



CITY OF LAREDO'S FIFTH AMENDED ORDINANCE
PURSUANT TO §2.11 OF THE CITY CHARTER INSTITUTING EMERGENCY
MEASURES DUE TO THE COVID-19 PUBLIC HEALTH EMERGENCY

WHEREAS, the City of Laredo (“City”) is a Home Rule City, acting under its Charter adopted by the electorate pursuant to Article XI Section 5 of the Texas Constitution and Chapter 9 of the Texas Local Government Code; and

WHEREAS, the members of the Laredo City Council have been duly elected and qualified and vested with the authority through its police powers to pass and enforce any law that is reasonably necessary to protect the public health; and

WHEREAS, since the first U.S. case of COVID-19 was identified in Washington State on January 21, 2020, health officials to date have identified more than 257,305 cases, resulting in more than 6,574 deaths, across the United States; and

WHEREAS, on March 16, 2020, pursuant to Chapter 418 of the Texas Government Code, Mayor Pete Saenz issued the first Declaration of Public Health Emergency for the City of Laredo, that was extended by the Laredo City Council through March 31, 2020, in an effort to prepare for, respond to, and mitigate the spread of COVID-19 in the community; and

WHEREAS, on March 25, 2020, President Donald J. Trump approved the request by Governor Greg Abbott that the State of Texas be designated as a major disaster declaration following the announcement by the Commissioner of the Texas Department of State Health Services, John Hellerstedt, of a public health disaster for all counties, as COVID-19 “poses a high risk of death to a large number of people, creates a substantial risk of public exposure because of the disease’s method of transmission, and evidence that there is community spread;” and

WHEREAS, on April 3, 2020, in light of growing evidence to include studies from the New England Journal of Medicine, about how COVID-19 spreads, along with evidence of widespread COVID-19 illness in communities across the country, the CDC recommended that all individuals wear cloth face coverings in public settings, especially where other social distancing measures are difficult to maintain and in areas of significant community-based transmission; and

WHEREAS, pursuant to Chapters 121 of the Texas Health & Safety Code, and 85 of the Texas Administrative Code, the City Council appointed Dr. Hector Gonzalez as the Director of Health, and Dr. Victor Trevino as its Local Health Authority (“Local Health Officials”), with the duty to administer state and local laws relating to public health within the jurisdiction of the City; and

WHEREAS, because 410 residents to date have tested positive for COVID-19, most of these have been identified as community transmission, there have been 17 deaths related to the virus in the last 10 days, there exists a shortage of personal protective equipment, testing kits, and intensive care capacity in the community, and because of our geographical location and proximity to Mexico, the Local Health Authority has raised the level of community transmission

from moderate to substantial, so that a more proactive and aggressive approach is needed to mitigate the local spread of this infectious disease; and

WHEREAS, the Local Health Authority is of the opinion that in addition to practicing social distancing and staying home, these additional control measures are necessary to prevent asymptomatic individuals with COVID-19 from unknowingly spreading the disease to the public; and

WHEREAS, in the exercise of its legislative discretion, the City Council hereby finds and declares that all the control measures implemented within this Ordinance are promulgated under the general police powers of the City, have been determined by the Local Health Authority as necessary for the protection of public health, are narrowly tailored, evidence based, and the least restrictive means possible to achieve the City of Laredo's compelling public health interest of preventing the spread of COVID-19 within the community; and

WHEREAS, on April 20, 2020, the Laredo City Council extended the Emergency Declaration of Public Health Emergency, as amended, through May 30, 2020; and

WHEREAS, Governor Abbott issued Executive Order GA-18 and GA-19 and GA-20 on April 27, 2020, to provide for statewide measures to address the spread of COVID-19 and implement Phase 1 of his Open Texas strategic plan ("Open Texas Plan"), which allows certain nonessential businesses to reopen for restricted business on May 1, 2020, amending hospital capacity, and travel quarantines, respectively; and

WHEREAS, Governor Abbott declared that GA-18 supersedes GA-16; and

WHEREAS, on May 5, 2020, Governor Abbott issued Executive Order GA-21 relating to the expanded reopening of services as part of the safe, strategic plan to Open Texas in response to COVID-19 continuing through May 19, 2020, subject to extension based on the status of COVID-19 in Texas and the recommendations of the Governor's Strike Force to Open Texas, which allows openings of certain business and activities on May 8, 2020 and May 18, 2020 and declared that GA-21 supersedes GA-18;

WHEREAS, these additional mitigation efforts and specific changes are determined to be necessary to address the evolving nature of the emergency situation and to ensure that the City's Emergency Orders align with the Governor's Order.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LAREDO THAT:

SECTION 1. The above-referenced recitals are incorporated herein as the findings of the Laredo City Council as if set forth in full.

SECTION 2. Declaration of Public Health Emergency. There exists a public emergency requiring that this Ordinance *be passed on the date of its execution to continue until 11:59 PM on May 30, 2020*, unless otherwise rescinded, superseded, or amended by a subsequent order or applicable law.

