



**CITY OF LAREDO'S SECOND AMENDED EMERGENCY 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 (the “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 March 26, 2020, data reported by the World Health Organization indicated that COVID-19 spreads when a person coughs or exhales thereby producing droplets that reach the nose, mouth or eyes of another person, and that other persons become infected by touching these contaminated objects or surfaces, then touching their eyes, nose or mouth; and

**WHEREAS**, on March 29, 2020, the Director of John Hopkins Center for Health Security, Dr. Tom Ingelsby, stated that “members of the general public should wear non-medical fabric masks when going out in public in one additional societal effort to slow the spread of the virus down,” and Dr. Scott Gottlieb, former Commissioner of the US Food and Drug Administration, also advised of a recommendation from the Center for Disease Control and Prevention (“CDC”) “for consumers to wear cotton masks can improve safety and reduce spread and not strain the hospital supply chain;” and

**WHEREAS**, on March 31, 2020, the Director for Center for Disease Control and Prevention, Dr. Robert Redfield, admitted that COVID-19 continues to spread rapidly across the country, because of asymptomatic transmitters and individuals who are transmitting 48 hours before they become symptomatic; and

**WHEREAS**, on March 31, 2020, the Director of the National Institute of Allergy and Infectious Diseases (NIAID) and as a member of the White House Coronavirus Task Force, Dr. Anthony Fauci, also recommended wearing facial coverings to prevent individuals from infecting others and reported that the CDC is in the process of reviewing mask recommendations based on growing evidence that people experiencing no symptoms can spread the disease more widely than previously thought; and

**WHEREAS**, on April 1, 2020, the United States Surgeon General, Dr. Jerome Adams, admitted that the CDC has been asked to review their guidelines on the benefits of having more people wear masks to prevent transmission of COVID-19 based on new available science regarding the asymptomatic spread of the novel Coronavirus disease; and

**WHEREAS**, pursuant to Chapter 121 of the Texas Health & Safety Code, and Title 25 Texas Administrative Code Section 85, the City Council has appointed Dr. Hector Gonzalez as the Director of Health, and Dr. Victor Trevino as its Local Health Authority, with the duty to administer state and local laws relating to public health within the jurisdiction of the City of Laredo; and

**WHEREAS**, only 4 of the 83 residents of the City of Laredo who have tested positive for COVID-19 in the last 17 days have been identified as travel related; because there have been 5 deaths related to the virus in the last 4 days; because there is 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 department has recently 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 officials have advised the City Council that in addition to practicing social distancing and staying at home as much as possible, additional measures that include the implementation of a curfew and the covering of an individual's nose and mouth will prevent asymptomatic individuals with COVID-19 from unknowingly spreading the disease; and

**WHEREAS**, in the exercise of its legislative discretion, the City Council hereby finds and declares that all the measures contained within this Ordinance are promulgated under its general police powers of the City, are consistent with the regulations contained within Executive Order GA-14 issued by Governor Greg Abbott, relating to essential services and activities during the COVID-19 disaster, are the least restrictive to prevent the spread the virus through person-to-person contact, especially in group settings, and are absolutely necessary for the preservation and protection of the public health, safety, and general welfare of the citizens of the City of Laredo.

**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.** There exists a public emergency requiring that this Ordinance be passed finally on the date of its introduction as requested in writing by the Mayor; therefore, this Ordinance shall be passed finally on such date and shall take effect on **12:01 a.m. on Thursday, April 2, 2020 and shall continue until 11:59 PM on April 30, 2020** until it is either rescinded, superseded, or amended pursuant to another order or applicable law.

