



**Antonio Araujo**  
Mayor

**Leticia Miranda**  
Alderson Place 1

**David Cantu**  
Alderson Place 2

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Alderson Place 3

**Maria Covernali**  
Alderson Place 4

**George Almanzar**  
Alderson Place 5

## **ORDINANCE NO. 2007.01.02**

**AN ORDINANCE OF THE CITY OF SAN ELIZARIO INSTITUTING EMERGENCY MEASURES DUE TO A PUBLIC HEALTH EMERGENCY; SEVERABILITY CLAUSE; AND PROVIDING FOR THE FOLLOWING: FINDINGS OF FACT, ADOPTION, ENACTMENT, REPEALER, SEVERABILITY, EFFECTIVE DATE; AND DECLARING THAT A VIOLATION OF THE ORDINANCE IS A MISDEMEANOR OFFENSE AND PROVIDING FOR A PENALTY NOT TO EXCEED \$500 PER OFFENSE.**

### **RECITALS**

**WHEREAS**, on March 13, 2020, the Governor of the State of Texas declared state of disaster and the President of the United States of America declared a national emergency in relation to COVID-19; and

**WHEREAS**, Chapter 418 of the Government Code governs Emergency Management at state and local levels, and Chapters 418, 121 and 122 of the Texas Health and Safety Code, establishes the powers and authority of local regulation of public health; and

**WHEREAS**, by order issued on March 13, 2020 the County Judge of the County of El Paso has declared a county state of disaster for El Paso County, Texas; and

**WHEREAS**, by proclamation issued on March 16, 2020, the Mayor declared a local state of disaster for the City of San Elizario resulting from a public health emergency; and

**WHEREAS**, the County Judge has issued certain orders regarding the movement of people within the County on March 17, 2020, which pursuant to Health and Safety Code Section 418.108(h)(i) are effective in incorporated (and unincorporated) areas of the county, including the City of San Elizario; and

**WHEREAS**, the City of San Elizario has entered into an interlocal agreement with the City of El Paso to provided public health services and designates the El Paso's designated health authority as the City's health authority under Texas Health and Safety Code Chapter 121; and

**WHEREAS**, under Texas Health and Safety Code Section 122.005, Type A general-law municipalities have the power to adopt rules to protect the health of persons in the municipality, including, but not limited to, the authority to fine a person who fails or refuses to observe the orders and rules of the health authority; and

**WHEREAS**, said state of disaster requires that certain emergency measures be taken pursuant to the Executive Order of the Governor Relating to Emergency Management; therefore, the following regulations shall take effect immediately and shall remain in effect until the state of disaster is terminated or as otherwise provided herein.

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ELIZARIO, TEXAS THAT:**

Section 1. FINDINGS OF FACT: The foregoing recitals are adopted as facts and are incorporated fully herein.

Section 2. AN EMERGENCY EXISTS.

Section 3. STATE AND FEDERAL GUIDANCE

The City authorizes the Emergency Management Director or designee to update, restrict and promulgate regulations necessary to comply with Federal, State, and Local authorities' guidance in relation to COVID- J 9.

Section 4. CITY BOARDS AND COMMISSIONS

- a) Unless required by State law, all City boards and commission meetings are suspended while this ordinance is in effect.
- b) Any boards and commissions that must meet pursuant to State law, should meet pursuant to the means allowed by the Texas Attorney General and institute best practices with regards to social distancing.

## Section 5. PRICE CONTROLS

A person shall not sell any of the following goods or services for more than the price the person charged for the goods or services on March 16, 2020:

- a) groceries, beverages, toiletry articles, ice;
- 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; automotive parts, supplies, and accessories;
- f) plumbing and electrical tools and supplies;
- g) apartment, duplex, multi-family dwelling, rooming house, hotel and motel rental;
- h) gasoline, diesel oil, motor oil, kerosene, greases and automotive lubricants;
- i) restaurant, cafeteria, and boarding-house meals;
- j) services of roofing and building contractors, plumbers, electricians, mechanics, tree surgeons, landscapers and automobile wrecker companies;
- k) medicine, pharmaceutical, and medical equipment and supplies;
- l) blankets, quilts, bedspreads, bed linens, mattresses, bedsprings, towels, toilet paper; and
- m) furniture and clothing.

## Section 6. SUSPENSION AND MODIFICATION OF ORDINANCES

The following ordinances are hereby suspended or modified as indicated.

- a) Any ordinance or regulation that imposes an obligation upon the City to deliver in less than five (5) business days any non-essential good, or service, as determined by the Mayor, is hereby suspended.
- b) The provisions of the Subdivision Ordinance, No. 1915.20, shall be temporarily amended during the duration of this Ordinance:
  - i) Applications under the Subdivision Ordinance will only be accepted during the times that City Hall is open for business.
  - ii) Section 3.1: Pre-Application Procedures. Staff shall not be required to schedule a pre-application conference or a planning meeting during the time this Ordinance is in effect.
  - iii) Section 3.6.2: Staff will have 30 days (an increase of 20 additional days) to make the determination that a complete application has been submitted.

