

**CITY OF PENITAS**  
**EMERGENCY ORDER**  
**INSTITUTING ADDITIONAL MEASURES DUE TO A**  
**PUBLIC HEALTH EMERGENCY RELATED TO**  
**CORONA VIRUS DISEASE (COVID-19)**

**SHELTER-AT-HOME ORDER**

WHEREAS, COVID-19 (coronavirus) is a contagious respiratory virus that can spread from person to person, especially in group settings; and

WHEREAS, COVID-19 has been declared a pandemic by the World Health Organization; and

WHEREAS, the United States Federal Government declared a national emergency on March 13, 2020 due to COVID-19; and

WHEREAS, Governor Abbot declared a State of Disaster in Texas on March 13, 2020, due to COVID-19 and an Executive Order on March 19, 2020; and

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

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

WHEREAS, the on-going evaluation of circumstances related to the spread of the virus and the updated recommendations of the Centers for Disease Control and the Texas Department of State Health Services, and Hidalgo County Judge Richard Cortez, warrant the March 19, 2020 Order of Mayor Rigo Lopez be amended;

WHEREAS, the City Mayor has determined that extraordinary emergency measures are necessary to be taken to mitigate the effects of this public health emergency and facilitate a cooperative response amongst the citizens of the City of Penitas.

THEREFORE, PURSUANT TO THE AUTHORITY OF THE TEXAS DISASTER ACT of 1975, Mayor Rodrigo Lopez hereby issues this AMENDED ORDER as follows:

**EFFECTIVE AS OF 11:59 P.M. ON MARCH 26, 2020.**

**1. MOVEMENT OF PEOPLE AND OCCUPANCY OF PREMISES**

- (a) All individuals currently living within Hidalgo County, Texas **are ORDERED to SHELTER-AT-HOME in their residence.** For the purposes of this Order, residences include hotels, motels, shared rentals, and similar facilities. To the extent individuals are using shared or outdoor spaces, they must at all times as reasonably as possible maintain social distancing of at least six feet from any other person when they are outside their residence. All persons may leave their residences only for Essential Activities, or to provide or perform Essential Governmental Functions, or to operate Essential Businesses, all as defined in Section "A)" included below.

All businesses operating within City of Penitas, except Essential Businesses as defined in Section "A)" are required to cease all activities at facilities located within the City, below, including but not limited to:

1. Conferences, festivals, parades, concert venues, sporting venues, wedding venues, flea-markets, and other type of assembly venues
2. Eating or drinking at Bars, lounges and private clubs, provided however that the use of drive-thru, delivery or take-out service is allowed and highly encouraged throughout the duration of this Order.
3. Fitness Centers and Gyms, spas and massage parlors, tattoos and piercing parlors, and tanning salons
4. Hair and nail salons, barber shops, estheticians, and related personal care business
5. Entertainment facilities such as bowling alleys, movie theaters and other types of non-essential entertainment establishments
6. Restaurants and/or Food Court provided however that they use drive-thru, delivery or take-out service is allowed and highly encouraged throughout the duration of this Order.

For clarity, businesses may continue operations consisting exclusively of employees or contractors performing activities at their own residences (i.e. working from home).

To the greatest extent possible, all Essential Businesses shall comply with the Social Distancing including maintaining six-foot social distancing for both employees and the general public; washing hands with soap and water at least twenty seconds often or using hand sanitizer; covering coughs or sneezes; cleaning high-touch surfaces; not shaking hands.

- (b) All public or private gatherings of any number of people occurring outside a single household or living unit are prohibited, except as otherwise

provided herein. Nothing in this Order prohibits the gathering of members of a household or living unit.