**SECTION 3.** The measures contained within this Ordinance shall be enacted in accordance with the guidelines established by:

Texas Governor Greg Abbott's Executive Order GA-14 issued by on March 31, 2020, that may be assessed at:

[https://gov.texas.gov/uploads/files/press/EO-GA-12\\_roadway\\_quarantine\\_for\\_COVID\\_19\\_IMAGE\\_03-29-2020.pdf](https://gov.texas.gov/uploads/files/press/EO-GA-12_roadway_quarantine_for_COVID_19_IMAGE_03-29-2020.pdf)

The Center for Disease Control & Prevention's Implementation of Mitigation Strategies for Communities with Local COVID-19 Transmission that may be assessed at:

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

The Texas Department of Emergency Management's Essential Services Designation, that may be assessed at:

<https://tdem.texas.gov/essentialservices/>

The President's Coronavirus Guidelines for America that may be assessed at:

[https://www.whitehouse.gov/wp-content/uploads/2020/03/03.16.20\\_coronavirus-guidance\\_8.5x11\\_315PM.pdf](https://www.whitehouse.gov/wp-content/uploads/2020/03/03.16.20_coronavirus-guidance_8.5x11_315PM.pdf)

**SECTION 4.** All individuals currently living within the City of Laredo, are hereby ORDERED to remain at their place of residence, except as necessary to provide or obtain essential services or to engage in the essential daily activities, as allowed herein. Individuals engaging in or conducting permissible essential services and activities must practice social distance guidelines with sufficient space so that all persons are no less than six (6) feet apart.

**SECTION 5. Essential Services Permitted.** In this Ordinance, "Essential Services" includes:

**A. Religious Services.** Religious and worship services may be provided by video and teleconference only. Institutions must limit in-person staff or volunteers to 10 people or less in the same room when preparing for or conducting video or teleconference services, and all individuals must follow the Social Distancing Guidelines (including the social distancing

guideline of six (6) feet).

**B. Healthcare/Public Health.** Includes, but is not limited to hospitals, clinics, dentists, pharmacies, pharmaceutical and biotechnology companies, other healthcare facilities, healthcare suppliers (including fabric stores for purposes of making handmade masks to comply with Section 9 herein), mental health providers, substance abuse service providers, blood banks, medical research, laboratory services, or any related and/or ancillary healthcare services. Home-based and residential-based care for seniors, adults, or children are also considered healthcare operations. Healthcare operations also includes veterinary care and all health and welfare services provided to animals.

**C. Law Enforcement, Public Safety, and other First Responders.** Public, private, and voluntary personnel (front line and management) in emergency management, law enforcement, fire and rescue services, emergency medical services, and private security, to include public and private hazardous material responders, air medical service providers (pilots and supporting technicians), corrections, and search and rescue personnel. Public Safety/911 call center employees who are 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. Workers supporting the operation of firearm or ammunition product manufacturers, retailers, importers, distributors, and shooting ranges. Public agency workers responding to abuse and neglect of children, elders, and dependent adults. Security staff to maintain building access control and physical security measures.

**D. Food & Agriculture.** Workers supporting groceries, pharmacies, convenience stores, and other retail (including unattended and vending) that sell 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. Convenience Stores may remain open, provided that no more than 10 people are present in a single space not including employees, and social distancing of six (6) feet per person is maintained to the greatest extent possible. Restaurant with carry-out and quick serve food operations, including kitchen and food prep centers, and carryout and delivery food employees; beverage production facilities; and the production of food packaging. Ranchers, farmers, farm workers, and agribusiness support services to include those employed in auction and sales: grain and oilseed handling, processing and distribution; animal food and feed; truck delivery and transport. ***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 mask or any form of cloth at all times, and must not permit the same employees who prepare or serve food to handle money.***

**E. Energy, Water, & Wastewater.** Workers supporting the energy sector, regardless of the energy source (including but not limited to nuclear, fossil, hydroelectric, or renewable), segment of the system, 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. Employees needed to operate and maintain drinking water and wastewater/drainage infrastructure.

**F. Transportation & Logistics.** 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, pharmaceuticals and other medical materials (including fabric stores) and fuels. 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 and assembly, auto-supply, auto repair, and other related facilities.

**G. Public Works & Infrastructure Support Systems.** 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, and 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. Support to ensure the effective removal, storage, and disposal of residential and commercial solid waste and hazardous waste, including landfill operations.

**H. Communications & Information Technology.** These services and their essential services vendors, including the provision of essential 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, including, but not limited to front-line news reporters, studio, and technicians for newsgathering, and reporting, and publishing news. Employees required in person to support Software as 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 and connectivity.