SECTION 3. State and Federal Guidelines. The measures contained within this Ordinance shall be enacted consistent with the most recent orders and guidelines as established by:

Governor Greg Abbott’s Executive Order GA-19 issued April 27, 2020

https://gov.texas.gov/uploads/files/press/EO-GA-19_hospital_capacity_COVID-19.pdf

Governor Greg Abbott’s Executive Order GA-20 issued April 27, 2020

https://gov.texas.gov/uploads/files/press/EO-GA-20_expanding_travel_without_restrictions_COVID-19.pdf

Governor Greg Abbott’s Executive Order GA-21 issued May 5, 2020

<https://lrl.texas.gov/scanned/govdocs/Greg%20Abbott/2020/GA-21.pdf>

Texas Department of Emergency Management’s Essential Services Designations

<https://www.dshs.texas.gov/coronavirus>

Governor’s Report to Open Texas

<https://gov.texas.gov/uploads/files/organization/opentexas/OpenTexas-Report.pdf>

Open Texas Checklists Revised on May 5, 2020

<https://gov.texas.gov/organization/opentexas>

DSHS’s Minimum Standard Health Protocols

www.dshs.texas.gov/coronavirus

Center for Disease Control & Prevention’s Implementation of Mitigation Strategies for Communities with Local COVID-19 Transmission

<https://www.cdc.gov/coronavirus/2019-ncov/downloads/community-mitigation-strategy.pdf>

President’s Coronavirus Guidelines for America

https://www.whitehouse.gov/wp-content/uploads/2020/03/03.16.20_coronavirus-guidance_8.5x11_315PM.pdf

SECTION 4. Stay at Home. All individuals currently living within the City of Laredo, are hereby ORDERED to remain at their place of residence except as necessary for Outdoor Activity and to engage in “Essential Services” or “Reopened Services” and shall minimize social gatherings and minimize in-person contact with people who are not in the same household when engaging in the aforementioned permitted activities or services. People over the age of 65, however, are strongly encouraged to stay at home as much as possible; to maintain appropriate distance from any member of the household who has been out of the residence in the previous 14 days. The determination as to whether a service or activity is permitted shall be based on its primary purpose with City of Laredo being the final authority. Individuals engaging in, or conducting, permissible essential services, reopened services, and essential activities must at all times comply with Social Distancing Requirements. For purposes of this Order, “Social

Distancing Requirements” means maintaining at least 6 feet social distancing from any other individual at all times, and to practice good hygiene, environmental cleanliness, and sanitation

SECTION 5. Minor Children. Parents and guardians are prohibited from taking minor children to any grocery store, convenience store, or big box store, unless doing so is necessary because of a lack of alternate childcare.

SECTION 6. Essential Services & Reopened Services Permitted. In this Ordinance, permitted services is limited to the following categories:

A. Essential Services

(1) Religious Services, Funeral Services, Burials, Memorials, and Church Wedding Ceremonies. Must be conducted by maintaining social distancing between people, two seats separating separate family/household units or two (2) people who attend together, and leaving every other row empty, as well in compliance with the minimum standard health protocols as identified in the Governor’s Report to Open Texas issued April 27, 2020, as may be amended. Based on substantial community spread of the virus, it is strongly recommended that religious services continue to be provided remotely, including outdoor drive-up services where individuals remain in their vehicle. In-person religious services, regardless of religion, should be conducted in accordance with the *Revised Guidelines for Houses of Worship During the COVID-19 Crisis*, as promulgated by the attorney general and governor issued April 21, 2020.

(2) Healthcare/Public Health. Includes, but is not limited to, hospitals, clinics, dentists, pharmacies, pharmaceutical, and biotechnology companies, other healthcare facilities, veterinary services, animal care clinics, all other health and welfare services provided to animals, healthcare suppliers (including fabric stores for purposes of making handmade masks), mental health providers, substance abuse service providers, court ordered drug testing, blood banks, medical research, laboratory services, or any related and/or ancillary healthcare service provider, and any home based and residential-based care facility for seniors, adults, or children. Any retail or wholesale business that sells Personal Protective Equipment (PPE), including but not limited to, surgical masks, gowns, gloves, shields, eye protection, hair/head protection, disinfectant, hand sanitizers, and wipes, shall first offer to sell said equipment and supplies within reasonable quantities to any and all genuine health care service providers, workers, and first responders in the community, prior to offering for sale to the general public.

(3) Law Enforcement, Public Safety, and other First Responders. Includes, but is not limited to, public, private, and voluntary personnel (front line and management) in emergency management, law enforcement, fire and rescue services, emergency medical services, and all private security employees, to include hazardous material responders, air medical service providers (pilots and supporting technicians), corrections, and search and rescue personnel, Public Safety/911 call center employees not able to perform their duties remotely, workers supporting the manufacturing of safety equipment and uniforms for law enforcement, public safety personnel, and first responder, retailers, importers, distributors, and shooting ranges, public agency workers responding to abuse and neglect of children, elders, and dependent adults.

