



CITY OF LAREDO'S THIRD 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 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 31, 2020, the Director for Center for Disease Control and Prevention (“CDC”), 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 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 reported that a recommendation from the CDC “for consumers to wear cotton masks would improve safety, reduce spread, and not strain the hospital supply chain;” 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, 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, only 4 of the 141 residents of the City of Laredo who have tested positive for COVID-19 have been identified as travel related, there have been 6 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, Local Health Officials have 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, Local Health Officials advised the City that, in addition to practicing social distancing and staying home, 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.

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 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. State and Federal Guidelines. The measures contained within this Ordinance shall be enacted consistent with the guidelines established by:

Governor Greg Abbott's Executive Order GA-14 issued 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

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

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* to provide or obtain "essential services," or to engage in the "essential activities," allowed under this Ordinance. Individuals engaging in or conducting permissible essential services and activities must at all times comply with Social Distancing Requirements. For purposes of this Order, "Social Distancing Requirements" includes maintaining at least six-foot social distancing from other individuals, washing hands with soap and water for at least twenty seconds as frequently as possible or using hand sanitizer, covering coughs or sneezes (into the sleeve or elbow, not hands), regularly cleaning high-touch surfaces, and not shaking hands.

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 Permitted. In this Ordinance, "Essential Services" is limited to the following categories of critical infrastructure sectors, workers, and functions that must continue during the COVID-19 response and that cannot work remotely from home:

A. Religious Services. Religious and worship services may only be provided through remote audio, video, or teleconference. When preparing for, or while conducting, video or teleconference services, a Houses of Worship must limit the number of staff and volunteers to 10 people or less

and consistently maintain social distancing. *Under Governor Greg Abbott's Executive Order GA 14, churches, congregations, and houses of worship are expressly allowed to conduct religious services and activities through remote audio, video, or teleconference. If unable to do so due to a lack of capability (technological or financial), then Executive Order GA 14 mandates that all religious services and activities be conducted in accordance with the applicable guidelines from the White House and CDC which currently recommends that if a community is experiencing substantial community spread of COVID-19, the houses of worship in that community should cancel all in-person gatherings of any size. However, under Executive Order GA14, a church, could still hold Easter services in its parking lot with attendees remain in their cars (windows down), parked in every other parking spot, with the minister using amplification to preach. Executive Order GA 14 further permits a house of worship, according to their faith practices, to provide communion or a blessing through a drive-up service.*

B. 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. ***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.***

C. 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 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, and security staff to maintain building access control and physical security measures.

D. 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, the production of food packaging, 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. For 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.*

E. Energy, Water, & Wastewater. Includes, but is not limited to, 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, and employees needed to operate and maintain drinking water and wastewater/drainage infrastructure.

F. 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, pharmaceuticals and other medical materials 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, assembly, auto-supply, auto repair, and other related facilities.

G. 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).

H. Communications & Information

I. 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.

J. 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.

K. 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.

L. 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.

M. 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.

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

O. 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.

P. 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.*

Q. 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.

R. 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, 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 the requirements of Section 4 (Social Distance) and Section 10 (Covering of Nose and Mouth) of this Ordinance.

S. Assisted Living Facilities, Senior Living Facilities 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 or for end-of-life visitation. Adult Day Care Programs may provide services only for employees required to perform the essential services required under this Ordinance.

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

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, or running provided the individuals comply with social distancing requirements.

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/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.

- A. Bars, lounges, and private clubs.
- B. Fitness centers, yoga, gyms, or other exercise facilities.
- C. Bingos and amusement redemption centers.
- D. Barbershops, hair, nail, tanning and skincare salons, any other beauty servicing business.
- E. Massage parlors, tattoo parlors and other piercing businesses.
- F. Reception halls and party rental places.
- G. Public Parks.
- H. Entertainment facilities.
- I. Any other business, governmental entity, or workplace, including a department or division thereof, that does not provides an essential service as expressly 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 working from home. Individuals may only return to a non-essential business to pick up mail, ensure security, process payroll, and facilitate the business being able to continue to work remotely from their residence.

