

ORDINANCE 2020-08

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAIR OAKS RANCH AMENDING ORDINANCE 2020-06; EXTENDING A DECLARATION OF LOCAL DISASTER; AMENDING THE RULES AND REGULATIONS FOR THE DURATION OF THE DISASTER; RESTRICTING CERTAIN ACTIVITIES; ESTABLISHING PENALTIES FOR VIOLATIONS; PROVIDING AN EFFECTIVE DATE AND DECLARING AN EMERGENCY; FIRST AND FINAL READING

WHEREAS, in December 2019 a novel coronavirus, now designated COVID-19, was detected in Wuhan City, Hubei Province, China. Symptoms of COVID-19 include fever, cough, and shortness of breath. Outcomes have ranged from mild to severe illness, and in some cases death; and

WHEREAS, on January 30, 2020, the World Health Organization (WHO) Director General declared the outbreak of COVID-19 as a Public Health Emergency of International Concern (PHEIC), advising countries to prepare for the containment, detection, isolation and case management, contact tracing and prevention of onward spread of the disease; and

WHEREAS, to date, there have been 16,455 confirmed positive cases in Texas; and

WHEREAS, by Thursday April 16, 2020, the pandemic had infected approximately 2,138,763 people around the world and killed over 142,735. 672,179 cases have been confirmed in the United States.

WHEREAS, the virus is characterized by mild symptoms including a runny nose, sore throat, cough and fever, similar to the influenza where in severe cases it can lead to pneumonia or breathing difficulties according to WHO; and

WHEREAS, those with these symptoms who have traveled to or been in contact with an individual who has traveled to a country that has coronavirus in the last two weeks are urged to see their physician; and

WHEREAS, on March 13, 2020, President Trump declared a state of emergency due to COVID-19; and

WHEREAS, President Trump has invoked the Stafford Act, which will allow state and local governments to access federal disaster relief funds; and

WHEREAS, Governor of Texas, issued a disaster proclamation on March 13, 2020, certifying that COVID-19 poses an imminent threat of disaster for counties in the state of Texas, and extended said proclamation on April 12, 2020; and

WHEREAS, the Texas Department of State Health Services has now determined that, as of March 19, 2020, COVID- 19 represents a public health disaster within the meaning of Chapter 81 of the Texas Health and Safety Code; and

WHEREAS, on March 31, 2020 Governor Abbott issued GA-14 superseding local authority invoked under Chapter 418 of the Government Code, and Chapter 81 and 122 of the Health and Safety Code where local order conflict with GA-14 or any previous order of the Governor related to the pandemic;

WHEREAS, pursuant to the Texas Disaster Act of 1975, the Mayor is designated as the Emergency Management Director of the City of Fair Oaks Ranch, and may exercise the powers granted by the governor on an appropriate local scale; and

WHEREAS, Garry Manitzas, the Mayor of the City of Fair Oaks Ranch previously determined and declared that extraordinary and immediate measures must be taken to respond quickly, prevent and alleviate the suffering of people exposed to and those infected with the virus, as well as those that could potentially be impacted by COVID-19;

WHEREAS, a declaration of local disaster and public health emergency includes the ability to reduce the possibility of exposure to disease, control the risk, promote health, compel persons to undergo additional health measures that prevent or control the spread of disease, including isolation, surveillance, quarantine, or placement of persons under public health observation, including the provision of temporary housing or emergency shelters for persons misplaced or evacuated and request assistance from the governor of state resources; and

WHEREAS, on March 16, 2020, the Mayor made a Declaration of Public Health Emergency, and further declared all rules and regulations that may inhibit or prevent prompt response to this threat suspended for the duration of the incident; and

WHEREAS, the Mayor, under the Texas Disaster Act of 1975, has authorized the use of all available resources of state government and political subdivisions to assist in the City's response to this situation; and

WHEREAS, the Mayor has determined that extraordinary and immediate measures must be taken to respond quickly, prevent and alleviate the suffering of people exposed to and those infected with the virus, as well as those that could potentially be infected or impacted by COVID-19; and

WHEREAS, the Fair Oaks Ranch City Council, on March 19, 2020 approved Ordinance 2020-05 extending the Mayor's declaration of local disaster until April 16, 2020, and affirmed and amended said ordinance by the adoption of Ordinance 2020-06 on March 24, 2020, and hereby affirm and further amend all prior actions through the adoption of this Ordinance 2020-08.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FAIR OAKS RANCH:

- Section 1. The recitals contained in the preamble hereof are hereby found to be true, and such recitals are hereby made a part of this Ordinance for all purposes and are adopted as a part of the judgment and findings of the City Council.
- Section 2. That the local state of disaster and public health emergency as declared by Mayor Garry Manitzas for the City of Fair Oaks Ranch pursuant to §418.108(a) of the Texas Government Code, and as renewed and extended until April 16, 2020 by the Fair Oaks Ranch City Council through the adoption of Ordinance 2020-05 and Ordinance 2020-06 pursuant to §418.108(b) of the Government Code, is hereby superseded and amended, including all rules and regulation attached hereto as Exhibit A, until such expires at 11:59 P.M. on May 7, 2020, unless earlier repealed or extended by the City Council.
- Section 3. Pursuant to §418.108(c) of the Government Code, this declaration of a local state of


disaster and public health emergency shall be given prompt and general publicity and shall be filed promptly with the City Secretary.

- Section 4. Pursuant to §418.108(d) of the Government Code, this declaration of a local state of disaster and public health emergency activates the City of Fair Oaks Ranch emergency management plan.
- Section 5. Pursuant to §122.006 of the Health and Safety Code, this declaration authorizes the City to take any actions necessary to promote health and suppress disease, including quarantine, examining and regulating hospitals, regulating ingress and egress from the City, and fining those who do not comply with the City's rules.
- Section 6. All ordinances or parts thereof, which are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters herein.
- Section 7. This Ordinance shall be construed and enforced in accordance with the laws of the State of Texas and the United States of America.
- Section 8. If any provision of this Ordinance or the application thereof to any person or circumstance shall be held to be invalid, the remainder of this Ordinance and the application of such provision to other persons and circumstances shall nevertheless be valid, and the City Council hereby declares that this Ordinance would have been enacted without such invalid provision.
- Section 9. Pursuant to Article III; Section F - Legislation by Ordinance. If the City Council, by a vote of not less than two-thirds of the members present at the April 16, 2020 City Council meeting at which this ordinance is introduced, determines that an emergency exists related to public health or safety that requires immediate action, such ordinance may be voted upon and rejected or adopted at the meeting.
- Section 10. It is officially found, determined, and declared that the meeting at which this Ordinance is adopted was open to the public and public notice of the time, place, and subject matter of the public business to be considered at such meeting, including this Ordinance, was given, all as required by Chapter 551, Texas Government Code, as amended.
- Section 11. This Ordinance shall be in force and effect from and after its final passage.

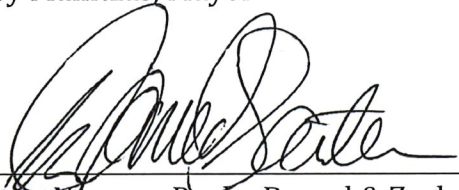
PASSED, ADOPTED, and APPROVED the 16th day of April, 2020 on one reading as an emergency measure pursuant to City Charter Section 3.006 F. 4.

AFFIRMED if necessary on this 7th day of May, 2020.

| | FOR | AGAINST | ABSTAIN |
|---------------------------------|--------------------|---------|---------|
| Mayor Garry Manitzas | ✓ | | |
| Mayor Pro Tem Elizondo | ✓ | | |
| Council Member Havard | ✓ | | |
| Council Member Hartpence | Not Present | | |
| Council Member Koerner | ✓ | | |
| Council Member Patel | ✓ | | |
| Council Member Maxton | ✓ | | |



 Garry Manitzas, Mayor



 Denton Navarro Rocha Bernal & Zech, P.C.,
 City Attorney



 Christina Picioccio, City Secretary

EXHIBIT A
LOCAL DISASTER RULES AND REGULATIONS REGARDING PUBLIC AND PRIVATE GATHERINGS

Section 1. Stay at Home; Social Distancing Requirement; and Essential Businesses and Operations

- 1. Stay at home or place of residence.** With exceptions as outlined below, all individuals currently living within the City of Fair Oaks Ranch are ordered to stay home or at their place of residence except as allowed in this Emergency Order, consistent with Governor Abbott's GA-14. To the extent individuals are using shared or outdoor spaces when outside their residence, they must at all times and as reasonably possible maintain Social Distancing Requirements set forth herein. All persons may leave their homes or place of residence only for Essential Activities, Essential Governmental Functions, or to operate Essential Businesses and Operations all as defined below.