(4) Food & Agriculture. Includes, but is not limited to, workers supporting groceries, convenience stores (see additional restriction below), and other retail (including unattended and vending) that primarily sells human food, animal/pet food and pet supply, and beverage products, including retail customer support service and information technology support staff necessary for online orders, pickup and delivery, restaurant with carry-out and quick serve food operations, including kitchen and food prep centers, and carryout and delivery food employees, beverage production facilities, ranchers, farmers, farm workers, and agribusiness support services to include those employed in auction and sales, processing and distribution, animal food and feed, truck delivery, and transport. For Convenience Stores, no more than 10 people may be present in a single space (not including employees) and social distancing of six (6) feet per person must be maintained to the greatest extent possible. Restaurants and other facilities that prepare and serve food must adhere to strictest standards of sanitation and food preparation must ensure that all employees wear gloves and cover their nose and mouth with a medical mask or any form of cloth at all times, and must not permit the same employees who prepare or serve food to handle money. Any retail business that sells Personal Protective Equipment (PPE), including but not limited to, surgical masks, gowns, gloves, shields, eye protection, hair/head protection, disinfectant, hand sanitizers, and wipes, shall first offer to sell said medical equipment and supplies within reasonable quantities to any and all genuine health care service providers, workers, and first responders in the community, prior to offering to the general public.

(5) Energy, Water, & Wastewater. Includes, but is not limited to, workers supporting the energy sector, regardless of the energy source, segment, or infrastructure the worker is involved in, or who are needed to monitor, operate, engineer, and maintain the reliability, safety, environmental health, and physical and cyber security of the energy system, and employees needed to operate and maintain drinking water and wastewater/drainage infrastructure.

(6) Transportation & Logistics. Includes, but is not limited to, employees supporting or enabling transportation functions, including truck drivers, bus drivers, dispatchers, maintenance and repair technicians, warehouse workers, truck stop workers, businesses and workers supporting the distribution of food, employees of firms providing services, supplies, and equipment that enable warehouse and operations, including cooling, storing, packaging, and distributing products for wholesale or retail sale or use, employees supporting personal and commercial transportation services, including taxis, delivery services, vehicle rental services, bicycle maintenance and car-sharing services, and transportation network providers, gas stations, automobile dealerships, auto-manufacturing, assembly, auto-supply, auto repair, and other related facilities. In order to prevent the spread of COVID-19, employers must conduct temperature checks for employees arriving and departing facilities; truck drivers must remain in their trucks; truck drivers must use their own writing instrument; all individuals must wear gloves and dispose of them properly; all individuals must wash their hands immediately after handling any documents or paperwork; all documents shall be kept in plastic bags; individuals must clean and sanitize shoes when entering from the warehouse area to an office space; dock workers must not congregate in groups; impose limitations of access to facility; and drivers and other non-essential visitors must meet in the yard and if they must enter the facility, they are required to take their temperature prior to entering a facility.

(7) Public Works & Infrastructure Support Systems. Includes, but is not limited to, workers who support the operation, inspection, and maintenance of essential public works

facilities and operations, including bridges, water and sewer main breaks, fleet maintenance personnel, construction of critical or strategic infrastructure, traffic signal maintenance, emergency location services for buried utilities, maintenance of digital systems infrastructure supporting public works operations, and other emergent issues, workers such as plumbers, electricians, exterminators, builders, contractors, HVAC Technicians, landscapers, other service providers who provide services that are necessary to maintaining the safety, sanitation, and essential operation of residences, businesses and buildings such as hospitals, senior living facilities, any temporary construction required to support COVID-19 response, and support to ensure the effective removal, storage, and disposal of residential and commercial solid waste and hazardous waste (including landfill operations).

(8) Communications & Information Technology. Includes, but is not limited to, services and their essential services vendors for global, national, and local infrastructure for computing services, business infrastructure, communications, web-based services, and critical manufacturing, as well as telecommunications services, internet access and broadband/communications services, workers who support radio, television, and media service, employees required in person to support software as a service businesses that enable remote working, performance of business operations, distance learning, media services, and digital health offerings, or required for technical support crucial for business continuity.

(9) Community or Government Based Operations and Essential Functions. Includes, but is not limited to, workers to ensure continuity of building functions, including security, the permits and inspections for construction supporting essential infrastructure, elections personnel to include both public and private sector elections support, workers supporting the operations of the judicial system, employees necessary to maintain news and media operations across various media, employees supporting Census 2020, weather forecasters, clergy for essential support, workers who maintain digital systems infrastructure supporting other critical government operations, workers who support necessary credentialing, vetting and licensing operations for critical infrastructure workers, customs and immigration workers educators supporting public and private K-12 schools, colleges, and universities for purposes of facilitating distance learning or performing other essential functions, staff at local governments needed to ensure the continuing operation of the government agencies and to provide for the health, safety, and welfare of the public, workers who perform title search, notary, and recording services in support of mortgage and real estate services and transactions, workers supporting essential maintenance, manufacturing, design, operation, inspection, security, and construction for essential products, services, and supply chain and COVID-19 relief efforts.