- (c) Restaurants with or without drive-in or drive-through services and microbreweries, micro-distilleries and bars/lounges may only provide take out, delivery, or drive-through services as allowed by law.
- (d) Religious and worship services may only be provided by video and teleconference. Religious institutions must limit in-person staff to ten (10) people or less when preparing for or conducting video or teleconference services, and all individuals must follow the Social Distancing including maintaining six foot social distancing for both employees, volunteers and the visitors; washing hands with soap and water for at least twenty second often or use hand sanitizer; cover coughs or sneezes; regularly cleaning high-touch surfaces; not shaking hands.
- (e) All elective medical, surgical, and dental procedures are prohibited anywhere in Hidalgo County. Hospitals, ambulatory surgery centers, dental offices, and other medical facilities are directed to identify procedures that are deemed "elective" by assessing which procedures can be postponed or cancelled based on patient risk considering the emergency need for redirection of resources to COVID-19 response.

A) Definitions:

- a. For purposes of this Order, individuals may leave their residence only to perform any of the following "Essential Activities":
  - 1. To engage in activities or perform tasks essential to their health and safety, or to the health and safety of their family or household members (for example, obtaining medical supplies or medication, visiting a health care professional, or obtaining supplies needed to work from home).
  - 11. To obtain necessary services or supplies for themselves and their family or household members, and products necessary to maintain the safety, sanitation, and essential operation of households, or to deliver those services or supplies to others.
  - m. To engage in outdoor activity, provided the individuals comply with Social Distancing including maintaining six-foot social distancing from each other; washing hands with soap and water at least twenty seconds often or using hand sanitizer; covering coughs or sneezes; cleaning high-touch surfaces; not shaking hands.
  - lv. To perform work providing essential products and services at an Essential Business or to otherwise carry out activities specifically

permitted in this Order.

v. To care for a family member, a child or pet in another household.

b. For purposes of this Order, "Essential Businesses" means:

1. **Essential Healthcare Operations.** Healthcare operations, including hospitals, clinics, dentists, pharmacies, pharmaceutical and biotechnology companies, other healthcare facilities, healthcare suppliers, 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. This exemption shall be viewed broadly to avoid any impacts to the delivery of healthcare. Healthcare operations do not include fitness and exercise gyms and similar facilities. Healthcare operations do not include elective medical, surgical, and dental procedures as established in accordance with Subsection 1(e) of this Order.

11. **Essential Government Functions.** All services provided by local governments needed to ensure the continuing operation of the government agencies to provide for the health, safety and welfare of the public. Including but not limited to: (1) First responders (2) Emergency Management personnel (3) Institutions of Higher Learning (4) School personnel to include staff identified by each School's governing authority for the purposes of carrying out established meal and instructional materials distribution or pickup and other business operations.

Each governing authority shall identify and designate appropriate employees, contractors, or vendors to assist in providing and effectuating Essential Government Functions.

Further, nothing in this order shall prohibit any individual from performing or accessing "Essential Government Functions." All Essential Government Functions shall be performed in compliance with Social Distancing including maintaining six-foot social distancing for both employees and the general public; washing hands with soap and water at least twenty seconds often or using hand sanitizer; covering coughs or sneezes; cleaning high-touch surfaces; not shaking hands

11. **Essential Critical Infrastructure.** Work necessary to the operations

and maintenance of the 16 critical infrastructure sectors as identified by the National Cybersecurity and Infrastructure Agency (CISA) including public works construction, residential and commercial construction, airport operations, water, sewer, gas, electrical, oil refining, roads and highways, public transportation, solid waste collection and removal, internet, and telecommunications systems (including the provision of essential global, national, and local infrastructure for computing services, business infrastructure, communications, and web-based services), banking and financial institutions, defense and national security-related operations, essential manufacturing operations provided that they carry out those services or that work in compliance with social distancing including maintaining six foot social distancing for both employees and the general public.

This includes businesses that provide repair, maintenance, services and/or supplies to those businesses identified as critical infrastructure. Essential Businesses providing essential infrastructure should implement screening precautions to protect employees and all activity shall be performed in compliance with social distancing including maintaining six foot social distancing for both employees and the general public; washing hands with soap and water at least twenty seconds often or using hand sanitizer; covering coughs or sneezes; cleaning high-touch surfaces; not shaking hands.

