

CITY OF PENITAS
AMENDED EMERGENCY ORDER
INSTITUTING SUBSEQUENT MEASURES DUE TO A PUBLIC
HEALTH EMERGENCY

SHELTER-AT-HOME ORDER

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

WHEREAS, on March 26, 2020, Mayor Rigo Lopez issued an Emergency Order Instituting Additional Measures Due To A Public Health Emergency Related to Corona Virus Disease (COVID-19) in furtherance of his authority under Chapter 418 of the Texas Government Code to protect the overall health, safety and welfare of the public by slowing the spread of the virus; and,

WHEREAS, on March 31, 2020, Governor Abbott issued Executive Order GA-14 which mandates that the Department of Homeland Security Critical Infrastructure Guidance governs which services and activities are essential; and

WHEREAS, even if classified as essential, services and activities are strongly recommended to comply with the CDC and Presidential guidelines; and

WHEREAS, The COVID-19 virus may cause property loss and/or damage due to its ability to attach to surfaces for prolonged periods of time; and

WHEREAS, pursuant to Chapter 121 of the Texas Health & Safety Code, the County has appointed Dr. Ivan Melendez as the Hidalgo County Health Authority, along with Eddie Olivarez the Hidalgo County Health & Human Services Director, together they have the authority to administer state and local laws relating to public health within the jurisdiction of the County of Hidalgo; and

WHEREAS, Dr. Melendez and Mr. Olivarez have advised the County that covering an individual's nose and mouth can diminish the chance of cough droplets being spread in the air, and that wearing even a homemade mask, scarf, or bandana will reduce the propensity for people to touch their faces thereby partially preventing asymptomatic individuals with COVID19 from unknowingly spreading the disease; and

WHEREAS, in addition to practicing Physical Distancing and staying at home as much as possible, Dr. Melendez and Mr. Olivarez have recommended to the County that mandating the citizens to wear a facial covering will help to prevent the spread of COVID-19 because the more people that do so, the less the virus is distributed and fewer individuals are exposed; and

WHEREAS, the ongoing evaluation of circumstances involving the moderate to substantial spread of the virus and the updated recommendations of the Centers for Disease Control and the Texas Department of State Health Services warrant the March 27, 2020 Order of the County Judge Richard

F. Cortez be amended with subsequent emergency measures.

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, City of Penitas Mayor Rigo Lopez hereby issues this AMENDED ORDER as follows:

EFFECTIVE AS OF 11:59 P.M. ON APRIL 7, 2020.

1. MOVEMENT OF PEOPLE AND OCCUPANCY OF PREMISES

- (a) All individuals currently living within Penitas, 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 Physical 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 Penitas, TX, except Essential Businesses as defined in Section “A)” are required to cease all activities at facilities located within the County, 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; must follow CDC guidance; comply with Physical Distancing including maintaining six-foot physical 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; covering mouth and nose.
3. Fitness Centers and Gyms, spas and massage parlors, tattoos and piercing parlors, and tanning salons Hair and nail salons, barber shops, estheticians, and related personal care business.
4. Public/Private Golf Courses, provided however that clubhouse or pro-shop activity is limited to take-out, or curbside service, must limit in-person golfing activities to ten (10) or less, walking the course, and/or one person per cart; CDC guidance, and Physical Distancing measures must be followed.
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; must follow CDC guidance; comply with Physical Distancing including maintaining six-foot physical 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; covering mouth and nose.
7. Auto Dealership Sales Operations, provided however that they must conduct Essential Business Activity sales only, by appointment, or online only, must follow CDC guidance, must limit in-person activities to ten (10) or less and Physical Distancing measures must be followed.
 8. All other businesses, organizations, or activities that are not “Essential” as defined herein, and/or pose an unreasonable risk of imminent spread of COVID-19, unless otherwise protected by Executive Order GA-14, or subsequent Orders issued by Governor Greg Abbott.

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 Physical Distancing including maintaining six-foot physical 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; covering mouth and nose.