**I. Community or Government Based Operations and Essential Functions.** Workers to ensure continuity of building functions, including but not limited to security and environmental controls, and 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 who are critical to facilitating trade in support of the national emergency response supply chain. Educators

supporting public and private K-12 schools, colleges, and universities for purposes of facilitating distance learning or performing other essential functions. Staff at government offices 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.

**J. Critical Manufacturing.** Workers necessary for the manufacturing of metals. Workers who produce or manufacture parts or equipment that supports continued operations for any essential services and increase in remote workforce.

**K. Chemical.** Workers supporting the chemical and industrial gas supply chains, including workers at chemical manufacturing plants, workers in laboratories, workers at distribution facilities, 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.

**L. Commercial Facilities.** 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.

**M. Financial Services.** Banks and related financial institutions, consumer lenders, sales and finance lenders, pawn shops, credit unions, appraisers, title companies.

**N. Defense Industrial Base.** Workers who support the essential services required to meet national security commitments to the federal government and U.S. Military.

**O. Hygiene Products and Services.** 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.

**P. Residential/Shelter Facilities and Services.** 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. Workers performing services in support of the elderly and disabled populations.

**SECTION 6. Essential Activities Permitted.** In this Ordinance, "Essential Activities" includes:

**A. Outdoor Activity.** To engage in outdoor activity, such as, by way of example and without limitation, walking, fishing, ranching, hunting, hiking, or running provided the individuals comply with social distancing requirements.

**B. Travel.** Travel to return home from, or to, another jurisdiction is permitted. All travel, including, but not limited to, travel on foot, bicycle, scooter, motorcycle, automobile, or public transit is also prohibited *only if* for purposes of engaging in or conducting essential services or activities as herein provided.

**SECTION 7. Non-Essential Services & Activities Prohibited.**

**A. Day Care Facilities & Schools.** Cancellation of schools until April 30, 2020. Distance learning shall be implemented if possible. Child Daycare Operators are restricted to serving only the children of essential workers and must follow the Guidelines as set forth by the Texas Health and Human Services Commission and the recommendations of the CDC. To the extent possible, childcare facilities must operate under the following mandatory conditions:

- i.** 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).
- ii.** Children shall not change from one group to another.
- iii.** 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.
- iv.** Childcare providers shall remain solely with one group of children

**B. Assisted Living Facilities, Senior Living Facilities.** 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 or for end-of-life visitation.

**C. Other Workplaces.** Must implement extended telework arrangement if available.

**D. Bars, lounges, and private clubs.**

**E. Fitness centers and gyms.**

**F. Bingos and amusement redemption centers.**

**G. Reception halls and party rental places.**

**H. Parks.**

**I. Entertainment facilities.**

**J. Any other service or activity not expressly permitted by this Ordinance.**

**SECTION 8. Non-Essential Activities Prohibited.**

**A. Gatherings.** All public and private gatherings of any number of people occurring outside a single household or dwelling unit are prohibited, except for the purpose of engaging in an essential service or activity as herein provided.

**B. Travel.** All travel, including, but not limited to, travel on foot, bicycle, scooter, motorcycle, automobile, or public transit is prohibited, except for purposes of engaging or conducting in an essential service or activity.

**SECTION 9. Covering of Nose and Mouth.** Except as provided herein, all persons over the age of five (5) are required to wear some form of covering (such as a homemade mask, scarf, bandana, or handkerchief) over their nose and mouth *at all times* except:

- A. When engaging in a permissible outside physical activity (such as running, jogging, walking dog);
- B. When riding in a personal vehicle;
- C. When alone in a separate single space;
- D. When no one but their shelter group (household members) is present;
- E. When necessary for purposes of a health emergency;
- F. When necessary for consumption purposes;
- G. When necessary for any other health & safety reason, the validity and reasonableness of which shall be solely determined solely by the City of Laredo.

**SECTION 10. Curfew.** A curfew for all persons aged 18 and over to be imposed from 10:00 PM to 5:00 AM, unless that person is engaging, performing, or in route to engage or perform in an essential service or activity as provided herein.

**SECTION 11. Prior City Orders and Declarations.** In the event of a conflict between this Emergency Ordinance and a prior declaration or order pertaining to COVID-19, this Amended Emergency Ordinance prevails.

