

**EMERGENCY ORDER  
INSTITUTING ADDITIONAL EMERGENCY MEASURES DUE TO A  
PUBLIC HEALTH EMERGENCY RELATED TO  
CORONAVIRUS DISEASE (COVID-19)**

**SHELTER-AT-HOME ORDER**

**WHEREAS**, pursuant to Texas Government Code Section 418.108, Mayor Henry Hinojosa issued a Declaration of Local Disaster for Public Health Emergency on March 17, 2020, due to the imminent threat arising from the Coronavirus (COVID-19); and,

**WHEREAS**, on March 20, 2020, in accordance with Texas Government Code Section 418.108(b), the Mayor Henry Hinojosa issued an Order of Continuance of Declaration of Local Disaster for Public Health Emergency that affirmed the activation of the City of Mercedes Emergency Management Plan and extends the Declaration of Local Disaster; and,

**WHEREAS**, in accordance with Texas Government Code Section 418.108(b), the consent of the Mayor Henry Hinojosa authorizes the City of Mercedes to continue to exercise powers granted under the Texas Disaster Act of 1975; and

**WHEREAS**, the on-going evaluation of circumstances related to the spread of the virus and the updated recommendation of the Centers of Disease Control and the Texas Department of State Health Services warrant the March 20, 2020 Order of Mayor Henry Hinojosa be amended;

**WHEREAS**, the Mayor Henry Hinojosa has determined the 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 Mercedes, Texas.

**THEREFORE, PURSUANT TO THE AUTHORITY OF THE TEXAS DISASTER ACT OF 1975 AND AUTHORITY INVESTED BY TEXAS GOVERNMENT CODE CHAPTER 418, MAYOR HENRY HINOJOSA AND THE MERCEDES CITY COMMISSION HEREBY ISSUES THIS AMENDED ORDER AS FOLLOWS:**

**Section 1.** That the findings and recitations set out in the preamble to this Order are found to be true and correct and they are hereby adopted by the City Commission and made part hereof for all purposes.

**Section 2.** This Order is effective as of 11:59 p.m. on April 10, 2020, and continuing until April 30, 2020, or until terminated or modified by an earlier Order.

**Section 3. Shelter-At-Home.** All persons living within the City of MERCEDES **MUST STAY HOME**. To extent persons are using shared or outdoor spaces, they must at all time, as reasonably as possible, maintain a physical distance of at least six feet from any other person when outside of their residence.

**Section 4. PERSONS MAY LEAVE HOMES ONLY FOR THE FOLLOWING REASONS.**

- a) For activities and tasks essential to the health and safety of you, your family, your household, and your pets (for example, seeking medical services, supplies, and medication). This includes caring for family or pets in another household.
- b) To obtain necessary services or supplies for yourself, your family, or your household (for example, buying groceries, food, pet supplies and food, supplies needed to work from home, toiletries, and cleaning supplies). This includes obtaining supplies and services for family or pets in another household.
- c) Exercising outdoors (for example walking, running, biking) but only if you maintain a **physical distance of at least six feet from any other person.**
- d) To work for an exempted business, organization, or government entity providing services necessary to the public during this disaster period and that follows the distancing, sanitation and hygiene requirements of Section 7 of this Order.

**Section 5. COMMUNITY GATHERINGS.** Community Gatherings are prohibited anywhere in the City of MERCEDES, For purposes of this Order, a "Community Gathering" is any indoor or outdoor event or convening that brings together or is likely to bring together ten (10) or more persons at the same time in a single room or other single room or other single confined or enclosed space. For clarity, this includes, but is not limited to, weddings, funerals, religious gatherings, parties, sporting events, social events, conferences, and other large gatherings. An outdoor "Community Gathering" under this Order is limited to events in confined outdoor spaces, which means an outdoor space that (i) is enclosed by fence, physical barriers, or other structure and (ii) where people are present and they are within six (6) feet of one another for extended periods. This Order does not prohibit gatherings of people in multiple, separate enclosed spaces in a single building or different floors of a multi-level building, so long as 10 people are present in any single space at the same time this includes staff/employees. This Order does not prohibit the use of enclosed spaces where 10 or more people may be present at different times.

**Section 6. BUSINESS CLOSURE.** All businesses (except those identified below) **must close and stop operations**, except that businesses may allow employees and contractors to work from home, to secure and maintain business property, and to facilitate technology services that allow employees to work from home.

**Section 7. WORK SAFE PLAN.** Businesses and organizations identified by the Department of Homeland Security, through the National Cyber security and Infrastructure Agency, as critical to the nation's infrastructure may continue to operate. However, any business or organization that continues to operate **must implement and enforce distancing, sanitation, and hygiene practices.** At a minimum, such practices **must** include the following.