- (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. To the extent practicable, payment should be made online or by phone to avoid contact.
- (d) It is highly recommended and encouraged that Religious and worship services be provided remotely by video and teleconference. If Religious and worship institutions cannot conduct services remotely due to lack of capability (technological or financial) then they should follow Governor Abbott’s Executive Order GA-14 and follow CDC guidance. Services must limit in-person activities to ten (10) people or less, and all individuals must follow the Physical Distancing including maintaining six foot physical 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; covering mouth and nose.
- (e) All elective medical, surgical, and dental procedures are prohibited anywhere in the City of Penitas. 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.

(f) SHELTER-AT-HOME CURFEW:

1. In addition to the mandate to Shelter-At-Home, all persons aged seventeen (17) and under shall be accompanied by a parent or guardian when participating in Essential Activity, unless that person is out for an emergency, or to perform services for Essential Retail, Government, or Critical Infrastructure as defined herein, unless otherwise protected by Executive Order GA-14, or subsequent orders issued by Governor Abbott.
2. In addition to the mandate to Shelter-At-Home, a curfew for all persons aged eighteen (18) and over shall be imposed from 11:00 PM to 5:00 AM, unless that person is out for an emergency, or to perform certain Essential Activity, to perform or obtain services from Essential Retail, Government, or Critical Infrastructure as defined herein, unless otherwise protected by Executive Order GA-14, or subsequent orders issued by Governor Abbott.

A) Definitions:

- a. For purposes of this Order, individuals may leave their residence only to perform any of the following “Essential Activities”:
 - i. 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).
 - ii. 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.
 - iii. To engage in outdoor activity, such as visiting open parks, hunting or fishing, engaging in physical activity like walking, running or bicycling, provided the individuals, follow CDC guidance, comply with Physical Distancing including maintaining six-foot physical 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; and covering mouth and nose when conducting activity within six feet of another person.
 - iv. 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:
 - i. **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.

All activity shall be performed in compliance with Physical Distancing including maintaining six foot physical 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; covering mouth and nose.

- ii. **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 and limited to 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 Physical Distancing including maintaining six-foot physical 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; covering mouth and nose.

- iii. **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 Physical Distancing including maintaining six foot physical 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.

All activity shall be performed in compliance with Physical Distancing including maintaining six foot physical 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; covering mouth and nose.

- iv. **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 or services to avoid imminent harm to a client. Real Estate and inspection services, but only for the purpose of title work and closing; in-person open houses and showings are prohibited.

All activity shall be performed in compliance with Physical Distancing including maintaining six-foot physical 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; covering mouth and nose.

- 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 Physical Distancing including maintaining six foot physical 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; covering mouth and nose.

- vi. **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 Physical Distancing including maintaining six foot physical 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; covering mouth and nose.

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

- viii. **Childcare Services.** Community service providers offering childcare services may do so under the following mandatory conditions: 1) Childcare services may only be provided to employees of Essential Businesses; 2) Childcare must be carried out in stable groups of ten (10) or less (“stable” means that the same ten (10) or less children are in the same group every day); 3) To the extent practicable, stable groups shall be in separate rooms; 4) Stable groups shall not mix with each other; 5) Childcare providers shall remain solely with one stable group.

- ix. **Work Safe Measures.** All Essential Business operating in unincorporated areas of the County, including Critical Infrastructure and Essential Retail services providers, as defined above, shall adopt work safe measures to comply with CDC guidance and Physical Distancing requirements including maintaining six foot physical 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; An Essential Business (as defined herein) may utilize any “Work Safe” plan that has been required by and/ or submitted to a municipal jurisdiction to ensure measures are in place to protect the health, safety and welfare of County residents and avoid the continued spread of COVID-19.
- 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 Hidalgo County 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. If a member of the household has been instructed by their medical provider to isolate themselves at home pending confirmation of a test result, then all members of the household must isolate at home.
- 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 Office of Emergency Management 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) In accordance with Orders issued by the Texas Supreme Court and Court of Criminal Appeals, along with the guidance issued by the Office of Court Administration, all courts in City of Penitas shall restrict in person proceedings on non-essential court matters.

