

STATE OF TEXAS
COUNTY OF CAMERON

Proclamation 2020-4-4-1

BE IT KNOWN that on this, the 4th day of April, 2020, the Mayor of the City of Port Isabel, the Honorable Juan Jose "JJ" Zamora, has issued the following proclamation, and caused his hand and the seal of the city to be affixed to the same:

"An order implementing precautions related to COVID-19 (coronavirus)."

WHEREAS, A state of emergency currently exists in the City of Port Isabel, and such emergency has been declared by the Mayor on March 13, 2020 and affirmed by the City Commission on March 17, 2020; and

WHEREAS, Under ordinance 703, passed by the City Commission on March 17, 2020, and under the provisions of the Texas Disaster Act, the mayor is empowered to act as the city's Emergency Management Director, and as executive officer of the governor, in enacting such regulations as may be necessary to preserve life and property; and

WHEREAS, I, Mayor Juan Jose "JJ" Zamora have found good cause due to the COVID-19 outbreak to issue the following order, which shall remain in effect for a period of 60 days, or until terminated, whichever is sooner.

THEREFORE, BE IT PROCLAIMED, that the following regulations are hereby enacted, or re-issued, effective at 5:00 pm on April 4, 2020. To the extent a regulation previously-issued is in conflict with these regulations, this regulation shall control.

-No person shall be upon a public right of way, or upon the premises of a business establishment that is open to the general public, without a face covering. The purpose of this requirement is to prevent the spread of disease by persons who may be infected, not to provide a measure of personal protection to the person wearing the face covering.

-No taxi, limousine or shuttle bus shall be used to carry passengers upon the public rights of way or the premises of a business establishment.

-All common recreation areas, including, but not limited to pools, hot tubs, tennis courts, shuffle board courts, common rooms and game rooms, of business establishments, hotels, or residential subdivisions, shall be closed.

BE IT FURTHER PROCLAIMED, that the following regulations are hereby enacted, or re-issued, effective at 5:00 pm on April 2, 2020. To the extent a regulation previously-issued is in conflict with these regulations, this regulation shall control.

-No new agreements for the rental of any property subject to hotel-motel tax may be entered into during the pendency of this order. Exceptions are for properties to be occupied by essential personnel and the housing of persons who have suffered damage to their home.

-No more than 2 persons may be within any private conveyance upon any public roadway or waterway. Exceptions are for transportation for medical or educational purposes.

-No boat ramp shall permit the general public to be upon their premises.

-No business establishment selling groceries or staples of daily living shall permit more than two persons to use a single shopping cart, nor shall they permit persons under the age of 14 to be upon their premises.

-Residents are encouraged to minimize trips outside of the home. It is suggested that no more than one person from each household perform shopping trips, and that persons with odd-numbered license plates shop on odd-numbered days and persons with even-numbered license plates shop on even-numbered days.

BE IT FURTHER PROCLAIMED, that the following regulations are hereby enacted, or re-issued, effective at 5:00 pm on March 25, 2020. To the extent a regulation previously-issued is in conflict with these regulations, this regulation shall control.

-No person shall be upon public rights-of-way, including **waterways (added 4/2/2020)** streets, sidewalks, alleys and parks at any time. **The presence of any person who is not essential to the function of a public entity or business, or who is not seeking medical attention, upon any public right-of-way between the hours of 11:30 pm and 6:30 am shall be considered prima facie evidence of a violation of this order (added 4/2/2020).** Exceptions include: **walking and running between the hours of 6:30 am and 11:30 pm in compliance with social distancing rules (added 4/2/2020)**, personnel essential to the function of public entities or businesses, and persons traveling to obtain medical care, medication, food, staples of daily living or other essential services.

No commercial business may allow the general public upon its premises unless they are seated in a vehicle. Express exemptions are made for essential services and functions, as defined herein, including but not limited to transportation providers, laundromats, banks and other financial providers, hardware stores, medical providers, utilities, pharmacies, grocery stores, foodservice of takeout and delivery, exempted day cares, shipping/postal, units of government, as well as any building work issued under an exempted permit and landscaping required to maintain health conditions.