(10) Critical Manufacturing. Includes, but is not limited to workers necessary for the manufacturing of metals, and workers who produce or manufacture parts or equipment that supports continued operations for any essential services and increase in remote workforce.

(11) Chemical. Includes, but is not limited to workers supporting the chemical and industrial gas supply chains, including workers at chemical manufacturing plants, workers in laboratories, workers at distribution facilities, and workers who transport basic raw chemical materials to the producers of industrial and consumer goods, including hand sanitizers, food and food additives, pharmaceuticals, paintings and coatings, textiles, building materials, plumbing, electrical, and paper products.

(12) Commercial Facilities. Includes, but is not limited to workers who support the supply chain of building materials from production through hardware, plumbing, electrical, heating/cooling, appliances, paint, and employees who provide services that enable repair materials and equipment for essential functions. Workers supporting ecommerce through distribution, warehouse, call center facilities, and other essential operational support functions, workers in hardware and building materials stores, consumer electronics, technology and appliances retail, and related merchant wholesalers and distributors with reduced staff to ensure continued operations.

(13) Financial Services. Includes banks and related financial institutions, consumer lenders, sales and finance lenders, pawn shops, credit unions, appraisers, and title companies.

(14) Defense Industrial Base. Includes, but is not limited to, workers who support the essential services required to meet national security commitments to the federal government and U.S. Military.

(15) Hygiene Products and Services. Includes, but is not limited to workers in laundromats, laundry services, and dry cleaners, workers providing personal and household goods repair and maintenance, support required for continuity of services, including commercial disinfectant services, janitorial and cleaning personnel. For any retail or wholesale business that sells Personal Protective Equipment (PPE), including but not limited to, surgical masks, gowns, gloves, shields, eye protection, hair/head protection, disinfectant, hand sanitizers, and wipes, shall first offer to sell said medical equipment and supplies within reasonable quantities to any and all genuine health care service providers, workers, and first responders in the community, prior to offering for sale to the general public.

(16) Residential/Shelter Facilities and Services. Includes, but is not limited to, workers who support food, shelter, and social services, and other necessities of life for needy groups and individuals, workers in animal shelters, workers responsible for the leasing of residential properties to provide individuals and families with ready access to available housing, workers responsible for handling property management, maintenance, and related service calls, workers performing housing construction related activities, and workers performing services in support of the elderly and disabled populations.

(17) Day/Child Care Facilities & Schools. Day/Care Child Facilities may provide services only for employees required to perform the essential services required under this Ordinance and only under the following mandatory conditions: (1) Childcare must be carried out in stable groups of 10 or fewer (“stable” means that the same 10 or fewer children are in the same group each day); (2) If more than one group of children is cared for at one facility, each group shall be in a separate room. Groups shall not mix with each other; and (3) Childcare providers shall remain solely with one group of children. Educational institutions, including public, private K-12 schools, colleges, and universities shall remain temporarily closed to in-person classroom attendance by students and shall not recommence before the end of 2019-2020 school year, except that a student may, as allowed by the school and consistent with the minimum standard health protocols, visit their campus (i) for limited non-instructional administrative tasks such as cleaning out lockers, collecting personal belongings, and returning school items; or (ii) for graduating seniors to complete post-secondary requirements that cannot be accomplished absent access to the school facility and its resources, excluding any activity or assessment which can

be done virtually. Staff at educational institutions may visit education facilities only for the purposes of facilitating distance learning, performing essential functions, or providing free services to students or members of the public on a pick-up and take-away basis only, provided in compliance with social distancing and face covering requirements.

(18) Assisted Living Facilities, Senior Living Facilities, Home Health, and Adult Day Programs. Nursing homes, retirement, and long-term care facilities are instructed by this order to prohibit non-essential visitors from accessing their facilities unless to provide critical assistance as determined through guidance from the Texas Health and Human Services Commission (HHSC) including following infection control policies and practices set forth by HHSC. Adult Day Care Programs are open only to individuals receiving services at the facility and must prohibit non-essential visitors from their facilities unless they are required to provide essential services or are providing critical assistance as determined by HHSC. Nursing homes, home health providers, primary home providers, special needs group homes, assisted living centers, ancillary providers, and physical and speech therapy providers (“providers”) must wear N-95 masks, gloves, and follow proper hygiene measures when providing at-home care for patients. All providers must be tested for COVID-19 and receive a negative result before being allowed to provide at-home care services. Additionally, all providers shall 1) quantify the extent of the infection immediately; 2) implement a comprehensive mitigation plan; 3) re-evaluate current COVID-19 positive facilities; 4) appropriate isolation and placement of COVID-19 patients; 5) implement enhanced access controls to the facility; 6) enhance control to staff access to the facility; 7) effective notifications; and 8) continue prevention efforts in facilities that do not have an infection.