- 1v. **Essential Retail.** Food service providers, including grocery stores, warehouse stores, big-box stores, bodegas, farmers markets, farm and produce stands, food banks, liquor stores, gas stations and convenience stores, that sell food, dry goods, pet food and supplies and related products and household necessities. Agriculture, food cultivation, beverage cultivation, farming, fishing, and livestock production, including processing and distribution. Businesses, independent contractors, or delivery businesses (Favor, Grubhub, Lift, Uber), that ship or deliver groceries, food, goods or services directly to residences. Restaurants and other facilities that prepare and serve food, for the purposes of drive-thru, delivery or carry out. Schools and other entities that typically provide free services to students or members of the public on a pick-up and take-away basis only. The restriction of delivery or carry out does not apply to cafes and restaurants located within hospital and medical facilities. Pawn shop, Title Loan, and Personal Loan businesses, for the purposes of providing cash loan services. Laundromats, dry cleaners, and laundry service providers. Auto-supply, auto and bicycle repair, hardware stores, and related facilities. Businesses that supply products needed for people to work from home. Professional services, such as legal or accounting services, and insurance services when necessary to assist

in compliance with legally mandated activities.

All activity shall be performed in compliance with social distancing including maintaining six-foot social distancing for both employees and the general public; washing hands with soap and water at least twenty seconds often or using hand sanitizer; covering coughs or sneezes; not shaking hands.

- v. **Essential Services.** Business that provide basic necessities to economically disadvantaged populations. Businesses that provide food, shelter, and social services, and other necessities of life for economically disadvantaged or otherwise needy individuals.

All activity shall be performed in compliance with social distancing including maintaining six foot social distancing for both employees and the general public; washing hands with soap and water at least twenty seconds often or using hand sanitizer; covering coughs or sneezes; cleaning high-touch surfaces; not shaking hands.

- v1. **Essential Services Necessary to Maintain Essential Operations of Residences or Other Essential Businesses.** Bus, train, or airplane travel (including persons in transit). Trash and recycling collection, processing and disposal, mail and shipping services, building cleaning, maintenance and security, warehouse/distribution and fulfillment, storage for essential businesses, funeral homes, crematoriums and cemeteries. Plumbers, electricians, exterminators, HVAC-technicians, general repair contractors, landscaping and pool maintenance service providers, home-security and other service providers, contractors or businesses who provide services that are necessary to maintaining the safety, sanitation, and essential operations of residences and Essential Businesses. Businesses that provide goods and supplies, to other essential businesses which require such goods or supplies to operate. Transportation, maintenance, repair of transportation related equipment including but not limited to vehicles.

All activity shall be performed in compliance with social distancing including maintaining six foot social distancing for both employees and the general public; washing hands with soap and water least twenty seconds often or using hand sanitizer; covering coughs or sneezes; cleaning high-touch surfaces; not shaking hands.

- v11. **News Media.** Newspapers, television, radio, and other media services.

v111. **Childcare Services.** Childcare facilities providing services that enable employees exempted in this Order to work as permitted.

- B) Any manufacturer, who retools so that a substantial part of their business is for the purpose of manufacturing and producing ventilators; any businesses who provides goods, or service to Essential Critical Infrastructure, Essential Retail, shall be considered an "essential business".
- C) To the extent allowed by law and in accordance with the orders issued by the Texas Supreme Court, no trial, hearings or other proceedings may be held by landlords attempting to evict a tenant for lack of payment for the next thirty days.
- D) To the extent allowed by law, all foreclosure proceeding within City of Penitas shall be suspended for the next thirty (30) days to prevent the displacement of occupants during this public health emergency.
- E) If someone in a household has tested positive for coronavirus, the household is ordered to isolate at home. Members of the household cannot go to work, school, or any other community functions.
- F) 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.
- G) Public and private schools and institutions of higher education are instructed by this order to provide a safety plan to the City of Penitas 72 hours before students return to classroom settings and/or allowed to congregate in groups of 10 or more.
- H) Residents of City of Penitas shall conduct essential business online or via phone or regular mail, to the extent possible so as to avoid unnecessary traffic at City of Penitas facilities.
- I) All fees and services charges associated with electronic, telephonic or distance payments to the City of Penitas offices and/or departments are hereby waived.
- J) Businesses that provide child care services, must implement the Texas Health and Human Services *COVID-19 Guidance to Child Care Providers*.
- K) In compliance with Governor Abbot's March 19, 2020 Executive order, businesses that operate a Day Activity and Health Services (DAHS) Facility must comply with the Texas Health and Human Services Commission *Guidance on COVID 19 Response in DAHS Facilities*.
- L) All residents of the City of Penitas, must comply with Social Distance requirements, including maintaining six-foot social distancing for both employees

