client. All service stations in use must be at least six feet apart from any other service station in use.
- iii. **Disposable Items.** To the maximum extent possible, these facilities must use disposable supplies such as disposable capes, neck strips, combs, brushes, and towels.
- iv. **Mandatory Sanitation.** All chairs, tables, products, service stations, and other items touched by employees or customers must be sanitized after each use. All equipment and tools used in the course of service must be cleaned and disinfected after each use. All disposable items used in the course of service must be discarded after each use.

f. **Gyms and Exercise Facilities.**

- i. **Limited Occupancy.** Gyms and exercise facilities must operate at no more than 50% of the occupancy of its facility. Employees and contractors are not counted towards the occupancy limit.
- ii. **Mandatory Spacing.** Persons in the facility must be at least six feet apart from each other. All workout equipment in use, including but not limited to exercise machines, cardio machines, benches, and free-weight stations, must be at least six feet apart from any other equipment being used by another person.

- iii. **Mandatory Sanitation.** All equipment touched by employees or customers must be sanitized after each use. Facilities may comply with this requirement either by (i) providing sufficient staff to monitor and clean equipment after each use or (ii) mandating that equipment users sanitize equipment before and after each use. If a facility requires that users sanitize equipment, the facility must provide sufficient cleaning products so that users can sanitize equipment before and after each use.
- iv. **Patron Safeguard.** To the maximum extent possible, customers should wear gloves that fully cover from the wrist to the fingers and face coverings over the nose and mouth.
- g. **Interactive Amusement.**
 - i. **Staff Requirement.** Businesses that provide interactive amusements such as video games, arcades, and playscapes must have at least one employee or contract assigned full time to disinfect machines and equipment.
 - ii. **Mandatory Sanitation.** All equipment touched by employees or customers must be sanitized after each use. Facilities may comply with this requirement either by (i) providing sufficient staff to monitor and clean equipment after each use or (ii) mandating that equipment users sanitize equipment before and after each use. If a facility requires that users sanitize equipment, the facility must provide sufficient cleaning products so that users can sanitize equipment before and after each use.

Section 10. RETIREMENT FACILITIES. Persons shall not visit nursing homes or retirement or long-term care facilities except to provide critical assistance.

Section 11. CITY PARKS AND FACILITIES. City parks will remain open to the extent practicable. Only limited equipment and facilities shall be open to the public; however, any person using such equipment or facilities is responsible to ensure its cleanliness. All persons in City parks must be at least 6 feet away from any other person other than a member of their household.

Section 12. PREVIOUS ORDERS. This Order supersedes all previous orders.

Section 13. 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.

Section 14. 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 15. 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.

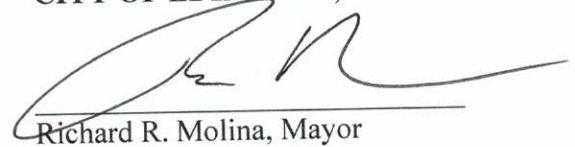
Section 16. SEVERABILITY CLAUSE. If any subsection, sentence, clause, phrase or word of this Order or application of it to any person, structure, gathering or circumstance is held

THE CITY OF Edinburg

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 18th day of June, 2020.

CITY OF EDINBURG, TEXAS


Richard R. Molina, Mayor

ATTEST:

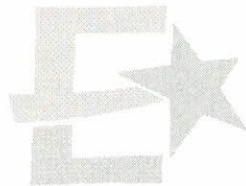


Myra L. Ayala, City Secretary

APPROVED AS TO FORM:



Omar Ochoa, City Attorney



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