Individuals experiencing homelessness are exempt from this directive, but are strongly urged to obtain shelter. Individuals whose residences are unsafe or become unsafe, such as victims of domestic violence, are permitted and urged to leave their homes and stay at a safe alternative location. For purposes of this Emergency Order, homes or residences include hotels, motels, and shared rental units, shelters, and similar facilities.

Where there is a conflict between this order as it relates to essential versus non-essential and the definitions listed by CISA and TDEM referenced by GA-14 at the links below, the interpretation of the Office of the Governor shall control:

<http://tdem.texas.gov/essentialservices/>

https://www.cisa.gov/sites/default/files/publications/CISA_Guidance_on_the_Essential_Critical_Infrastructure_Workforce_Version_2.0_Updated.pdf

- 2. Non-essential business and operations must cease.** All businesses and operations in Fair Oaks Ranch, except Essential Businesses and Operations as defined below, are required to cease all activities within the City except Minimum Basic Operations, as defined below. For clarity, businesses may also continue operations consisting exclusively of employees or contractors performing activities at their own residences (i.e., working from home).

All Essential Businesses and Operations are encouraged to remain open. To the greatest extent possible, Essential Businesses and Operations shall comply with Social Distancing Requirements as defined herein, including by maintaining six-foot social distancing for both employees and members of the public at all times, including, but not limited to, when any customers are standing in line.

- 3. Prohibited activities.** All public and private gatherings of any number of people occurring outside a single household or living unit are prohibited, except for the limited purposes permitted by this Emergency Order. Pursuant to current guidance from the CDC, any gathering of more than **ten** people is prohibited unless exempted by this Emergency Order.

Nothing in this Emergency Order prohibits the gathering of members of a household or residence.

All places of public amusement, whether indoors or outdoors, including but not limited to, locations with amusement rides, carnivals, amusement parks, water parks, aquariums, zoos, museums, arcades, fairs, children's play centers, playgrounds, funplexes, theme parks, bowling alleys, movie theaters, concert and music halls, and country clubs or social clubs shall be closed to the public. Members of Fair Oaks Ranch Homeowners Association (FORHA) will continue to have access to that association's parks and trails. FORHA has blocked off playground equipment and it should not be used.

All home solicitation shall cease and any existing home solicitation permits are hereby terminated.

This Emergency Order amends and supersedes the Emergency Order extended by Ordinance 2020-05.

4. **Cloth Face Coverings.** All people 10 years or older must wear a cloth face covering over their nose and mouth when in a public place where it is difficult to keep six feet away from other people such as visiting a grocery store/pharmacy or working in areas that involve close proximity with other coworkers. Coverings may include homemade masks, scarfs, bandanas, or a handkerchief. Residents must continue to maintain social distancing of at least six feet while outside their residence.

As of 11:59 p.m. on April 19, 2020, employers that are Exempted Businesses under Executive Order NW-05 must provide face coverings and training for appropriate use to employees who are working in an area or activity which will necessarily involve close contact or proximity to co-workers or the public.

IT IS STRONGLY RECOMMENDED THAT YOU NOT OBTAIN OR WEAR MEDICAL MASKS or N-95 RESPIRATORS AS THEY ARE A NEEDED RESOURCE FOR HEALTH CARE PROVIDERS AND FIRST RESPONDERS. Our healthcare workers and first responders on the front-line combating COVID-19 must have priority access to medical masks or other personal protective equipment.

Face coverings *do not* need to be worn in the following circumstances:

- When exercising outside or engaging in physical activity outside.
- While driving alone or with passengers who are part of the same household as the driver.
- When doing so poses a greater mental or physical health, safety or security risk.
- While pumping gas or operating outdoor equipment.
- While in a building or activity that requires security surveillance or screening, for example, banks.
- When consuming food or drink.

Please note that face coverings are a secondary strategy to other mitigation efforts. **Face coverings are *not* a replacement for social distancing, frequent handwashing, and self-isolation when sick.** All people should follow CDC recommendations for how to wear and take off a mask.

Residents must keep up the following habits while in public:

- Washing your hands before you leave home and when you return.
- Staying at least six feet away from others.
- Avoiding touching your nose or face.
- Not using disposable masks more than three times.
- Washing reusable cloth masks regularly to prevent the spread of the virus.

