

ORDINANCE No. 2020-18

An Ordinance of The City Council of The City of Leon Valley Amending Ordinance 2020-15 Declaration of Local Disaster; Establishing Definitions, Rules and Regulations for The Duration of The Disaster; Restricting Certain Activities; Establishing Penalties for Violations.

WHEREAS, on March 13, 2020, the Mayor has 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, on March 17, 2020, the City Council of Leon Valley adopted a 30-day extension of the emergency Declaration of Local Disaster by passage of Ordinance Number 2020-15; and

WHEREAS, Ordinance Number 2020-15, included an Exhibit "A" entitled "COVID-19 Public Health Emergency Rules and Regulations;" and

WHEREAS, since the passage of Ordinance Number 2020-15, Bexar County Commissioners Court issued a county wide "Stay Home, Work Safe Order"; and

WHEREAS, the City Council finds it necessary to amend Ordinance 2020-15 Declaration of Local Disaster Exhibit A by amendment to Exhibit A.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LEON VALLEY, TEXAS:

Section one. Ordinance Number 2020-15, shall remain in full force and effect subject to the amendments to Exhibit "A" as set out in **Section two** immediately below.

Section two. Exhibit "A" entitled "COVID-19 Public Health Emergency Rules and Regulations are hereby amended as follows:

1. No change to paragraph one (1).
2. Paragraph 2 is amended by replacing the existing language with the language set out in italics (*italics*) immediately below:

All businesses shall be subject to the stay home, work safe order set out in paragraph 3.

3. Paragraph 3 is amended by replacing the existing language with the language set out in italics (*italics*) immediately below:

Stay Home, Work Safe Order:

The Mayor and City Council are ordering all individuals living within Leon Valley to stay home and only leave their home to visit exempt facilities as listed in Paragraph 9. Even though there are exceptions listed in Paragraph 9, this Ordinance also prohibits, except as provided below and in Paragraph 5 and 8, all other indoor public and private gatherings, outdoor gatherings within an enclosed space of ten (10) persons or more, and outdoor gatherings in open spaces where social distancing is not being practiced anywhere in the City of Leon Valley.

All individuals should remain home, except for when securing healthcare, purchasing food and basic supplies, exercising outdoors, or working to provide these basic supplies to the public. All public and private gatherings consisting of anyone other than a person's own household or family are prohibited. This ordinance does not keep the public from visiting any Exempt Business found in Paragraph 9 below, but social distancing shall be maintained at all times.

People who are sick should stay home and not engage in any activity outside of their residence unless related to treatment or healthcare. If someone in a household has tested positive for COVID-19, then the other members of the household should consider themselves positive if they become symptomatic and follow the current guidelines and procedures in place for isolation and quarantine.

Subject to the definitions and further guidance set out below, all persons currently residing within Leon Valley are hereby ordered to stay home ("Stay Home, Work Safe Orders"). All persons may only leave their residences to engage in allowable activities which shall include exempted activities or exempted business (as defined below) but must implement all social distancing requirements and adopt other mitigating measures. All public or private gatherings of any number of people occurring outside a single household are hereafter prohibited, except as otherwise provided herein. Nothing in this Ordinance prohibits the gathering of members within a household.

With the exception of exempted businesses, as defined below, all non-exempt businesses operating within Leon Valley are required to cease all activities at any facility within the City limits. Notwithstanding the above requirements to cease all activities, this prohibition shall not extend to: employees or contractors performing activities at their own residence; working from home or operation of a home-based business regardless of

whether it constitutes an exempted business; operations to maintain security, upkeep, and maintenance of premises, equipment, animals housed on the premises, or inventory; or IT or other operations that facilitate employees working from home.

