



ORDER NO. 2020-15

ORDER OF THE MAYOR OF THE CITY OF EDINBURG

LIVE SAFE, WORK SAFE

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

WHEREAS, it is necessary to take additional steps to prepare for, respond to, and mitigate the spread of COVID-19 to protect the public health and welfare; and

WHEREAS, pursuant to State law, the Mayor has the authority to issue Executive Orders related to the local disaster;

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. Effective Wednesday, August 19, 2020 at 11:59 PM 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

Section 2. NOSE AND MOUTH COVER. All persons three years and older must **WEAR SOME FORM OF COVERING OVER THEIR NOSE AND MOUTH** when in public or around persons that are not in their household. This section does not apply to a person engaged in exercise; riding alone in a personal vehicle; alone in an enclosed space; when eating or drinking, or when doing so poses a health or safety risk.

Section 3. 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.

Section 4. AVOID GATHERINGS. To the maximum extent possible, all persons should avoid gathering in groups of more than 10 persons within the City of Edinburg to minimize in-person contact. This does not apply to members of the same household.

Section 5. 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 6. STAY AT HOME. To the maximum extent possible, all persons living within the City of Edinburg should stay home and minimize in-person contact with people who are not in the same household.

WORK SAFE

Section 7. BUILDING OCCUPANCY. ALL businesses, organizations, and venues within the City of Edinburg must operate at no more than 50% of total occupancy of its facility, including employees and contractors. This limitation does not apply to attendant personal care facilities (such as nursing homes and adult and child day care) or medical facilities.

Section 8. WORK SAFE PLAN. Any business or organization that operates within the City of Edinburg may only operate with an approved Work Safe Plan which **implements and enforces 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. Provide hand sanitation at all entrances for customers.
- c. To the maximum extent possible, minimize employees on site, minimize in person meetings, and allow employees to work from home.
- d. Provide sanitation supplies accessible and available to all employees such as disinfectants, hand sanitizer comprised of at least 60% alcohol, and soap.
- 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.
- l. To the maximum extent possible, provide curbside, delivery service, and/or other methods of remote, non-contact service or product delivery. For example, such remote service methods may 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.

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 or provide customers with sanitation products.

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

- i. **Disposable Menus and Items.** All such facilities shall provide only disposable menus and single use condiments.
- ii. **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.
- iii. **Limited Table Seating.** All such facilities must have no more than 10 persons at a table, regardless of the party size.
- iv. **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. **Mandatory Closure.** Bars and other similar establishments with a permit from TABC that are not otherwise considered restaurants cannot operate except for providing drive-through, pickup, or delivery options for food and drinks to the extent authorized by TABC.

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. **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.
- 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.
- iii. **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. SCHOOLS CLOSED TO IN-PERSON INSTRUCTION. All public and private schools within City limits shall be closed to in-person classroom attendance by students and shall not recommence until September 28, 2020 at the earliest. Prior to that date, public education teachers may return to schools to conduct remote video instruction or administrative duties.

Section 11. RETIREMENT FACILITIES. Persons shall not visit nursing homes or retirement or long-term care facilities except to provide critical assistance.

Section 12. CITY PARKS AND FACILITIES AND OTHER LOCAL GOVERNMENT OPERATIONS. 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. There shall be no occupancy limit for local government operations including county and City government operations relating to licensing (marriage licenses, driver's licenses, etc.), permitting, recordation, document filing services, or as determined by the local government (including but not limited to public foreclosure sales, sheriff's sales, etc.).

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. PREVIOUS ORDERS. This Order supersedes all previous orders.

Section 15. 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 16. 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 17. 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 18. 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 19th day of August, 2020.

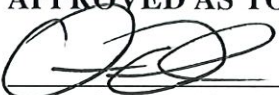
CITY OF EDINBURG, TEXAS


Richard R. Molina, Mayor

ATTEST:


Myra L. Ayala, City Secretary

APPROVED AS TO FORM:


Omar Ochoa, City Attorney

