



**ORDER NO. 2020-09**

**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;

**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 at 12:01 a.m. on May 22, 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.

## 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. AVOID GATHERINGS.** All persons should avoid gathering in groups of more than 10 persons within the City of Edinburg to minimize in-person contact. This advisement does not apply to members of the same household.

**Section 6. 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.

### MANDATES:

**Section 7. 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 8. 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 9. 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:

- b. To the maximum extent possible, ensure that all customers and all employees stay at least six feet away from each other at all times.
- 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. Provide hand sanitation at all entrances for customers.
- f. 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.
- g. Mandate that employees clean and sanitize work areas, including vehicles, at least twice during the workday.
- h. Perform thorough cleaning/sanitation of all common areas and surface areas at least once during the workday.



- i. 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.
- j. Train all employees on appropriate cleaning, hygiene, and sanitation procedures.
- k. Place visible signage within the business to remind employees and customers of best hygiene practices.

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

- a. **Retail.**
  - i. **Limited Occupancy.** Retail establishments must operate at no more than 25% of the occupancy of its facility, inclusive of employees and customers.
  - ii. **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.
  - iii. **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, inclusive of employees and customers.

- ii. **To-Go Packaging or Covered Plates.** All such facilities must serve food on individual plates or in individual to-go packaging. If served on plates, the plate must have a disposable cover, such as aluminum or cellophane. In accordance with Section 11 of this Order, self-service of any type is not permitted, including buffet stations and drink stations.
  - iii. **Disposable Menus and Items.** All such facilities shall provide only disposable menus and single use condiments.
  - iv. **Physical Distancing.** Dine-in or sit-in parties must be at least six feet away from other parties, including while waiting to be seated. For clarity, seated tables must be configured so that there is at least six feet between any person in any party.
  - v. **Limited Table Seating.** All such facilities must have no more than 6 persons at a table, regardless of the party size.
  - vi. **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 25% of the occupancy of its facility.
  - b. **Food and Drink Service.** To the extent the facility provides food, it must comply with all food service requirements in this Order. Bars may serve drinks in non-disposable containers and glasses but must strictly follow the mandatory sanitation guidelines below.
  - c. **Disposable Menus and Items.** All such facilities shall provide only disposable menus and single use condiments.
  - d. **Physical Distancing.** All parties must be at least six feet away from other parties at all times. For clarity, seated tables must be configured so that there is at least six feet between any person in any party.
  - e. **Limited Table Seating.** All such facilities must have no more than 6 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 6 persons seated except that the above distancing requirements must be strictly followed.
  - f. **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 25% of the occupancy of its facility, inclusive of employees and customers.
- 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. **Disposable Items.** Movie theaters must serve food and drink only in individually packed, disposable containers and may provide only single use condiments.
- iv. **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.
- v. **Limited Occupancy.** Only staff, clients receiving services, and clients scheduling services may be inside the cosmetology facility.

f. **Gyms and Exercise Facilities.**

- a. **Limited Occupancy.** Gyms and exercise facilities must operate at no more than 25% of the occupancy of its facility.
- b. **Locker Rooms and Showers.** Locker rooms and shower facilities, including saunas and steam rooms, must remain closed, but restrooms may be open.

- c. **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.
- d. **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.
- e. **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.
- f. **Food and Drink Service.** To the extent the facility provides food and/or drink, it must comply with all food and drink service requirements in this Order.

**Section 11. 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.

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

**Section 13. 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 14. CITY BOARDS.** All City boards and advisory committees shall cease in person meetings; any meetings shall be conducted in compliance with guidance provided by the Texas Attorney General.

**Section 15. PREVIOUS ORDERS.** This Order supersedes all previous orders.

**Section 16. 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.





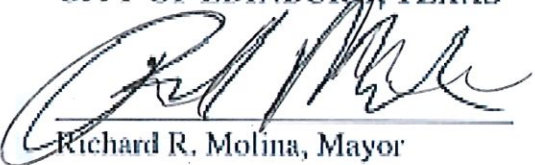
**Section 17. USE OF FINES.** All amounts collected for violations of this Order shall be used to purchase emergency supplies such as personal protective equipment for first responders.

**Section 18. 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 19. 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 May, 2020.

CITY OF EDINBURG, TEXAS



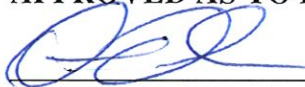
Richard R. Molina, Mayor

ATTEST:



Myra L. Ayala, City Secretary

APPROVED AS TO FORM:



Omar Ochoa, City Attorney