B. Reopened Services.

(1) Retail Services to Go. Retail services that may be provided through pickup, delivery by mail, or delivery to the customer's doorstep.

(2) In Store Retail Services. Retail establishments that operate at up to 25 percent of the total listed occupancy (not including employees) of the retail establishment.

(3) Dine-in Restaurant Services. Restaurants that have less than 51 percent of their gross receipts from the sale of alcoholic beverages and that operate at up to 25 percent of the total listed occupancy (not including employees) of the restaurant. There is no occupancy limit on outside seating. Valet service is prohibited except for vehicles with placards or plates for disabled parking.

(4) Movie theaters. Movie theatres that operate at up to 25 percent of the total listed occupancy (not include employees) of any individual theater for any screening.

(5) Shopping malls. Malls with indoor stores that operate at up to 25 percent of the total listed occupancy (not including employees) of the shopping mall; provided, however, that within the shopping malls, food court dining areas, play areas, and interactive displays and settings must remain closed.

(6) Individual Business Offices. Services provided by an individual working alone in an office, effective until 12:01 a.m. on Monday, May 18, 2020, when this single-person office

provision is superseded by the expanded office-based services provision set forth below.

(7) Golf Course Operations. Golf courses may commence in compliance with the minimum standard health protocols as listed in most recently revised version of The Governor's Report to Open Texas.

(8) Wedding Venues. Wedding venues and the services required to conduct weddings, including photography, provided, however, that these are subject to either the guidelines on churches (if held in a church) or at 25% of indoor occupancy (if held indoors at a non-church). Note, it is strongly encouraged to hold weddings outside.

(9) Wedding Reception Services. Wedding receptions, subject to the guidelines on restaurants (if held at a restaurant) or subject to 25% of indoor capacity (if held indoors). It is encouraged to hold outside.

(10) Cosmetology and Tanning Salons. *Effective May 8, 2020.* Cosmetology salons, hair salons, barber shops, nail salons/shops, and other establishments where licensed cosmetologists or barbers practice their trade; provided, however, that all such salons, shops, and establishments must ensure at least six feet of social distancing between operating workstations, and must maintain one customer per stylist at all times. It is recommended for customers to wait outside or in their vehicle and using a reservation/appointment system to avoid grouping of walk-ins in waiting area, as well as masks for both stylists and customers be worn. Tanning salons may operate; provided, however, that all such salons must ensure at least six feet of social distancing between operating workstations.

(11) Swimming pools. *Effective May 8, 2020.* Swimming pools may operate; provided, however, that (i) indoor swimming pools may operate at up to 25 percent of the total listed occupancy of the pool facility; (ii) outdoor swimming pools may operate at up to 25 percent of normal operating limits as determined by the pool operator. All City of Laredo swimming pools shall remain closed.

(12) Office Based Services. *Effective May 18, 2020.* Services provided by office workers in offices that operate at up to the greater of (i) five individuals, or (ii) 25 percent of the total office workforce; provided, however, that the individuals maintain appropriate social distancing.

(13) Manufacturing Services. *Effective May 18, 2020.* For non-essential manufacturing service facilities that operate at up to 25 percent of the total listed occupancy of the facility; provided, however 6 feet between individuals is maintained or otherwise using separators between workstations (i.e. Plexiglas), and it is recommended that employers implement staggered workforce hours to ensure separate congregations.

(14) Gyms and Exercise Facilities. *Effective May 18, 2020.* Gyms and exercise facilities and classes that operate at up to 25 percent of the total listed occupancy of the gym or exercise facility; provided, however, that locker rooms and shower facilities must remain closed, but restrooms may open; social distancing must be maintained; all equipment at facility and brought in by customers (i.e. yoga mat) must be disinfected after each use; and customers must wear gloves covering their whole hand.

SECTION 7. Essential Activities Permitted. In this Ordinance, "Essential Activities" are limited to the following categories:

A. Outdoor Activity. Includes, but is not limited to, any outdoor physical activity, such as, by way of example and without limitation, walking, fishing, ranching, hunting, hiking, running, tennis or other outdoor sport, provided that the sports do not include contact with other participants and no more than four participants play the sport at any time. For clarity, City parks will remain closed except for use of designated amphitheaters, benches, drinking fountains, multi-purpose open areas, sports fields, fishing piers, tennis courts, walking trails and tracks, dog parks, disc golf course, and parking lots. Furthermore, the use of all private and public golf courses and private tennis courts are permitted provided that applicable guidelines are followed.

B. Care of Others. Individuals are permitted to leave their residence for purposes of caring for a family member or pet in another household.

C. Travel. Includes travel to, or travel from, another jurisdiction only if for purposes of engaging in, or conducting, any essential service, reopened service, or activity permitted under this Ordinance. Also includes local travel, including, but not limited to, travel on foot, bicycle, scooter, motorcycle, automobile, or public transit only if for purposes of engaging in, or conducting, any essential service/activity herein allowed under this Ordinance.