- a) To the maximum extent possible, ensure that all customers and all employees stay at least six feet away from each other at all times.
- b) To the maximum extent possible, minimize employees on site, minimize in person meetings, and allow employees to work from home.
- c) Provide sanitation supplies accessible and available to all employees such as disinfectants, hand sanitizer comprised of at least 60% alcohol, and soap.
- d) Provide hand sanitation at all entrances for customers.
- e) If any employee reports possible exposure, or reports or shows symptoms of COVID-19, send the employee home and sanitize work areas.
- f) Mandate that employees clean and sanitize work areas, including vehicles, at least twice during the workday.
- g) Perform thorough cleaning/sanitation of all common areas and surface areas at least once during the working day.
- h) Prior to beginning work, screen all employees and send home any employee who
  - 1. Shows signs or symptoms of a respiratory infection, such as a cough, shortness of breath, sore throat, and low-grade fever or
  - 2. In the previous 14 days he/she has had contact with someone with a confirmed diagnosis of COVID-19; is under investigation for COVID-19; or is ill with a respiratory illness.

All operating businesses and organizations must submit a **WORK SAFE PLAN** to the City of MERCEDES within 48 hours of when the business or organization first opens during the period of this Order. Plans may be submitted by email to the Emergency Management Coordinator for the City of MERCEDES at [jcampos@cityofmercedes.com](mailto:jcampos@cityofmercedes.com).

**Section 8 BUSINESS EXEMPTIONS.** Subject to these mandatory **Work Safe Plan** measures, the following businesses and organizations may continue to operate during the period of this Order:

- a) **Healthcare.** Healthcare operations, including hospitals, clinics, dentists, orthodontists, pharmacies, veterinary offices, mental health providers, substance abuse providers, blood banks, and related ancillary healthcare services. Health operations shall be viewed broadly to avoid any impacts to the delivery of healthcare.
- b) **Government Functions.** Services provided by local, state and/or federal governments for the health, safety, and welfare of the public, including emergency services, trash collection, and utilities.
- c) **Critical Infrastructure.** Companies providing or maintaining infrastructure, including construction of public works, housing, and commercial projects, airport and mass transit operations, water, sewer, gas, electrical, roads, and highways.
- d) **Transportation.** Businesses related to transportation, including Taxi and Rideshare operations, gas stations, repair shops, car dealerships, large and small engine repair, and automotive supply.
- e) **Telecommunications.** Businesses that provide, maintain, and support internet and telecommunication systems.
- f) **Essential Retail.** Retail businesses that sell household products, and office supplies, including big box stores, liquor stores, convenience stores, Laundromats, dry cleaners,

and hardware stores. This includes businesses that ship or deliver foods, goods, or services directly to residences.

- g) **Food.** Food service providers, including grocery stores or businesses that ship or deliver groceries or food. Restaurants and other facilities that prepare and serve food may only do so for delivery or takeout.
- h) **Charity Organizations.** Organizations that provide food, shelter, and services to vulnerable populations, including animals. This includes school and other entities that provide free meals to students or member of the public on a pick-up or delivery basis only,
- i) **Education.** Schools, institutions, educators or other personnel supporting public and private K-12 schools, colleges, and universities for purposes of facilitating distance learning and other business operations.
- j) **Hotels.** Hotels and other temporary residence/residential facilities.
- k) **Home Maintenance, Products, and Services.** Businesses that provide home maintenance, and other home services, such as mail and shipping companies, plumbers, electricians, HVAC and exterminators.
- l) **Essential Services Necessary to Maintain Essential Operations of Residences or Other Essential Businesses.** 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.
- m) 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..
- n) **News Media.** Newspapers, television, radio, and other media services.
- o) **Childcare Services.** Childcare facilities providing services that enable employees exempted in this Order to work as permitted.
- p) **Financial Institutions.** Financial institutions including banks, credit unions, and title companies.
- q) **Worship.** Religious and worship organizations provided services are distributed solely by video, teleconferences, or other remote methods.
- r) **Mortuary Services.** Businesses that provide mortuary and related services, including funeral homes, crematoriums, and cemeteries.
- s) **Childcare and Adult Day Care Services.** Childcare and Adult day Care facilities providing services to children and elderly individuals, in compliance with federal and state health mandates.
- t) **Agricultural and Livestock.** Business(es) or Individual(s) engaged in agricultural services and/or livestock services and/or attending to the care of livestock.

- u) Any other business or organization recognized by a federal, state, or country authority as an essential service or critical infrastructure.