## Section 7. MOVEMENT OF PEOPLE AND OCCUPANCY OF PREMISES

In the event that the Governor of the State of Texas or the County of El Paso issues an order regarding Movement of People and Occupancy of Premises that conflicts with these provisions the following rules shall apply:

- a) Subject to the following further restriction, individuals shall limit the size of public or private gatherings to no more than fifty (50) people in a single space; provided however, that beginning at midnight, March 20, 2020 to April 3, 2020 and at such time as an executive order of the governor is in place, social gatherings shall be limited to no more than ten (10) people in a single space.
- b) For purposes of clarity, a gathering does not include the following spaces:
  - (i) Spaces where persons may be in transit or waiting for transit such as airports and bus terminals;
  - (ii) Office space or residential buildings;
  - (iii) Grocery stores, hotels, or other retail establishments where large numbers of people are present, but it is unusual for them to be within arm's length of one another for extended periods; and
  - (iv) Hospitals and medical facilities.
- c) Bars, lounges, taverns, arcades, gyms and private clubs shall close.
- d) Subject to the following further restriction, restaurants may remain open pursuant to the following:
  - (i) Restaurants shall limit the amount of people on their premises at one time to half of their designated seating maximum occupancy and ensure that tables are at least 6 feet apart from each other.
  - (ii) Restaurants shall disinfect and sanitize commonly touched surfaces and non-food contact surfaces at least once every hour.
  - (iii) Restaurants shall not allow parties of more than 6 people at one table.
  - (iv) Restaurants must adopt and implement a screening policy for food handlers and all employees, and establish protocols for employees' exclusion if they develop the following symptoms:
    - ((a)) Fever
    - ((b)) Cough and shortness of breath

Provided however, that beginning at midnight, March 20, 2020 to April 3, 2020 and at such time as an executive order of the governor is in place, eating and drinking on the premises of restaurants shall be prohibited and restaurants will be limited to providing food for take-out.

- e) Make available and visible COVID-19 prevent print materials within the restaurant.

## Section 8, TEMPORARY ASSISTANCE

The City urges all businesses to provide two weeks of paid sick leave to employees that succumb to COVID-19, are caring for someone with COVID-19, or are subject to quarantine. The City

further urges businesses to apply for any available federal funding for the provision of paid sick leave,

#### **Section 9. UTILITIES & RESIDENCE**

- a) No local utility shall discontinue the provision of cable, internet, water, gas, waste removal and electric utility services to a local resident for lack of payment while this ordinance is in effect.
- b) To the extent allowed by law, no landlord shall evict a tenant for lack of payment while this ordinance is in effect.

#### **Section 10. PENALTIES AND AFFIRMATIVE DEFENSE**

- a) A person who violates any provision of these regulations, upon conviction, is guilty of a misdemeanor punishable by a fine of not more than five hundred dollars (\$500.00).
- b) It shall be an affirmative defense to prosecution under Section 5 of this Ordinance that a person implemented a price increase to consumers by the same percentage as an increase in the wholesale cost of the goods charged by the person's supplier.

#### **Section 11. EMERGENCY AUTHORITY OF THE MAYOR**

The Mayor shall have the authority to close City Hall and other City facilities as determined to be appropriate in handling the emergency for the duration of the emergency. The Mayor shall have the authority to grant additional personal time off (PTO) to employees who may not be required to work or work their usual number of hours, but only as may be necessary to provide an employee with his or her usual number of hours of work.

#### **Section 12. CONFLICT WITH AN ORDER OF THE GOVERNOR OF THE STATE OF TEXAS OR A COUNTY ORDER**

In the event of any conflict between the order of the County Judge and the City Mayor, the order of the County Judge shall prevail, pursuant to Section 418.108(h)(2) of the Texas Health and Safety Code. In the event of any conflict between the order of the Governor of the State of Texas and the City Mayor or a provision contained in this Ordinance, the order of the Governor shall prevail.

#### **Section 13. SEVERABILITY CLAUSE**

It is hereby declared to be the intention of the City Council that the phrases, sentences, paragraphs and sections of this ordinance are severable. If any part of this ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect the remaining phrases, sentences, paragraphs and sections of this ordinance.

Section 14. EFFECTIVE DATE AND EXPIRATION

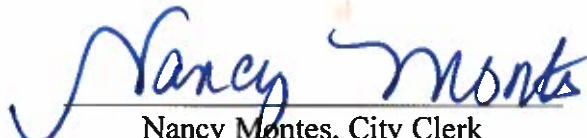
This Ordinance shall be effective upon publication and shall remain in effect until the state of disaster is terminated. At such time, this ordinance shall automatically expire without any action required by the City Council of the City of San Elizario.

**PASSED AND APPROVED** this, the 20 day of March, 2020, by a vote of 4 (ayes) to 0 (nays) to 0 (abstentions) of the City Council of San Elizario, Texas.

**CITY OF SAN ELIZARIO, TEXAS**

  
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Antonio Arango, Mayor

ATTEST:

  
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Nancy Montes, City Clerk