Other essential business establishments may provide services via take-out or delivery, so long as no more than 10 people congregate in the take-out area. Drive-through and take-out patrons are to be instructed to remain in their vehicles. If take-out patrons are on foot, they must be seated at last 6 feet from each other.

Businesses are encouraged to implement procedures whereby take-out patrons pay via telephone or electronic means, and the order is placed in the open tailgate or trunk of the vehicle, to minimize contact between patrons and employees of the establishment.

Businesses must observe the regulations issued on March 19, 2020 with respect to operations within their premises.

-This restriction shall continue until 11:59 pm on April 8, 2020, or until rescinded or modified.

BE IT FURTHER PROCLAIMED, that the following regulations are hereby enacted, or re-issued, effective at 12:01 am on March 25, 2020. To the extent a regulation previously-issued is in conflict with these regulations, this regulation shall control.

-No food service establishment can offer utensils or straws to customers unless they are pre-wrapped by the manufacturer.

BE IT FURTHER PROCLAIMED, that the following regulations are hereby enacted, or re-issued, effective at 6:00 am on March 21, 2020. To the extent a regulation previously-issued is in conflict with these regulations, this regulation shall control.

-All bars, adult day cares, public fishing piers, excursion boats are prohibited from serving the public. All building permits are suspended, subject to exemptions by the building inspector for essential work.

-Public consumption of food and drink is prohibited.

BE IT FURTHER PROCLAIMED, that the following regulations are hereby enacted, or re-issued, effective at 6:00 am on March 20, 2020. To the extent a regulation previously-issued is in conflict with these regulations, this regulation shall control.

-Food service establishments are prohibited from offering dining room service.

BE IT FURTHER PROCLAIMED, that the following regulations are hereby enacted, or re-issued, effective at 5:00 pm on March 19, 2020. To the extent a regulation previously-issued is in conflict with these regulations, this regulation shall control.

-Food service establishments and bars will limit their seating by 50% of their current configuration, with a maximum of 50 patrons per establishment. This regulation shall be construed to limit both the maximum number of persons who may be served in the establishment and the maximum seating capacity of any table, booth or bar counter.

-Food service establishments and bars will have a minimum distance of 8 feet between tables, or a minimum distance of 6 feet between patrons seated at the bar.

-Dining rooms of food service establishments and all bars must close by 10:00 pm until 6:00 am. Last Call is 9:45 pm.

Drive-through and take-out will be allowed to remain open, so long as no more than 10 people congregate in the take-out area. Drive-through and take-out patrons are to be instructed to remain in their vehicles. If take-out patrons are on foot, they must be seated at least 6 feet from each other.

Restaurants are encouraged to implement procedures whereby take-out patrons pay via telephone or electronic means, and the order is placed in the open tailgate or trunk of the vehicle, to minimize contact between patrons and employees of the establishment.

-Business establishments will be allowed to designate one or more parking spaces for take-out; parking requirements based on occupancy are hereby waived to the extent they are affected by the designation of take-out service. Take-out and drive-through food service is strongly encouraged and recommended, as is take-out service for retail establishments.

-All dance floors, in bars and restaurants are closed. Live music and all DJ entertainment are prohibited.

-All buffet food service or self-serve service is prohibited.

-Hotels, motels and rental housing properties are required to completely sanitize all touch surfaces within a dwelling unit before it may be rented to the public.

-All public and private gatherings of more than 10 people for any other purpose are prohibited. Immediate family members, banks, medical, veterinary, food service, grocery stores, pharmacies, shipping stores and depots, as well as units of government, are exempt from this requirement. All establishments not subject to this exemption, including bars that do not offer food service and laundromats, shall enforce the limit of 10 persons, provide frequent sanitation of all frequently-touched hard surfaces (including counters, knobs, rails, faucets and point of sale systems) and provide hand sanitizer and hand washing facilities to patrons and staff.