4. Paragraph 4 - is amended by adding the language as set out in italics (*italics*) immediately below:

To ensure the health and safety of the public and staff, with regards to Leon Valley municipal buildings it is ordered as follows: (i) the physical facilities of the City of Leon Valley are hereby ordered closed to the public. This includes City Administration, City Hall, Planning and Zoning, Municipal Court, City Cashiers, City Library and the Senior Center; (ii) although physically closed, all the offices will continue to assist the public with information, answer phones, emails, and process payments remotely either online or by telephone; (iii) municipal court will reset the court dates of all pending traffic citations in accordance with the judge's instructions; (iv) all future City Council and board and commission meetings shall be cancelled or conducted by telephone conference or video conferencing pursuant to Texas Government Code Section 551.125 as modified by Governor Greg Abbott on March 16, 2020, suspension of certain sections of the Texas Open Government; the city park restrooms, basketball courts, tennis courts, park fitness equipment, and playground equipment shall remain closed for the duration of this Ordinance; and all police and fire service responses will continue uninterrupted.

5. No Change to paragraph 5.

6. Paragraph 6 is amended by replacing the existing language with the language set out in italics (*italics*) immediately below:

For all other gatherings, it is required that social distancing protocols and public health recommendations established by the United States Centers for Disease Control and Prevention (CDC) and found online at <https://www.cdc.gov/coronavirus/2019-ncov/>, including canceling, rescheduling, or not attending mass gathering events with more than ten (10) persons, and it must be followed at all times. Outdoor activities in city parks and other outdoor recreational facilities are permitted, as long as non-family visitors are not within social distances of one another.

7. No Change to paragraph 5.

8. Paragraph 8 is amended by replacing the existing language with the language set

out in italics (*italics*) immediately below:

*For the purpose of this Ordinance the terms set out in bold font (**bold font**) shall have the definitions assigned to each as follows:*

High-Risk Populations: *means people who:*

- are 60 years old and older;*
- have certain health conditions: such as heart disease, lung disease, diabetes, kidney disease and weakened immune systems;*
- are pregnant or were pregnant in the last two weeks; and*
- are experiencing homelessness.*

Mass Gathering: *means any event or convening, subject to the exceptions and clarifications below, that brings together or is likely to bring together ten (10) people or more persons at the same time in a single room or other single confined or enclosed space, such as, by way of example and without limitation, an auditorium, theatre, stadium (indoor or outdoor), arena or event center, meeting hall, conference center, large cafeteria, or any other confined indoor or confined outdoor space. Business establishments identified herein under **Food, Household Staples and Retail** are exempt from the mass gathering requirements, as long as the business takes appropriate measures to ensure and enforce social distancing and sanitary measures to help prevent the spread of the virus.*

(a) A “Mass Gathering” includes events in confined outdoor spaces, which means an outdoor space that (i) is enclosed by a fence, physical barrier, or other structure and (ii) where people are present and they are within the social distance of one another for extended periods.

(b) This Ordinance does not prohibit gatherings of 10 or more people in multiple, separate enclosed spaces in a single building such as a multiplex movie theater or office building, so long as social distancing is maintained at all times.

Social Distance: *means a set of nonpharmaceutical infection control actions intended to stop or slow down the spread of a contagious disease. The social distance recommended by the Center for Disease Control at this time is a minimum of six feet (6’) between people.*

Temporary Sign: *a temporary sign is defined in the Leon Valley Code of Ordinances Sec. 3.04.002 as, “Any sign, banner, valance or commercial display constructed of cloth, canvas, light fabric, cardboard, wallboard, or other light materials, with or without frames, and not permanently mounted.”*

9. Paragraph 9 is added with the language set out in italics (*italics*) immediately below:

(a) *For the purposes of this Ordinance Exempted Activities are defined as follows:*

Health and Safety Activities: *For example, to engage in activities or perform task essential to their health and safety, or to the health and safety of their family or household members (i.e. obtaining food, medical supplies or medication, visiting a health care professional, or obtaining supplies needed to work from home) or to care for a family member or pet in another household.*

Necessary Supplies: *To obtain necessary services or supplies for themselves and their family or household members, or to deliver those services or supplies to others (for example, food, pet supply, and any other household consumer products, and products necessary to maintain the safety, sanitation, and essential operation of residences.*