- K) Businesses that provide childcare services, must implement the Texas Health and Human Services *COVID-19 Guidance to Child Care Providers*.
- L) 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*.
- M) All residents of the City of Penitas, must comply with Physical Distance requirements, including maintaining six-foot physical 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; covering mouth and nose.
- N) 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 Physical Distance requirements including maintaining six-foot physical 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; covering mouth and nose.
- O) All Travel is prohibited except for Essential Travel that is identified herein:
1. This Order allows travel into or out of the County to perform Essential Personal Activities, Healthcare Operations, operate Essential Businesses, or maintain Essential Governmental Functions and Essential Infrastructure Operations, or other travel as permitted by law. To the extent possible, travel should be limited to no more than two (2) persons per vehicle for personal Essential Activities, and four (4) persons per vehicle for Essential Healthcare Operations, Government Functions, Retail, Services, and Critical Infrastructure.
 2. "Essential Travel" includes travel for any of the following purposes:
 - a) Any travel related to the provision of or access to personal Essential Activities, Essential Healthcare Operations, Governmental Functions, Critical Infrastructure, Retail, or Services.
 - 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 business operations.
 - 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 First Responders, 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 Retail, and 2) maintain Essential Government Functions, Essential Critical Infrastructure, Essential Healthcare Operations, and Essential Services.

All Public Transportation activities be performed in compliance with Physical Distancing including, to the extent possible, maintaining six-foot physical 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, covering mouth and nose.

P) CITY OF PENITAS OPERATIONS SHALL BE AS FOLLOWS:

City Facilities: to ensure the health and safety of City employees and the public, members of the public are encouraged to limit any in person transactions or visits to City 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 City of Penitas website for the most current information as to hours of operation and plans for continuing services.

Symptomatic Employees: The City of Penitas instructs all employees who are symptomatic to self-isolate and remain at their residence. Employees must notify their Department Head/Elected Official immediately.

City Parks: City owned parks will remain closed for the duration of this order.

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

Q) PRICE CONTROLS REMAIN IN EFFECT:

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

This Order shall be effective until **11:59 p.m. on April 30, 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.

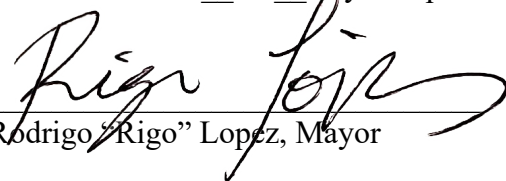
ANY PERSON VIOLATING THIS ORDER MAY BE SUBJECT TO A FINE NOT TO EXCEED \$1,000 DOLLARS OR CONFINEMENT FOR A PERIOD NOT EXCEEDING 180 DAYS.

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 and Appendix in accordance with the authority granted under Chapter 418.173 of the Texas Government Code.

The City of Penitas 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.

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 this __6th__ day of April 2020


Rodrigo "Rigo" Lopez, Mayor

ATTEST:



Ana M. Valdez, City Secretary

APPENDIX A

PHYSICAL DISTANCING RULES

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

1. **Covering of Mouth and Nose.** Except as provided herein, ALL persons over the age of three (3) are required to wear some form of covering over their mouth and nose, such as a homemade mask, scarf, bandana, or handkerchief, when: entering into any building open to the public for Essential Activities; when on business parking lots; when using public transportation, taxis, or ride services; when pumping gas; when providing take-out, curbside, or drive-thru services.

This Rule shall not apply to persons that are: engaging in a permissible outside physical activity (unless within six feet of another person); persons driving or riding in a personal vehicle during Essential Activities; persons that are alone in a separate single room or office space; persons that are with their own Shelter-At-Home group (household members); persons that when covering the nose and mouth may pose a greater health, safety or security risk; persons that are not covering for consumption purposes.

NOTE: MEDICAL GRADE MASKS ARE NOT REQUIRED AND ARE DISCOURAGED TO THE EXTENT THAT SUCH USE MAY DISRUPT THE SUPPLY OF MEDICAL GRADE MASKS FOR THE BENEFIT OF THE ESSENTIAL WORK FORCE. COVERING NOSE AND MOUTH CAN ONLY DIMINISH THE CHANCE OF EXPOSURE AND PARTIALLY PREVENT ASYMPTOMATIC PERSONS WITH COVID-19 FROM UNKNOWINGLY EXPOSING AND OR SPEADING THE DISEASE.