Exempt facilities shall ensure that there is adequate separation between staff and patrons, and that the number of persons within the establishment at any time is no greater than 50 percent of approved capacity of the facility. Staff and patrons shall be provided with access to hand sanitizer and hand washing facilities, and shall periodically sanitize all hard surfaces subject to frequent contact by employees and patrons, including faucets, counters, rails, knobs, drive through canisters, point of sale terminals and switches.

Grocery stores and pharmacies shall sanitize the handles of shopping carts and baskets between each use, and shall frequently sanitize conveyors, point of sale terminals, and other surfaces exposed to customers. Such sanitation practices shall be subject to monitoring by the City of Port Isabel. The City of Port Isabel Health Inspector shall be empowered to close any establishment that does not comply with these regulations, or the operation of which poses a threat to public health and safety.

Childcare facilities may apply for an exemption to this requirement to the extent that children of medical personnel, teachers, foodservice workers, police officers, ambulance attendants, firefighters, other essential government personnel, pharmacy workers, transportation workers, sanitation worker or grocery store employees under the care of the facility cause the number of persons at the facility to exceed 10, provided that other measures are enacted to ensure health and safety under the approval of the City of Port Isabel Health Inspector.

Public, private and parochial schools shall be exempt from this order to the extent they are operating under the regulations of their governing authority.

The Port Isabel Chamber of Commerce and the Laguna Madre Youth Center are exempt from this order to the extent they are operating under the regulations of their governing authority and the City of Port Isabel.

-Nail salons, manicurists, pedicurists, barber shops, beauty parlors, estheticians, massage parlors, tattoo parlors, social clubs, gambling houses, reducing studios, gymnasiums, dance/exercise studios, martial arts/wrestling studios, and other establishments in which the City of Port Isabel Health Inspector determines that patrons come into frequent close or physical contact with staff and one another, are ordered to cease operation.

-Disposable cups, napkins, plates and utensils must be used for all service to food service and bar customers.

Cups shall not be refilled. Customers may also be served single-serving bottles or cans.

-Self-service soda fountains, bars, jugs and tureens; garnishes, fruit and straws for beverages (rescinded 3/22/2020); and, self-service trays, dispensers and containers for condiments, are prohibited in all food service and bar establishments.

~~-Fuel service stations must sanitize fuel pumps every hour, preferably after each use.~~(Rescinded 3/20/2020) Sanitizer must be available at the pumps. Stores attached to fuel service stations must adhere to the requirements in this order for grocery stores.

BE IT FURTHER PROCLAIMED, that the City Commission of the City of Port Isabel has by Ordinance 703 prohibited any person from charging more than the price prevailing on March 13, 2020 for the following items:

- (a) groceries, beverages, toilet articles, ice and cleaning supplies
- (b) construction and building materials and supplies, and earthmoving equipment and machinery
- (c) electrical and gas generating and transmission equipment, parts and accessories
- (d) charcoal briquettes, matches, candles, lamp illumination and heat unit carbides, dry batteries, light bulbs, flashlights, and hand lanterns
- (e) hand tools (manual and power), hardware and household supplies, and equipment rental
- (f) automotive parts, supplies, and accessories
- (g) plumbing and electrical tools and supplies
- (h) apartment, duplex, multi-family dwelling, rooming house, hotel and motel rental
- (i) gasoline, diesel oil, motor oil, kerosene, grease, and automotive lubricants
- (j) restaurant, cafeteria, and boarding-house meals
- (k) services of roofing and building contractors, plumbers, electricians, mechanics, tree surgeons, and automobile wrecker companies
- (l) medicine, pharmaceutical, and medical equipment and supplies
- (m) blankets, quilts, bedspreads, bed linens, mattresses, bedsprings, bedsteads, towels, and toilet paper
- (n) furniture and clothing

BE IT FURTHER PROCLAIMED, that the following definitions are hereby adopted for the purposes of the enforcement of this order:

-Private Conveyance: any vehicle or watercraft owned or operated by a corporation or a natural person. Does not include transportation providers, as defined herein, or common carriers operating under the authority or regulation of a governmental entity.

