

(REVISED) ORDER NO. 2020- 02

(REVISED) ORDER OF THE MAYOR OF THE CITY OF MCALLEN TEMPORARILY ESTABLISHING EMERGENCY REGULATIONS RELATED TO PUBLIC HEALTH, INCLUDING REQUIRED MEASURES FOR BARS, RESTARUANTS, GAS STATIONS, PUBLIC TRANSIT, THEATERS AND RESTRICTIONS ON COMMUNITY GATHERINGS; PROVIDING FOR ENCORCEMENT; AND PROVIDING FOR SEVERABILITY.

WHEREAS, COVID-19 (coronavirus) is a contagious respiratory virus that can spread from person to person, especially in group settings; and

WHEREAS, COVID-19 has been declared a pandemic by the World Health Organization; and

WHEREAS, the United States Federal Government declared a national emergency on March 13, 2020 due to COVID-19; and

WHEREAS, Governor Abbot declared a State of Disaster in Texas on March 13, 2020, due to COVID-19 and an Executive Order on March 19, 2020; and

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

WHEREAS, it is necessary to take additional steps to prepare for, respond to and mitigate the spread of COVID-19 to protect public health and welfare; and

WHEREAS, the Centers on Disease Control and Prevention (“CDC”) recommends an “all of Community” approach focused on slowing transmission of COVID-19 through social distancing to reduce illness and death, while minimizing social and economic impacts; and

WHEREAS, due to the substantial risks to the public, this Order prohibits Community Gatherings of 10 persons or more anywhere in the City of McAllen beginning at 5:00 PM on March 19, 2020, and continuing until further notice, unless terminated or modified by another Order;

NOW, THEREFORE, I, MAYOR OF THE CITY OF MCALLEN, PURSUANT TO THE AUTHORITY VESTED BY TEXAS GOVERNMENT CODE CHAPTER 418, HEREBY FIND AND ORDER:

Section 1. THIS ORDER SUPERSEDES THE ORDER ISSUED ON MARCH 17, 2020 REGARDING COMMUNITY GATHERINGS.

Section 2. 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 Mayor and made a part hereof for all purposes.

Section 3. This order is intended to be in addition to those orders issued by Governor Abbott on today's date. To the extent this order may be inconsistent with any orders issued by the Governor, the more restrictive order shall apply.

Section 4. Effective as of 5:00 PM on Thursday, March 19, 2020, and continuing until and unless terminated or modified by a further Order, the Mayor of McAllen, Texas deems it in the public interest to **ORDER** the following MANDATORY restrictions in accordance with Section 122.006 of the Texas Health and Safety Code and other applicable laws and regulations:

1. Restaurants are limited to curbside, to-go and drive thru food service only. Restaurants will be allowed to designate one or more parking spaces for curbside delivery.
2. Conditional use permits for businesses designated as bars are hereby suspended until further notice.
3. Hotels are required to completely sanitize all touch surfaces before check-in for each individual room.
4. All Short-Term Rentals are required to completely sanitize all touch areas within the unit and sanitize all glassware, plates, serving ware, silverware and cooking utensils.
5. Disposable utensils and serving dishes must be used in place of reusable glassware.
6. Self-Service drink dispensers are closed in ALL businesses.
7. Straws of any type are not allowed.
8. Tabletop/ self-service condiment stations are not allowed.
9. Movie theaters and churches will limit attendance to less than 10 people and will institute social distancing of a minimum space of 6 feet apart.
10. Gas Stations must sanitize the self-service portions of the equipment at a minimum every hour, preferably after each service. Sanitizer must be available at or near the pumps.
11. McAllen Metro must restrict the available ridership by 50% of the available seats and will institute social distancing between riders. McAllen Metro shall sanitize the bus before the start of any route.
12. There shall be no social gatherings of more than 10 persons.

Section 5. That peace officers, City of McAllen Health and Code Compliance Officers, and the McAllen Fire Marshal are hereby authorized to enforce this order. A violation of this Order is a Class C Misdemeanor punishable by a fine not to exceed \$500 in accordance with McAllen Code of Ordinances Section 1-14.

Section 6. The City of McAllen 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 7. 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 on this the 19th day of March 2020.

CITY OF McALLEN, TEXAS

By: /s/ James E. Darling
James E. Darling, Mayor

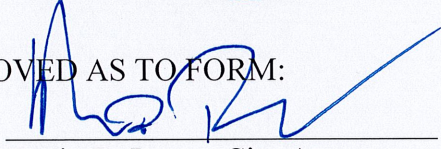
ATTEST:

By:



Yesenia Rodriguez, TRMC
Deputy City Secretary

APPROVED AS TO FORM:



Kevin D. Pagan, City Attorney