2. **Essential Activities: Minimize Exposure.** All Essential Healthcare Operations, Government Functions, Retail, Critical Infrastructure, or Services shall implement Physical Distancing measures including, but not limited to; suspending nonessential travel; Ensuring Essential employees practice physical distancing and do not work within six feet of each other. Urge Essential employee to stay home when they are sick; Implement telecommuting or online options to accommodate work-from-home schedules; Frequently clean workplace high-touch surfaces and areas.
3. **Vulnerable Persons: Limiting Exposure.** Vulnerable populations include persons who are sixty (60) years of age and older; Persons with certain health conditions, such as heart disease, lung disease, diabetes, kidney disease and weakened immune systems, or may be pregnant. Vulnerable persons must avoid non-essential activity; Shelter-At-Home and avoid persons who may be sick.
4. **Transit: Protection from Exposure.** Public Transportation may only be used for purposes defined in this Order. To the fullest extent possible, transportation businesses should increase cleaning of vehicles and high-touch surfaces and areas; Provide hand washing/hand sanitizers and tissues in stations and vehicles; Ensure Physical Distancing measures are implemented for both employees and the general public.

APPENDIX B

ESSENTIAL RETAIL RULES

The purpose of these rules is to outline the steps that every Essential employer and employee must take to reduce the risk of exposure to COVID-19. The rules describe measures to prevent Essential worker exposure and protective measure to be taken during all Essential personal Activities related to Essential Retail as defined by this Order.

1. **Essential Retailers.** Essential Retailers as defined by this Order, include but are not limited to:

- a. Stores that sell groceries and other essential supplies, such as grocery stores, supermarkets, warehouse stores, big-box stores, bodegas, liquor stores, convenience stores, and farmers' markets that sell food products and household consumer goods (such as cleaning and personal care products), including stores that sell grocery and sell other non-grocery products.
- b. Gas stations and businesses needed for transportation, such as gas stations, auto supply stores, auto, motorcycle, and bicycle repair shops. Auto dealerships for the purposes of in-person mechanical services
- c. Other Essential Retail such as Laundromats, dry cleaners and laundry service providers, pet food and supply stores, firearm and ammunition supply and stores for the purpose of safety and security, hardware stores and related facilities that sell electrical, plumbing, and other materials necessary to support Essential Businesses, Government Functions, Healthcare, Retail, or Services.

2. **General Rules for Essential Retailers.**

- a. Employers shall implement an organized line system where customers, patrons, and employees shall remain at least six feet apart.
- b. Designate shopping times for vulnerable persons as defined in Exhibit A.
- c. Restrict the number of customers and patrons who are physically present within the Essential Retail business in order to maintain a distance of at least six feet apart.
- d. Limit entry of the Essential Retail business to no more than two (2) persons per household via one (1) entrance.
- e. Frequently sanitize and deep clean high-touch surfaces and areas and sanitize and deep clean facilities daily.
- f. Place floor decals and other signage instructing customers, patrons, and employees to stand at least six feet apart.
- g. Place signs in produce or unwrapped/unpackaged item areas instructing customers to wash or clean before consumption.
- h. Place partitions as a buffer between cashiers and customers.
- i. Allow mask and glove use by employees.
- j. To the extent possible, make public announcements reminding customers, patrons, and employees to practice Physical Distancing; washing hands with soap and water for at least twenty seconds often or using hand sanitizer; covering coughs or sneezes; cleaning high-touch surfaces; and not shaking hands; covering mouth and nose.

- k. Implement purchase limits on high-demand items, including but not limited to toilet paper, soap, hand sanitizer. Limits shall not apply to Essential Healthcare Operations, Government Functions, Services, or Critical Infrastructure.
- l. Self-Service food stations shall be prohibited. Self-Service stations are defined as items that customers, patrons, and employees use common serving utensils to serve themselves, including but not limited to salad bars, hot dog stations, self-serve bulk food stations and other related food items. This section shall not apply to self-checkout stations, so long as the checkout stations are frequently sanitized and deep cleaned.

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