**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 of at least six feet from any other person, consistent with the Social Distancing Requirement. Individuals experiencing homelessness are strongly urged to obtain shelter. Governmental and other entities are strongly urged to make such shelter available as soon as possible and to the maximum extent practicable and to use COVID-19 risk mitigation practices in their operation.

**SECTION 14. Final Authority.** Whether a service or activity is essential will be based on its primary purpose, with the final determination resting solely with the City of Laredo as the final authority.

**SECTION 15. 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



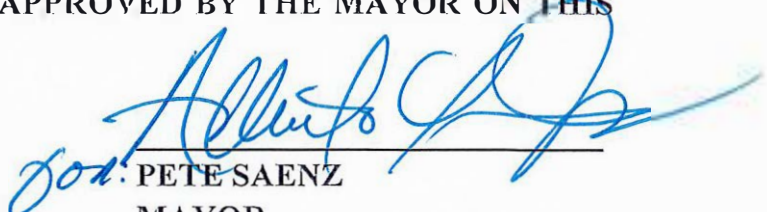
days (72 hours) *since* recovery is defined as resolution of fever without the use of fever reducing medications and improvement in respiratory symptoms (e.g. cough, shortness of breath); and, at least seven (7) days have passed *since symptoms first appeared*. The Health Department may impose a longer period of time for isolation. If a member of the household tests positive, then other members of the household should consider themselves positive if they become symptomatic and follow the isolation and quarantine measures prescribed by local, state, or federal health authorities. Asymptomatic members of the household shall not go to work, school, or any other community function until the member of the household who tested positive is no longer required to isolate.

**SECTION 16. 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. The Local Health Authority and Director of Health acting through the City Manager may update the restrictions contained in this Ordinance as necessary to respond to the evolving circumstances of the Local COVID-19 Transmission outbreak.

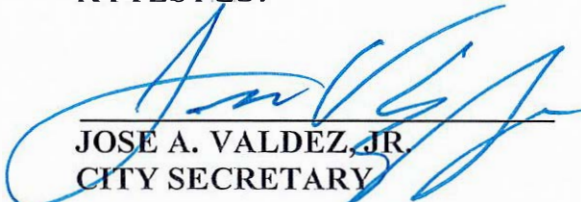
**SECTION 17. Penalties.** In accordance with the authority granted under Texas Government Section 418.173, the Texas Disaster Act of 1975, notwithstanding the penalty set forth for a violation of Section 9, any person who violates this Ordinance may be subject to a Class B misdemeanor punishable by a fine not exceeding \$1,000, or confinement for a period not exceeding 180 days. The penalty for a violation of this Section 9 only shall be a Class C misdemeanor punishable by a fine of not more than one thousand dollars (\$1,000.00). The City Manager shall earmark all revenues collected for violations of this Section 9 to expenses related to the COVID-19 disaster.

**SECTION 18. Severability.** If any provision, section, subsection, sentence, clause, or phrase of this Ordinance, or the application of same to any person or set of circumstances, is for any reason held to be unconstitutional, void or invalid, the validity of the remaining portions of this Ordinance or their application to other persons or sets of circumstances shall not be affected thereby, it being 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.

PASSED BY THE CITY COUNCIL AND APPROVED BY THE MAYOR ON THIS  
3<sup>RD</sup> DAY OF APRIL, 2020.

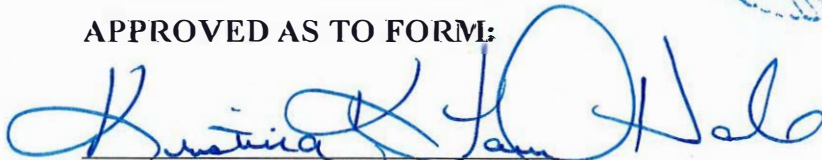
  
\_\_\_\_\_  
PETE SAENZ  
MAYOR

ATTESTED:

  
\_\_\_\_\_  
JOSE A. VALDEZ, JR.  
CITY SECRETARY



APPROVED AS TO FORM:

  
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KRISTINA K. LAUREL HALE  
CITY ATTORNEY