-Essential: relating to the sustenance of life, includes functions related to food, agriculture, transportation, financial and medical, as well as any function related to the support of these activities.

-Food service establishment: a place that serves items for human consumption to the public. Includes "nutrition" and "wellness" establishments and clubs. May also serve liquor, beer or wine for consumption in conjunction with food service. Does not include kitchen or delivery of a public school, or of a government agency or instrumentality.

-Bar: a place that serves beer, liquor or wine to the public for consumption on the premises.

-Grocery store: a place that sells items for human consumption and staples of daily living to the public.

-Childcare facility: a place registered with the appropriate departments of the State of Texas for the care of children, but which is not a public, private or parochial school.

-School: an educational institution subject to the requirements of the Texas Education Agency, the Texas Higher Education Coordinating Board, the US Department of Education, the US Department of Health and Human Services in which an organized curriculum is presented in requirement of federal or state law.

-Take-out: the provision of goods for consumption at a location other than the business premises.

-Dining room: a facility on or adjacent to the premises of a food service establishment for the consumption of food and drink.

-Public consumption: the consumption of food and drink in a public place, including streets, sidewalks, parks, parking lots or any other open space accessible to the public.

-Drive-through: the provision of goods to motor vehicle drivers for consumption at a location other than the business premises.

-Buffet: the style of serving in which pre-prepared dishes are presented to customers on a counter, table or rail.

-Self-Serve: served by the customer to him or herself from a common fixture, fountain or container.

-Frequent close or physical contact: touching, rubbing of clothed or unclothed body parts, or persistent, manual operation conducted less than arm's length. Does not include activities conducted in a medical facility.

-Medical facility: a facility operated by or under the authority of a physician, ~~psychologist, physical therapist, professional counselor~~ (rescinded 3/20/2020), orthodontist or dentist licensed in the State of Texas.

-House of Worship: a place of religious observance.

-Excursion Boat: a vessel that transports more than 4 persons, or with a capacity greater than 10 persons, that carries passenger to the same origin and destination, or which offers sport fishing, sightseeing, entertainment or diversions to its passengers.

-Governing authority: the Texas Education Agency, Texas Department of Agriculture, the US Health and Human Services Department, a school board, a board of directors, parish council, priest, minister, bishop or other similarly-recognized authority.

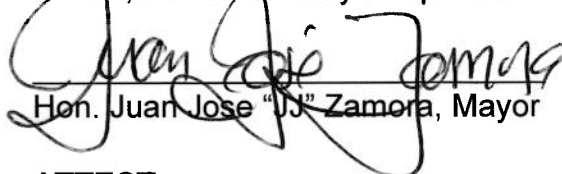
-General public: persons who are not employees or officers of a business or entity engaged in the operation of that business or entity.

-Transportation Provider: a taxi, limousine, shuttle or bus providing service to the general public.

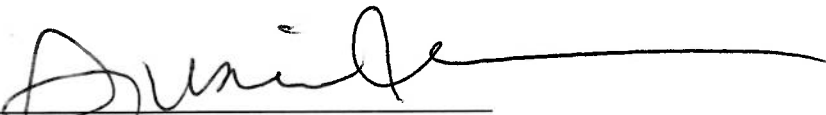
-Adult Day Care: any place that provides non-residential supervision, entertainment, food service or other services for persons over the age of 65 or who have a disability, and which is not an educational institution or a unit or instrumentality of government.

BE IT FURTHER PROCLAIMED, that the City Commission has fixed a criminal penalty of \$500 for any person who violates a provision of this order, or of Ordinance 703. Any officer of the City of Port Isabel, including health inspectors, police officers, fire marshalls, code enforcement officers and building inspectors, is authorized to enforce this ordinance.

DONE, this the 2nd day of April 2020.


Hon. Juan Jose "JJ" Zamora, Mayor

ATTEST:



Susie Alcocer, City Secretary