SECTION 8. Non-Essential Services Prohibited. In this Ordinance, non-essential prohibited services include the following categories:

A. Bars, lounges, and private clubs.

B. Bingos and amusement redemption centers.

C. Massage parlors, tattoo parlors and other piercing businesses.

D. Bowling Entertainment facilities.

E. Reception Halls and Party Rental Places, *except as allowed in Section 6 (B)(8) and (9) above.*

F. Interactive Amusement Venues.

G. Sexually Oriented Businesses.

H. Any other business, governmental entity, or workplace, including a division thereof, that does not provide an essential service or reopened service permitted by this Ordinance, or that does not have the capability (technological or financial) of allowing employees to work remotely from home. Non-essential businesses may continue operations from home. Individuals may return to a non-essential business to ensure security, process payroll, and facilitate working remotely from their residence.

SECTION 9. Non-Essential Activities. Except as necessary for Outdoor Activity and to engage in "Essential Services" or "Reopened Services" expressly permitted under this Ordinance, all other public and private gatherings of any number with persons not members of your household are prohibited.

SECTION 10. Covering of Nose and Mouth. In order to protect yourself and others from the spread of COVID-19, it is recommended by the City of Laredo Local Health Authority that you cover your nose and mouth *at all times* to the extent possible whether you are alone, with members of your household, inside, or outside of your private residence.

A. This notwithstanding, all persons two years of age and older are hereby required to wear some form of covering over their nose and mouth (such as a scarf, bandana, handkerchief, or homemade mask from cloth or similar material) *at all times* when outside of their place of residence *except*:

- (1) When driving/riding in a personal vehicle;
- (2) When alone in a separate and enclosed single space;
- (3) When outside alone on a public street or sidewalk provided that no other person is within a 6 feet proximity and a nose and mouth covering is at all times worn in such a manner that it is visibly and readily accessible in the event social distancing cannot be maintained;
- (4) When necessary for consumption purposes;
- (5) When said person has trouble breathing, is unconscious, is incapacitated, or is otherwise unable to remove the cover without assistance; or
- (6) When necessary because of a medical condition or for any other valid health & safety reason, the reasonableness of which shall be determined solely by the City of Laredo.

B. Pursuant to Governor Greg Abbott’s Executive Order GA-21, there shall be no civil or criminal penalty imposed for failure to wear a face covering. Law enforcement and code enforcement officers may approach individuals who are in violation of this section for purposes of providing an educational citation with health information related to the importance of face coverings.

C. All privately owned businesses and establishments including governmental entities and non-profit organizations may require individuals seeking to conduct business or otherwise enter their premises/facilities to follow additional hygiene measures including a requirement to wear a face covering, and retain the right to refuse entry and/or service to any individual for noncompliance at their premises. Local law enforcement may be contacted for assistance regarding possible criminal trespass charges pursuant to Texas state law. Accordingly, individuals entering City buildings must wear a face covering and may be refused entry and/or service for failure to comply with this Section.

SECTION 11. Curfew. A curfew for all shall to be imposed from 10:00 PM to 5:00 AM, unless that person is engaging, performing, or on route to engage in an essential service, reopened service, or activity as provided herein and in accordance with the Governor’s Executive Order GA-21.

SECTION 12. Exemption. Individuals experiencing homelessness are exempt from this Ordinance except that, to the extent individuals are using shared or outdoor spaces, they shall, to the greatest extent feasible, maintain social distancing. Governmental and other entities are strongly urged to make shelter available to the maximum extent practicable, and to use COVID-19 risk mitigation practices in their operation.

SECTION 13. Parks. In support of the Governor's Executive Orders, portions of city parks shall be open to include amphitheaters, benches, drinking fountains, multi-purpose open areas, sports fields, fishing piers, tennis courts, walking trails and tracks, dog parks, disc golf course, and parking lots. Other park areas where social distancing and sanitizing requirements are difficult or impossible to meet, including skate plazas and splash pads including those located in apartment complexes or homeowner's association and/or neighborhood association owned areas, shall close for the duration of these measures.

SECTION 14. Positive Test Result. If someone in a household has tested positive for COVID-19 and is not hospitalized, the household is ordered to isolate at home for a period of at least three days (72 hours) *since* recovery. Recovery is defined as resolution of fever without the use of fever reducing medications and improvement in respiratory symptoms (e.g. cough, shortness of breath); and, at least seven (7) days have passed *since symptoms first appeared*. The Health Department may impose a longer period of time for quarantine or isolation. If a member of the household tests positive, then other members of the household with symptoms should also consider themselves positive and follow the isolation and quarantine measures prescribed by health authorities. Asymptomatic members of the household shall not leave the home until the member of the household who tested positive is no longer required to isolate.