Outdoor Activity: *To engage in activity in an outdoor open space, such as walking, biking, hiking, or running, provided the individuals comply with social distancing requirements of six feet or more.*

Work at an Exempted Business: *Activities necessary to work at or conduct an exempted business or to otherwise carry out activities specifically permitted in this Ordinance.*

(b) *For the purposes of this Ordinance Exempted Businesses are defined as follows:*

Childcare Services: *includes childcare facilities providing services that enable employees exempted in this Ordinance to work as permitted.*

CISA Sectors: *includes all business and operations necessary to the operations and maintenance of the 16 critical infrastructure sectors as identified by the National Cybersecurity Infrastructure Agency (CISA), and outlined at <https://www.cisa.gov>.*

Education and Research: *includes educators or other personnel supporting public and private K-12 schools, colleges, and universities for purpose of facilitating distance learning or performing other functions in support of Exempted Individual Activities or Exempted Businesses and*

companies engaged in science or engineering research and development.

Financial Institutions and Insurance Services: *includes banks, credit unions, and other financial institutions and service providers as well as companies providing insurance services and products.*

Food, Household Staples and Retail: *includes food service providers, grocery stores, big-box stores, liquor stores, bodegas, gas stations, and farmers' markets that sell food products and household staples for pickup or businesses that ship or deliver groceries, food, goods, or services directly to residences. Nothing shall restrict employees supporting pick-up or delivery under this exception so long as there is sufficient space to implement social distancing. Restaurants, prepared food retailers, microbreweries, micro-distilleries, wineries and other facilities that prepare and serve food or alcohol may **operate but only for delivery, curbside pickup or carry out**. Schools and other entities that typically provide free services to students or members of the public are authorized on a pick-up/take away basis.*

Funeral Services: *includes funeral homes, crematoriums and cemeteries.*

Governmental Functions: *include those services provided by local governments needed to ensure the continuing operation of the governmental agencies to provide for the health, safety, and welfare of the public including law enforcement and operations of jails and detention facilities, solid waste collection, fire and emergency medical services or otherwise necessary for health and safety of residents.*

Healthcare Services: *includes healthcare operations, including hospitals, clinics, dentists. Pharmacies, pharmaceutical and biotechnology companies, other healthcare facilities, healthcare suppliers, mental health providers, substance abuse service providers, blood banks, medical research, laboratory services, or any related and/or ancillary healthcare services. Home-based and residential-based care for seniors, adults, or children are also considered healthcare operations. Healthcare operations also includes veterinary care and all healthcare services provided to animals. This exemption shall be reviewed broadly to avoid any impacts too the delivery of healthcare.*

Infrastructure, Development, Operation and Construction: *this activity includes public works construction, construction of housing or other types of construction including commercial, manufacturing, maintenance or repair, water, sewer, gas, electrical, oil refining, roads and highway*

construction and repair, public transportation, solid waste collection and removal, internet, and telecommunications systems (including the provision of essential global, national, and local infrastructure for computing services, business infrastructure, communications, and web-based services).

IT Services: include business and activity necessary to maintain internet and telecommunication systems, including the provision of essential global, national, and local infrastructure for computing services, business infrastructure, communications, and web-based services.

News Media: includes newspapers, television, radio and other media services.

Services to Economically Disadvantaged Populations: includes transit services, nonprofits and other businesses that provide food, shelter, and social services, and other necessities of life for economically disadvantaged or otherwise needy individuals.

Services Necessary to Maintain Residences or Support Exempt Businesses: includes hotels and other temporary residence facilities, laundromats, dry cleaners, laundry services, trash and recycling collection, processing and disposal of trash, mail and shipping services, building cleaning, building maintenance, warehouse distribution and fulfillment, and storage for essential businesses. This shall include plumbers, electricians, exterminators, and other service providers who provide services that are necessary to maintaining the safety, sanitation, and essential operations of residences, essential activities, and exempted businesses. Professional services, such as legal or accounting services, when necessary to assist with compliance with legally mandated activities.