5. **Emergency Maximum Occupancy.** As of 11:59 p.m. on April 19, 2020, the occupancy of all operating Food, Household Staples and Retail Exempted Businesses, as defined by Bexar County shall be:

a. **25% of the Certificate of Occupancy limit.**

The Food, Household Staples and Retail Exempted Businesses shall conspicuously post the applicable maximum occupancy. If the Food, Household Staples and Retail Exempted Business has reached the maximum occupancy or expects to reach the maximum occupancy, then it must post staff at store entrances and exits to ensure compliance with the occupancy limit.

6. **Prohibited and permitted travel.** All travel, including, but not limited to, travel by automobile, motorcycle, scooter, bicycle, golf carts, train, plane, or public transit, except Essential Travel and Essential Activities as defined herein, is prohibited. People riding on public transit must comply with Social Distancing Requirements to the greatest extent possible. This Emergency Order allows travel into or out of the City to maintain Essential Business and Operations and Minimum Basic Operations, only. Horseback riding on trails for exercise is permitted.

7. **Hot spots.** In addition to the quarantine requirements ordered by the Governor of Texas for persons entering the State from certain cities and states, any City of Fair Oaks Ranch resident who returns to Fair Oaks Ranch from travel to an area known for having had an incidence of community spread of the Coronavirus, and therefore, a high-risk of COVID-19 infection, is strongly urged to self-quarantine in their home or place of lodging for a period of no less than fourteen (14) days, maintaining isolation from other persons to the maximum extent possible.

8. **Leaving the home for essential activities is permitted.** For purposes of this Emergency Order, individuals may leave their residence to perform any of the following Essential Activities:

a. **For health and safety.** 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

(including but not limited to, pets), such as, by way of example only without limitation, seeking emergency services, obtaining medical supplies or medication, or visiting a health care professional.

- b. **For necessary supplies and services.** To obtain necessary services or supplies for themselves and their family or household members, or to deliver those services or supplies to others, such as, by way of example only and without limitation, groceries and food, household consumer products, supplies they need to work from home, and products necessary to maintain the safety, sanitation, and essential operation of residences.
 - c. **For outdoor activity.** To engage in outdoor activity, provided the individuals comply with Social Distancing Requirements, as defined below, such as, by way of example and without limitation, walking, hiking, running, or biking. Individuals may go to public parks and open outdoor recreation areas. However playgrounds may increase spread of COVID-19, and therefor shall be closed. Consistent with guidance issued by the Texas Attorney General, as of the date of this revised Ordinance, private golf courses may allow the playing of golf only if there are no equipment rentals, caddies, or other golf course personnel involved. Social distancing must be maintained. Grounds keeping may continue and food sales may continue consistent with the rules for restaurants. Tennis courts, and driving ranges shall remain closed.
 - d. **For certain types of work.** To perform work providing essential products and services at Essential Businesses or Operations (which, as defined below, includes Healthcare and Public Health Operations, Human Services Operations, Essential Government Functions, and Essential Infrastructure) or to otherwise carry out activities specifically permitted in this Emergency Order, including Minimum Basic Operations.
 - e. **To take care of others.** To care for a family member, friend, or pet in another household, and to transport family members, or pets as allowed by this Emergency Order.
 - f. **Religious Services.** If religious services cannot be conducted from home or through remote services, they should be conducted consistent with the Guidelines from the President and the CDC by practicing good hygiene, environmental cleanliness, and sanitation, and by implementing social distancing to prevent the spread of COVID-19.
9. **Elderly people and those who are vulnerable as a result of illness should take additional precautions.** People at high risk of severe illness from COVID-19, including elderly people and those who are sick, are urged to stay in their residence to the greatest extent possible except as necessary to seek medical care. Nothing in this Emergency Order shall be read to

contradict or prevent the state or county public health departments from issuing and enforcing isolation and quarantine orders pursuant to Chapter 81 of the Texas Health and Safety Code.

- 10. Healthcare and Public Health Operations.** For purposes of this Emergency Order, individuals may leave their residence to work for or obtain services through Healthcare or Public Health Operations.

Healthcare and Public Health Operations includes, but is not limited to: hospitals; clinics; dental offices; pharmacies; public health entities, including those that compile, model, analyze and communicate public health information; pharmaceutical, pharmacy, medical device and equipment, and biotechnology companies (including operations research and development, manufacture and supply chain); organizations collecting blood, platelets, plasma, and other necessary materials; reproductive health care providers; eye care centers, including those that sell glasses and contact lenses; home healthcare services providers; mental health and substance providers; other healthcare services; and entities that transport and dispose of medical materials and remains.