SECTION 15. Hospital Preparedness. All local hospitals shall comply with the following:

A. Ensure that the physicians, floor nurses, and other staff who currently work, or have worked within the last two (2) weeks, in their COVID-19 Unit, be tested for the novel coronavirus (COVID-19). Any Healthcare Professional that tests positive for COVID-19 shall remain in quarantine for no less than (14) fourteen days.

B. All local hospitals shall provide Healthcare Professionals and other staff who work in their COVID-19 Unit with clothing, gloves, N95 facemasks, and any other personal protective equipment (PPE) necessary to protect the wearer and patients from the spread of the illness. If any local hospital cannot obtain an adequate supply of PPE from their vendor(s), and have exhausted all alternative options, then the local hospital shall send an official request to the local Office of Emergency Management.

C. All COVID-19 floor nurses that work in a local hospital are prohibited from taking breaks together while on the floor, where they are removing their masks. All COVID-19 personnel shall not be assigned to work in another unit of the hospital without a 14-day break, or proper mitigation measures, such as additional testing prior to reassignment.

D. All local hospitals shall include the Local Health Authority, or a physician delegated by the Local Health Authority to perform duties in his absence, in every decision-making meeting that involves the hospital's response to the COVID-19 public health emergency.

E. All licensed health care professionals shall be limited in their practice by, and must comply with, any emergency rules promulgated by their respective licensing agencies dictating minimum standards for safe practice during the COVID-19 disaster.

F. Every hospital licensed under Chapter 241 of the Texas Health and Safety Code shall reserve at least 15 percent of its hospital capacity for treatment of COVID-19 patients, accounting for the range of clinical severity of COVID-19 patients, as determined by the Texas Health and Human Service Commission. The suspension shall continue of the following provisions to the extent necessary to implement increased occupancy in the event of surge needs for hospital capacity due to COVID-19: 25 TAC Sec. 133.162(d)(4)(A)(iii)(I); TAC Sec. 133.163(f)(1)(A)(i)(II)-(III); TAC Sec. 133.163(f)(1)(B)(i)(III)-(IV); TAC Sec. 133.163(m)(1)(B)(ii); TAC Sec. 133.163(t)(1)(B)(iii)-(iv); TAC Sec. 133.163(t)(1)(C); TAC Sec. 133.163(t)(5)(B)-(C); and any other pertinent regulations or statutes upon written approval of the Office of the Governor.

G. All local hospitals operating within the City of Laredo and performing COVID-19 testing shall report by 5:00 PM each day for the prior 24-hour period (1) the number of COVID-19 tests performed; and (2) the number of positive COVID-19 tests to the City's Health Authority if either the specimen is collected in, or the test is performed in the City of Laredo. This information will be used solely for public health purposes to monitor the testing conducted in the City and mitigate and contain the spread of COVID-19.

SECTION 16. Random Testing. The City of Laredo Health Authority deems it in the best interest of the City to conduct random COVID-19 testing of asymptomatic individuals in order to better understand how COVID-19 is being spread amongst the population of the City of Laredo. Random testing shall be conducted among three cross-sections of the community. Individuals in each group must be different from those tested in other groups. Group 1 will consist of a random selection of the community. Group 2 shall consist of individuals in the following tier groups depending on test availability and individual exposure: Tier 1 - medical staff at Laredo hospitals including emergency medical workers; Tier 2 - first responders including City of Laredo Police Department and Firefighters; and Tier 3 - First Transit employees including El Lift drivers. Group 3 shall consist of individuals coming in through the City's ports of entry, with a focus on pedestrian traffic at Bridge 1.

SECTION 17. Donations. The City of Laredo City Council deems it in the best interest of the public to issue the following monetary donations for May 2020 provided that documentation and receipts for food purchases are provided to be accounted for by City of Laredo personnel: \$10,000.00 to the Laredo Regional Food Bank for the purposes of providing meals to local people in need; \$10,000.00 to Joseph Store House at New Vision Community Church for the purposes of replenishing their food pantry that is to be distributed and delivered to senior citizens and those in need at no cost; \$10,000.00 to the Holding Institute Community Center for the purposes of providing meals to people in need; and \$100,000.00 to the South Texas Food Bank for the purposes of providing meals to people in need.

SECTION 18. Penalties. Failure to comply with the above provision of this Order constitutes an imminent threat to public health. In accordance with the authority under Texas Government Section 418.173, the Texas Disaster Act of 1975, with the exception of Section 10, any person who violates this Ordinance is subject to a Class B misdemeanor punishable by a fine not to

exceed \$1,000, confinement not exceeding 180 days, and/or any other penalties authorized by state law and city code. In addition to enforcement through citation and fine, the City of Laredo may further exercise its authority to enforce compliance by businesses through the pulling of the Certificate of Occupancy for those businesses determined by the City of Laredo to be in violation with any applicable provision of this Ordinance.