and the general public; washing hands with soap and water at least twenty seconds often or using hand sanitizer; covering coughs or sneezes; cleaning high-touch surfaces; not shaking hands.

M) It is recommended and highly encouraged that any residents of the City of Penitas returning from travel outside of the jurisdictional boundaries of the County are to remain in self-isolation at their residence, for no less than a period of fourteen (14) days and comply with social distance requirements including maintaining six-foot social distancing; washing hands with soap and water at least twenty seconds often or using hand sanitizer; covering coughs or sneezes; cleaning high-touch surfaces; not shaking hands.

N) Any individual, business, or entity conducting COVID-19 testing must provide notice of said testing operations, including number of test administered on a daily basis, to the Hidalgo County Health Department by calling (956) 318-2426 or emailing [epi@hchd.org](mailto:epi@hchd.org).

O) All Travel is prohibited except for Essential Travel that is identified herein:

1. This Order allows travel into or out of the City to perform Essential Personal Activities, Healthcare Operations, operate Essential Businesses, or maintain Essential Governmental Functions and Essential Infrastructure Operations.

2. "Essential Travel" includes travel for any of the following purposes:

- a) Any travel related to the provision of or access to Essential Personal Activities, Essential Governmental Functions, Essential Businesses, or Minimum Basic Operations
- b) Travel to care for elderly, minors, dependents, persons with disabilities, or other vulnerable persons
- c) Travel to or from educational institutions for purposes of receiving materials for distance learning, for receiving meals, and any other related services
- d) Travel to return to a place of residence from outside the jurisdiction
- e) Travel to return from a place of employment from outside the jurisdiction
- f) Travel required by law enforcement or court order
- g) Travel required for non-residents to return to their place of residence outside the County. Individuals are strongly encouraged to verify that their transportation out of the County remains available and functional prior to commencing such travel

3. Public Transportation may only be used for purposes of performing :

- a) Essential personal activities



- b) To travel to and from work for the purposes of: 1) to operate Essential Businesses, and 2) maintain Essential Government Functions and Essential Critical Infrastructure

All Public Transportation activities be performed in compliance with social distancing including, to the extent possible, maintaining six-foot social distancing for both employees and the general public; washing hands with soap and water at least twenty seconds often or using hand sanitizer; covering coughs or sneezes; cleaning high-touch surfaces; not shaking hands.

P) **IDDALGO COUNTY OPERATIONS SHALL BE AS FOLLOWS:**

**Hidalgo County Facilities:** to ensure the health and safety of County employees and the public, members of the public are encouraged to limit any in person transactions or visits to County facilities that are not related to emergency and essential services, as necessary. Essential services, to the extent practicable, will be available online, by regular U.S. Mail and over the phone. In person visits may be limited to appointments when necessary. All citizens are requested to visit the Hidalgo County website for the most current information as to hours of operation and plans for continuing services.

**Hidalgo County Courthouse: Essential and emergency** matters shall be conducted pursuant to the Orders of the Texas Supreme Court and Court of Criminal Appeals, the Hidalgo County Board of Judges and in accordance with the guidance provided by the Texas Office of Court Administration. Also pursuant to the Orders entered by the Texas Supreme Court and Court of Criminal Appeals, **non-essential** court matters and hearings shall not be conducted in person in violation of any jurisdiction's local control orders.