Specifically included in Healthcare and Public Health Operations are manufacturers, technicians, logistics, and warehouse operators and distributors of medical equipment, personal protective equipment (PPE), medical gases, pharmaceuticals, blood and blood products, vaccines, testing materials, laboratory supplies, cleaning, sanitizing, disinfecting or sterilization supplies, and tissues and paper towel products.

Healthcare and Public Health Operations also includes veterinary care and all healthcare services provided to animals.

Healthcare and Public Health Operations shall be construed broadly to avoid any impacts to the delivery of healthcare, as broadly defined. Healthcare and Public Health Operations does not include fitness and exercise gym, spas, salons and barber shops, tattoo parlors and similar facilities.

- 11. Human Services Operations.** For purposes of this Emergency Order, individuals may leave their residence to work for or obtain services at any Human Services Operations, including any provider funded by the Texas Department of Human Services, Texas Department of Children and Family Services, or Medicaid that is providing services to the public, including state-operated, institutional, or community-based settings providing human services to the public.

Human Services Operations includes, but is not limited to: long-term care facilities; day care centers, day care homes, group day care homes; residential settings and shelters for adults, seniors, children, and/or people with developmental disabilities, intellectual disabilities, substance use disorders and/or mental illness; transitional facilities; home-based settings to provide services to individuals with physical, intellectual, and/or developmental disabilities, seniors, adults, and children; field offices that provide and help to determine eligibility for

basic needs including food, cash assistance, medical coverage, child care, vocational services, rehabilitation services; developmental centers; adoption agencies; businesses that provide food, shelter, and social services, and other necessities of life for economically disadvantaged individuals, individuals with physical, intellectual, and/or developmental disabilities, or otherwise needy individuals.

Human Service Operations shall be construed broadly to avoid any impacts to the delivery of human services, broadly defined.

- 12. Essential Infrastructure.** For purposes of this Emergency Order, individuals may leave their residence to provide any services or perform any work necessary to offer, provision, operate, maintain and repair Essential Infrastructure.

Essential infrastructure includes, but is not limited to; food production, distribution, and sale; construction (including, but not limited to, construction required in response to this public health emergency, hospital construction of long-term care facilities, public works construction, and housing construction); building management and maintenance; airport operations; operation and maintenance of utilities, including water, sewer, and gas; electrical (including power generation, distribution, and production of raw materials); distribution centers; oil and biofuel refining; roads, highways, railroads and public transportation; ports; cybersecurity operations; flood control; solid waste and recycling collection and removal and internet, video, and telecommunications systems (including the provision of essential global, national, and local infrastructure for computing services, business infrastructure, communications, and web-based services).

Essential Infrastructure shall be construed broadly to avoid any impacts to essential infrastructure, broadly defined.

- 13. Essential Governmental Functions.** For purposes of this Emergency Order, all first responders, emergency management personnel, emergency dispatchers, court personnel, law enforcement and corrections personnel, hazardous materials responders, child protection and welfare personnel, housing and shelter personnel, military, and other governmental employees working for or to support Essential Businesses and Operations are categorically exempt from this Emergency Order.

Essential Government Functions means all services provided by the State, municipality, county, political subdivision or agency of government and needed to ensure the continuing operation of the government agencies or to provide for or support the health, safety, and welfare of the public, and including contractors performing Essential Government Functions and identified employees and/or contractors necessary to the performance of those functions.

This Emergency Order does not apply to the United States government. Nothing in this Emergency Order shall prohibit any individual from performing or accessing Essential Governmental Functions.

14. Businesses covered by this Emergency Order. For the purposes of this Emergency Order, covered businesses include any for-profit, non-profit, or educational entities, regardless of the nature of the service, the function it performs, or its corporate or entity structure. Houses of worship are included as businesses covered by this Emergency Order and are not exempted under the list of Essential Businesses.