SECTION 19. Residential Evictions. Landlords shall be prohibited from evicting a tenant for non-payment of rent during throughout the COVID-19 Declaration of Emergency if the tenant is able to provide the Landlord with evidence of his or her inability to pay rent due to circumstances related to a *COVID-19 Financial Impact*. If a tenant does not provide objectively verifiable evidence of a COVID financial impact to the Landlord, within five (5) days of receiving a Notice to Evict, the Landlord may pursue any enforcement action in accordance with state and local laws. Nothing in this article eliminates any obligation by tenant to pay Landlord all lawfully charged rent and fees due. For Purposes of this Section, a *COVID-19 Financial Impact* means a substantial decrease in household income for a residential tenant related to COVID-19, due to business closure or layoff. A financial impact is "*related to COVID-19*" if it is caused by the COVID-19 Pandemic or any governmental response to the COVID-19 Pandemic, including complying with any public health orders or recommended guidance related to COVID-19 from local, state, or federal governmental authorities.

SECTION 20. COVID-19 Related Leave. The City of Laredo shall pay a maximum of fourteen (14) days of emergency paid sick leave to any City employee who has tested positive, or who has a spouse or child that has tested positive, for COVID-19. This leave is available from April 1, 2020, through December 31, 2020.

SECTION 21. Utility Bill Forgiveness. The City of Laredo shall allocate one million five hundred thousand (1,500,000.00) dollars through monies "COVID-19 Emergency Relief Funds" acquired from the Utilities Department-Water Availability Fund, Solid Waste Department, and/or Environmental Services Department, for purposes of covering the costs of a maximum of three (3) months of residential utility fees for qualifying individuals who are unable to pay their bills due to a layoff that is a direct result of the COVID-19 Pandemic. Pursuant to the authority of Section 2.11 of the City Charter, any and all ordinance provisions in direct conflict with this Section, including but not limited to 2019-O-071, shall be temporary repealed for the duration of this Emergency Ordinance. The City Council finds that despite the fact that these expenditures may incidentally benefit private interests, the legitimate municipal public purpose of reviving the economy is directly accomplished through the controlled assistance of eligible residents who have been most impacted by the public health emergency.

SECTION 22. Posting. The City of Laredo must promptly provide copies of this Order by posting on the City 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 23. Prior & Successive Orders. The Emergency Ordinance related to COVID-10 was initially adopted by the City Council on March 31, 2020, and amended again on April 3, 2020, April 8, 2020, and April 20, 2020. In the event of any conflict between the Fifth Emergency Ordinance and a prior declaration or order pertaining to COVID-19, this Fifth

Amended Ordinance prevails. In accordance with Chapter 121 and Section 85.1 of the Texas Health & Safety Code, and Chapter 85 of the Texas Administrative Code, the Local Health Officials acting through the City Manager may update this Ordinance as necessary to respond to the evolving circumstances of the Local COVID-19 Transmission outbreak.

SECTION 24. Severability. If any provision, section, subsection, sentence, clause, or phrase of this Ordinance, or the application of same to any set of circumstances, is held to be unconstitutional or void, the validity of the remaining portions of this Ordinance or their application to other circumstances shall not be affected. It is the intent of the City Council in adopting this Ordinance that no portion hereof or provision or regulation contained herein shall become inoperative or fail by reason of any unconstitutionality, void, or invalidity of any other portion hereof, and all provisions of this Ordinance are declared to be severable for that purpose.

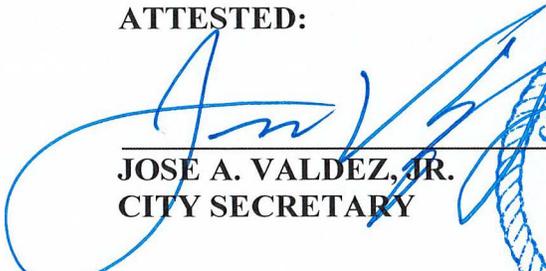
SECTION 25. Effective Date. Pursuant to the authority of Chapter 2.11 of the City Charter, this Ordinance shall take effect immediately from and after its execution.

ON THIS 6th DAY OF May 2020, this Ordinance was passed by the City Council, approved by the Mayor, and in accordance with the control measures requested by the Local Health Authority pursuant to Chapter 121 and Chapter 85 of the Texas Health and Safety Code, and Section 85.1 of the Texas Administrative Code.

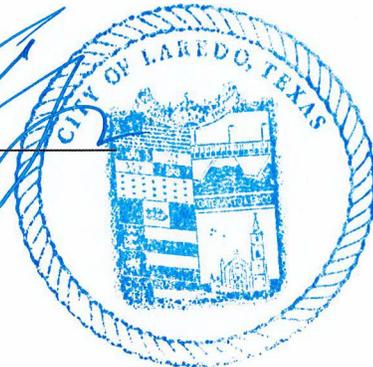


PETE SAENZ
MAYOR

ATTESTED:



JOSE A. VALDEZ, JR.
CITY SECRETARY



APPROVED AS TO FORM:



KRISTINA K. LAUREL HALE
CITY ATTORNEY