SECTION 9. Non-Essential Activities Prohibited. Unless expressly permitted under this Ordinance, all other public and private gatherings of any number with people who are not members of your household are prohibited. This does not prohibit an individual from caring for a friend, family member, or pet in another household.

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. 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:**

- A. When driving/riding in a personal vehicle;
- B. When alone in a separate single space;
- C. When necessary for consumption purposes;
- D. When that person has trouble breathing, is unconscious, is incapacitated, or is otherwise unable to remove the cover without assistance; or
- E. 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.

SECTION 11. 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 on route to engage or perform in an essential service or activity as provided herein.

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 as soon as possible, to the maximum extent practicable, and to use COVID-19 risk mitigation practices in their operation.

SECTION 13. 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 14. 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 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 15. Final Authority. Whether a service or activity is essential will be based on its overall primary purpose with the final determination being made by the City of Laredo.

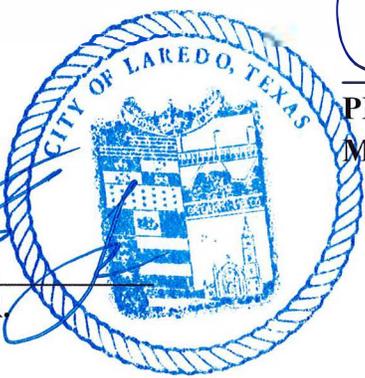
SECTION 16. Penalties. Failure to comply with any of the provision of this Order constitutes an imminent threat to public health. In accordance with the authority under Texas Government Section 418.173, the Texas Disaster Act of 1975, with the exception of Section 9, any person who violates this Ordinance is subject to a Class B misdemeanor punishable by a fine not to exceed \$1,000 and/or confinement not exceeding 180 days. The penalty for a violation of this Section 9 shall be a Class C misdemeanor punishable by a fine not to exceed \$1,000. All revenues collected for violations of Section 9 shall be earmarked for expenses related to the COVID-19 disaster.

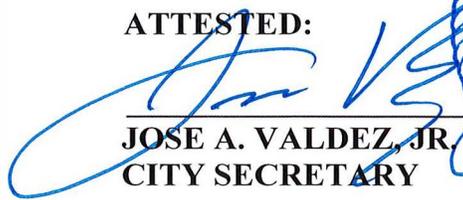
SECTION 17. Prior City Orders. The Emergency Ordinance related to COVID-10 was adopted by the City Council on March 31, 2020, and amended on April 3, 2020, in accordance with Section 14, and Section 121.024 of the Texas Health & Safety Code. In the event of a conflict between this Emergency Ordinance and a prior declaration or order pertaining to COVID-19, this Amended Emergency Ordinance prevails.

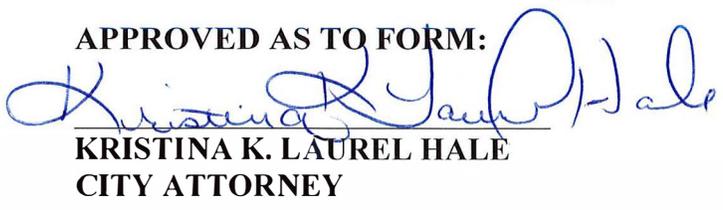
SECTION 18. Severability. If any provision, section, subsection, sentence, clause, or phrase of this Ordinance, or the application of same to any set of circumstances, is held to be unconstitutional or void, the validity of the remaining portions of this Ordinance or their application to other circumstances 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.

PASSED BY THE CITY COUNCIL AND APPROVED BY THE MAYOR, IN ACCORDANCE WITH THE DIRECTIVES OF THE LOCAL HEALTH AUTHORITY, PURSUANT TO CHAPTERS 81 AND 121 OF THE TEXAS HEALTH & SAFETY CODE, AND CHAPTER 85 OF THE TEXAS ADMINISTRATIVE CODE, ON THIS THE 8TH DAY OF APRIL 2020.


PETE SAENZ
MAYOR



ATTESTED:

JOSE A. VALDEZ, JR.
CITY SECRETARY

APPROVED AS TO FORM:

KRISTINA K. LAUREL HALE
CITY ATTORNEY