15. Essential Businesses and Operations. For the purposes of this Emergency order, Essential Businesses and Operations means Healthcare and Public Health Operations, Human Services Operations, Essential Governmental Functions, and Essential Infrastructure, and the following:

- a. Stores that sell groceries and medicine.** Grocery stores, pharmacies, certified farmers' markets, farm and produce stands, supermarkets, convenience stores, and other establishments engaged in the retail sale of groceries, canned food, dry goods, frozen foods, fresh fruits and vegetables, pet supplies, fresh meats, fish, and poultry, alcoholic and non-alcoholic beverages, and any other household consumer products (such as cleaning and personal care products). This includes stores that sell groceries, medicine, including medication not requiring a medical prescription, and also that sell other non-grocery products, and products necessary to maintaining the safety, sanitation, and essential operation of residence and Essential Businesses and Operations;
- b. Food, beverage, and cannabis production and agriculture.** Food and beverage, manufacturing, production, processing, and cultivation, including farming, livestock, fishing, baking, and other production agriculture, including cultivation, marketing, production and distribution of animals and goods for consumption; licensed medical and adult use cannabis dispensaries and licensed cannabis cultivation centers; and businesses that provide food, shelter, and other necessities of life for animals, including animal shelters, rescues, shelters, kennels, and adoption facilities;
- c. Organizations that provide charitable and social services.** Businesses and religious and secular nonprofit organizations, including food banks, when providing food, shelter, and social services, and other necessities of life for economically disadvantaged or otherwise needy individuals, individuals who need assistance as a result of this emergency, and people with disabilities;
- d. Media.** Newspapers, television, radio, and other media services;
- e. Gas stations and businesses needed for transportation.** Gas stations and auto-supply, auto-repair, and related facilities and bicycle shops and related facilities;
- f. Financial institutions.** Banks, currency exchanges, consumer lenders, including but not limited, to payday lenders, pawnbrokers, consumer installment lenders and sales

finance lenders, credit union, appraisers, title companies, financial markets, trading and future exchanges, affiliates of financial institutions, entities that issue bonds, related financial institutions, and institutions selling financial products;

- g. Hardware supply store.** Hardware stores and businesses that sell electrical, plumbing and heating material;
- h. Critical trades.** Building and Construction Tradesman and Tradeswomen, and other trades including but not limited to plumbers, electricians, and exterminators, cleaning and janitorial staff for commercial and governmental properties, security staff, operating engineers, HVAC, painting, moving and relocation services, and other service providers who provide services that are necessary to maintaining the safety, sanitation, and essential operation of residences, Essential Activities, and essential Businesses Operations;
- i. Mail, post, shipping, logistics, delivery, and pick-up services.** Post offices and other businesses that provide shipping and delivery services, and businesses that ship or deliver groceries, food, alcoholic and non-alcoholic beverages, good or services to end users or through commercial channels;
- j. Educational institutions.** Educational institutions-including public and private pre-k-12 schools, colleges, and universities-for purposes of facilitating distance learning, performing critical research, or performing essential functions provided that social distancing of six-feet per person is maintained to the greatest extent possible. This Emergency Order does not amend or supersede any statewide closure or the authority of a district to determine it will remain closed;
- k. Laundry services.** Laundromats, dry cleaners, industrial laundry services and laundry service providers;
- l. Restaurants for consumption off-premise.** Restaurants and other facilities that prepare and serve food, but only for consumption off-premises, through such means as in-house delivery, third-party delivery, drive-through, curbside pick-up, and carry-out. Schools and other entities that typically provide food services to students or members of the public may continue to do so under this Emergency Order on the condition that the food is provided to students or members of the public on a pick-up and takeaway basis only. Schools and other entities that provide food services under this exemption shall not permit the food to be eaten at the site where it is provided, or at any other gathering site due to the virus's propensity to physically impact surfaces and personal property;
- m. Supplies to work from home.** Businesses that sell, manufacture, or supply products needed for people that work from home;