**Section 9. MANDATED CLOSURES.** For clarity, the following categories of business are not exempt from the Order and must close and stop operations during the period of this Order:

- a) Fitness centers and gyms,
- b) Spas and massages parlors, tattoos and piercing parlor, and tanning salons.
- c) Entertainment facilities such as bowling alleys and movie theaters.
- d) Conferences, festivals, parades, concert venues, wedding venues, and other types of assembly venues.
- e) Hair and nail salons, barber shops, estheticians, and related personal care businesses.

**Section 10. SELF QUARANTINE.** People who are ill, especially those with symptoms consistent with influenza or COVID-19, should isolate themselves at home until they recover. Such persons should only present for medical evaluation or treatment if their symptoms are such that they cannot continue to be cared for in their home. And, when seeking medical care, should call their doctor or health care facility before arriving to all them to prepare. An entire household is ordered to self-quarantine at home, and no one within the household may go to work or any public function of any kind, for a period of no less than two weeks if:

- a) Anyone in a household test positive for COVID-19; or
- b) Anyone in the household has had contact with anyone who has tested positive for COVID-19; or
- c) Travel internationally or within (to and from) known areas with confirmed COVID-19 test results.

**Section 11. RETIREMENT FACILITIES.** Persons shall not visit nursing homes or retirement or long-term care facilities except to provide critical assistance.

**Section 12. ELECTIVE MEDICAL PROCEDURES.** All elective medical, surgical, and dental or orthodontic procedures are prohibited in the City of MERCEDES. Hospitals, ambulatory surgery centers, dental and orthodontics offices, and other medical facilities are directed to identify procedures that are deemed "elective" by assessing which procedure can be postponed or cancelled based on patient risk considering the emergency need for redirection of resources to COVID-19 response.

**Section 13. VENTILATORS AND MEDICAL PPE.** Any business who repurposes so that a substantial part of its business is to manufacture or distribute ventilators or medical personal protective equipment may apply for an essential business" exemption under this Order

**Section 15. CURFEW.** All persons shall stay within their dwelling between the hours of 7:00 A.M. to 7:00 A.M. (24 hours). For purposes of this curfew provision, the Order does not apply to persons engaging in activities allowed under Sections 4(a), (b), and (d) of this Order.

**Section 16. CITY PARKS.** City parks will remain closed. -

**Section 17. CITY 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 to affect the use of technology, including teleconferencing, live streaming or other interactive platform.

**Section 18. TESTING FACILITIES.** Any person, business, or organization providing testing for COVID-19 shall report to the Emergency Management Coordinator, Chief Javier Campos, that they are conducting such testing by calling 956-532-8536 between 7:00 A.M. to 7:00 P.M., Monday through Friday or at his email at: [jcampos@cityofmercedes.com](mailto:jcampos@cityofmercedes.com)

**Section 19. INVOLUNTARY QUARANTINE.** In addition, people who are known to have, or are under investigation or monitoring, for COVID-19 must abide by direction provided to them by duly authorized persons, including public health officials. Failure to abide by such direction may result in involuntary quarantine or isolation for the purposes of preventing further community spread of COVID-19.

**Section 20. PREVIOUS ORDERS.** All provisions of Orders not in conflict with this Order remain in effect. The City of Mercedes adopts the current COVID-19 Emergency Orders executed by the Hidalgo County Judge, in compliance with Texas Government Code Section 418.014.

**Section 21. ENFORCEMENT.** Any Peace Officer or other person with lawful authority, including but not limited to MERCEDES Police Department, MERCEDES Code Enforcement, MERCEDES Fire Marshal's Office, the Hidalgo County District Attorney's Investigation's Office, and all other law enforcement partner agencies are hereby authorized to enforce the provisions of this order in accordance within 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.

**Section 22. PUBLIC NOTICE.** The City of MERCEDES shall post this Order on its website. In addition, the owner, manager or operator of any facility that is likely to be impacted by this Order is strongly encouraged to post a copy of this Order onsite and to provide a copy to any member of the public asking for a copy.

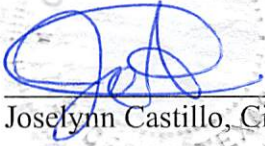
**Section 23. SEVERABILITY CLAUSE.** If any subsection, sentence, clause, phrase or word of this Order or application of it to any person, structure, gathering or circumstance is held to be invalid or unconstitutional by a decision of a court of competent jurisdiction, then such decision will not affect the validity of the rest of the order.

**ORDERED** this the 3<sup>rd</sup> day of April 2020

**CITY OF MERCEDES, TEXAS**

  
Henry Hinojosa

**ATTEST:**

A handwritten signature in blue ink, appearing to be 'JC', is written over a horizontal line.

Joselynn Castillo, City Secretary