**Out of County Travel:** All non-essential County related travel is suspended.

**Symptomatic Employees:** The Office of the Hidalgo County Judge and the Hidalgo County Health Department and Health Authority instructs all employees who are symptomatic to self-isolate and remain at their residence. Employees must notify their Department Head/Elected Official immediately.

**Hidalgo County Parks:** County owned parks will remain closed for the duration of this order.

**Committees and Boards:** All County boards and advisory committees shall cease in person meetings; any meetings shall be conducted in compliance with guidance provided by the Texas Attorney General's Office.

Q) **PRICE CONTROLS REMAIN INEFFECT;**

A person and/or business shall not sell any goods or service, including but not limited to the following, for more than the price the person charged for the goods or services on March 17, 2020:

- 1) groceries, beverages, toilet articles, ice
- 2) construction and building materials and supplies, and earthmoving equipment and machinery
- 3) electrical and gas generating and transmission equipment, party and accessories
- 4) charcoal briquettes, matches, candles, lamp illumination and heat unit carbides, dry batteries, light bulbs, flashlights, and hand lanterns
- 5) hand tools (manual and power), hardware and household supplies, and equipment rental
- 6) automotive parts, supplies, and accessories
- 7) plumbing and electrical tools and supplies
- 8) apartment, duplex, multi-family dwelling, rooming house, hotel and motel rental
- 9) gasoline, diesel oil, motor oil, kerosene, grease, and automotive lubricants
- 10) restaurant, cafeteria, and boarding-house meals
- 11) services of roofing and building contractors, plumbers, electricians, mechanics, tree surgeons, and automobile wrecker companies
- 12) medicine, pharmaceutical, and medical equipment and supplies
- 13) blankets, quilts, bedspreads, bed linens, mattresses , bedsprings, bedsteads, towels, and toilet paper
- 14) furniture and clothing

The restrictions made herein, shall not be interpreted as depriving the Texas Attorney General or the Hidalgo County District Attorney Office from prosecuting any action under the Texas Deceptive Trade Practices Act or any other law of this State.

This Order shall be effective until **11:59 p.m. on April 10, 2020**, or until it is either rescinded, superseded, or amended pursuant to applicable law. This Order is a supplement to all previous order and in the event of a conflict or apparent conflict between the Orders, this Order shall control.

**Any peace officer or other person with lawful authority, including but not limited to the Hidalgo County Sheriff's Office, the Hidalgo County Constable's Offices, the Hidalgo County Fire Marshal's Office, the Hidalgo County District Attorney Investigators and all other law enforcement partner agencies are hereby authorized to enforce the provisions of this Order in accordance with the authority granted under Chapter 418 of the Texas Government Code.**

**ANY PERSON VIOLATING THIS ORDER MAY BE SUBJECT TO A FINE NOT TO EXCEED \$1,000 OR CONFINEMENT FOR A PERIOD NOT EXCEEDING 180 DAYS.**

The City of Penitas must promptly provide copies of this Order by posting on the Hidalgo County 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.

If any subsection, sentence, clause, phrase, or word of this Order or any application of it to any person, structure, gathering, or circumstance is held to be invalid or unconstitutional by a decision of a court of competent jurisdiction, then such decision will not affect the validity of the remaining portions or applications of this Order.

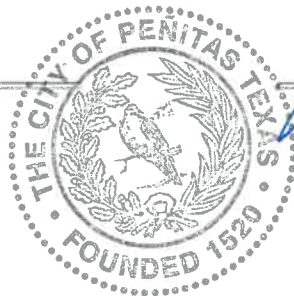
**ORDERED** on this the 26<sup>th</sup> day of March, 2020.

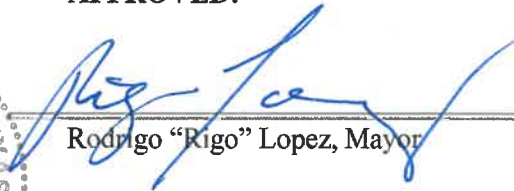
**ATTEST:**

**APPROVED:**



Ana M. Valdez, City Secretary





Rodrigo "Rigo" Lopez, Mayor