- n. **Supplies for Essential Businesses and Operations.** Businesses that sell, manufacture, or supply other Essential Businesses and Operations with the support or materials necessary to operate, including computers, audio and video electronic, household appliance; IT and telecommunication equipment; hardware, paint, flat glass; electrical, plumbing and heating material; sanitary equipment; personal hygiene products; food, food additives, ingredients and components; medical and orthopedic equipment; optics and photography equipment; diagnostics, food and beverages, chemicals soaps and detergent; and firearm and ammunition suppliers and retailers for purposes of safety and security;
- o. **Transportation.** Airlines, taxis, transportation network providers (such as Uber and Lyft), vehicle rental services, paratransit, and other private, public, and commercial transportation and logistics providers necessary for Essential Activities and other purposes expressly authorized in this Emergency Order;
- p. **Home-based care and services.** Home-based care for adults, seniors, children, and/or people with developmental disabilities, intellectual disabilities, substance use disorders, and/or mental illness, including caregivers such as nannies who may travel to the child's home to provide care, and other in-home services including meal delivery;
- q. **Residential facilities.** Residential facilities and shelters for adults, seniors, children, and/or people with developmental disabilities, intellectual disabilities, substance use disorders, and/or mental illness;
- r. **Professional services.** Professional services, such as legal services, accounting services, insurance services, real estate services (including appraisal and title services). Open houses shall observe social distancing rules;
- s. **Day care centers for those providing essential services as defined by this Emergency Order;**
- t. **Manufacturing, distribution, and supply chain for critical products and industries.** Manufacturing companies, distributors and supply chain companies producing and supplying essential products and services in and for industries such as pharmaceutical, technology, biotechnology, healthcare, chemicals and sanitization, waste pickup disposal, agriculture, food and beverage, transportation, energy, steel and steel products, as well as products used by other Essential Businesses and Operations;
- u. **Hotels and motels.** Hotels and motels, to the extent used for lodging and delivery or carry-out food services;

- v. **Funeral services.** Funeral, mortuary, cremation, burial, cemetery, and related services;

16. Minimum Basic Operations. For the purposes of this Emergency Order, Minimum Basic Operations include the following, provided that employees comply with Social Distancing Requirements, to the extent possible, while carrying out such operations:

- a. The minimum necessary activities to maintain the value of the business's inventory, preserve the condition of the business's physical plant and equipment, ensure security, process payroll and employee benefits, or for related functions.
- b. The minimum necessary activities to facilitate employees of the business being able to continue to work remotely.

17. Essential Travel. For the purposes of this Emergency Order, Essential Travel includes travel for any of the following purposes. Individuals engaged in any Essential Travel must comply with all Social Distancing Requirements as defined in this Section.

- a. Any travel related to the provision of or access to Essential Activities, Essential Governmental Functions, Essential Businesses and Operations, 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 service.
- d. Travel to return to a place of residence from outside the jurisdiction.
- e. Travel required by law enforcement or court order, including to transport children pursuant to a custody agreement.
- f. Travel required for non-residents to return to their place of residence outside the City.

18. Social Distancing Requirements. For purposes of this Emergency Order, Social Distancing Requirements includes maintaining at least six-foot social distancing from other individuals, washing hands with soap and water for at least twenty seconds as frequently as possible or using hand sanitizer, covering coughs or sneezes (into the sleeve or elbow, not hands), regularly cleaning high-touch surfaces, and not shaking hands.

- a. **Required measures.** Essential Businesses and Operations and businesses engaged in Minimum basic Operations must take proactive measures to ensure compliance with Social Distancing Requirements, including where possible;

- i. **Designate six-foot distances.** Designating with signage, tape, or by other means a six-foot spacing for employees and customers in line to maintain appropriate distance;
 - ii. **Hand sanitizer and sanitizing products.** Having hand sanitizer and sanitizing products readily available for employees and customers;
 - iii. **Separate operating hours for vulnerable populations.** Implementing separate operating hours for elderly and vulnerable customers; and
 - iv. **Online and remote access.** Posting online whether a facility is open and how best to reach the facility and continue services by phone or remotely.
19. Any peace officer or other person with lawful authority is hereby authorized to enforce the provisions of this local Ordinance in accordance with Section 1.01.009 of the City Code or Ordinances. A fine or penalty for the violation of a rule, ordinance or police regulation that governs public health may not exceed \$2,000 (\$2,000.00).
20. Any peace officer or other person with lawful authority is further authorized to enforce the provisions of the Ordinance in accordance with the authority granted under the Texas Disaster Act of 1975, as applicable, which allows a fine not to exceed \$1000.00 and confinement not to exceed 180 days pursuant to Government Code 418.173.
21. The Mayor, Local Health Authority and Director of Health may update restrictions set out in this Exhibit as necessary to respond to the evolving circumstances of this outbreak during the duration of the Mayor's Declaration of Public Health Emergency and any extension by the City Council.
22. Any portion of this order that restricts an essential service or permits a non-essential service that conflicts with any order of the Governor or the Bexar County Judge shall be superseded by those provisions of the Governor or County Judge orders accordingly. However, nothing herein should be read to prohibit the City from enacting and enforcing orders that are more strict than the State or County where permitted by the Constitution as a home-rule municipality of the State of Texas and such authority is explicitly reserved herein.