Transportation: Businesses related to the operation, maintenance, construction, and manufacture of transportation services. For example, vehicle manufacturers, automotive suppliers and parts departments, car dealerships, parts distributors, maintenance and repair facilities, public transportation, business supporting operations, street and highway maintenance and construction, gas stations, other fuel distribution business, and vehicles for hire including taxis and rideshare.

Worship Services: religious and worship services may only be provided by video, teleconference or other remote measures.

10. Paragraph 10 is added to amend the second to last paragraph in Exhibit "A" by replacing that language with the language set out in italics (*italics*) immediately below:

During the effective period of this Ordinance water service for the City of Leon Valley water customers shall not be disconnected for non-payment. This ordinance does not enjoin the San Antonio Water System to do the same. In addition, penalty fees, water discontinuation fees, service fees, and credit card processing fees incurred for water or municipal court payments made online or by telephone shall be waived during the period this Ordinance is in effect.

11. Paragraph 11 is added to amend the last paragraph in Exhibit "A" by replacing that language with the language set out in italics (*italics*) immediately below:

The restrictions set out in this Ordinance may be updated by amendment to this Ordinance, 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 Leon Valley City Council.

12. Paragraph 12 is added with the language set out in italics (*italics*) immediately below:

During the effective period of this Ordinance no more than two temporary signs advertising Leon Valley businesses shall be allowed within one hundred (100) feet of the establishment. The permit fee shall be waived for these temporary signs. All temporary signs must comply with the following:

- (a) Signs shall not exceed 24" by 32" in size. Irregular shaped signs shall fit in a 24" by 32" rectangle; the total height shall not exceed 36" in height from ground level. Signs may be two-dimensional only and shall be of a nonreflective surface.*
- (b) A minimum of five-foot (5') spacing must be maintained between each temporary sign of different advertisers.*
- (c) Signs must be self-supporting and placed into the ground by a single stake or metal portable frame.*
- (d) No temporary sign shall be permitted on a utility pole, streetlight pole, sign pole, fence, tree or other man-made [or] natural feature.*
- (e) No sign may be placed closer than twenty-five feet (25') from a street intersection or median opening. Any temporary sign determined to be in a location that causes an immediate hazard to public safety will be immediately removed by the city.*
- (f) Signs shall be no closer than three feet (3') from the edge of the*

sign to the street curb or, if no curb is present, to the edge of the pavement. Signs shall not encroach on either sidewalks or streets.

(g) No signs shall be placed in island medians or esplanades.

(h) No signs shall be placed further than one-hundred feet (100') from the location of the sale of the good, product, service, or business being advertised.

Section three. These amendments to Ordinance Number 2020-15, become effective at 9:00 p.m. on Friday, March 27, 2020, and continues in effect until April 17, 2020, unless extended, rescinded, superseded, or amended consistent with requirements of state law.

Section four. This Ordinance shall be in force and effect from and after its final passage, and any publication required by law.

PASSED, ADOPTED AND APPROVED by the City Council of the City of Leon Valley this the 25th day of March 2020.

APPROVED



CHRIS RILEY
MAYOR

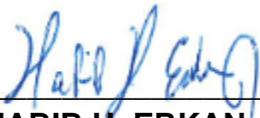
Attest:



SAUNDRA PASSAILAIGUE, TRMC
City Secretary



Approved as to Form:



HABIB H. ERKAN, JR.
City Attorney

EXHIBIT A
COVID-19 Public Health Emergency Rules and Regulations

1. The virus that causes COVID-19 is easily transmitted, especially in group settings, and it is essential that the spread of the virus be slowed to protect the ability of public and private health care providers to handle an influx of patients and safeguard public health and safety.
2. Because of the risk of the rapid spread of the virus, and the need to protect the most vulnerable members of the community, this Declaration prohibits the operation of the following:
 - (a) restaurants (except take out and drive thru service);
 - (b) bars or any establishment that primarily serves alcoholic beverages for on premise consumption;
 - (c) bowling alleys;
 - (d) gyms and fitness centers; and
 - (e) skating rinks.
3. Because of the risk of the rapid spread of the virus, and the need to protect the most vulnerable members of the community, this Declaration prohibits, except as provided in Section 5, all other indoor public and private gatherings and outdoor gatherings within an enclosed space of 10 persons or more anywhere in the City of Leon Valley.
4. Additionally, with regards to municipal buildings it is ordered as follows: (i) the City Library and Senior Center shall be closed immediately; (ii) the Municipal Courts shall be immediately closed during the effectiveness of this order; and resetting of court dates shall be resolved by the municipal judge; (iii) all future City Council and board and commission meetings shall be conducted by telephone conference pursuant to Texas Government Code Section 551.125 as modified by Governor Greg Abbott on March 16, 2020, suspension of certain sections of the Texas Open Government; and city park restrooms shall remain closed.
5. Sections 2, 3, and 4 shall be effective beginning at 9:00 p.m. on Wednesday, March 18, 2020, and continuing for 30 days, unless extended consistent with requirements of state law.
6. For all other gatherings, it is strongly recommended that social distancing protocols established by the United States Centers for Disease Control and Prevention (CDC) and found within the "Implementation of Mitigation Strategies for Communities with Local COVID-19 Transmission" issued by the United States Centers for Disease Control and Prevention ("CDC") on or around March 11, 2020 (available online at www.cdc.gov/coronavirus/2019ncov/downloads/community-mitigation-strategy.pdf)>., including canceling, rescheduling, or not attending events with more than 50 persons.
7. Further, organizations that serve high-risk populations (defined below) should follow CDC guidance for social distancing.

8. Definitions and further guidance:

- (a) For purposes of this Declaration, a "Mass Gathering" is any event or convening, subject to the exceptions and clarifications below, that brings together or is likely to bring together ten people (10) or more persons at the same' time in a single room or other single confined or enclosed space, such as, by way of example and without limitation, an auditorium, theatre, stadium (indoor or outdoor), arena or event center, meeting hall, conference center, large cafeteria, or any other confined indoor or confined outdoor space.
- (b) A "Mass Gathering" includes events in confined outdoor spaces, which means an outdoor space that (i) is enclosed by a fence, physical barrier, or other structure and (ii) where people are present and they are within arm's length of one another for extended periods.
- (c) However, this Declaration does not prohibit:
 - i. gatherings of people in multiple, separate enclosed spaces in a single building such as a multiplex movie theater, so long as 10 people are not present in any single space as the same time. This Declaration also does not prohibit
 - ii. use of enclosed, spaces where 10 or more people may be present at different times during the day, so long as 10 or more people are not present in the space at the same time.

For any gathering covered by this subsection c., compliance with Social Distancing Recommendations, including providing hand sanitizer and tissues and increasing cleaning of commonly touched surfaces is strongly encouraged.

- (d) For purposes of clarity, a "Mass Gathering" does not include the following:
 - i. public or private schools;
 - ii. places of worship;
 - iii. museums (so long as visitors are generally not within arm's length of one another for extended periods);
 - iv. grocery stores, shopping malls, outdoor markets, 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
 - v. funeral home; provided numbers of persons present are limited so those present are not within arm's length of one another for extended periods.

In all such settings, it is recommended that the public follow Social Distancing Recommendations, and harm reduction measures such as hand sanitizer and tissues should be provided when possible. However, any specific large gathering space that is part of any building included in this subparagraph d. is subject to the prohibition on Mass Gatherings if the space holds 500 or more people.

(e) "High-Risk Populations" include people who are:

- 60 years old and older;
- People with certain health conditions such as heart disease, lung disease, diabetes, kidney disease and weakened immune systems;
- People who are pregnant or were pregnant in the last two weeks.
- People experiencing homelessness.

6. During the effective period of this Exhibit water service shall not be disconnected for non-payment.

7. The restrictions set out in this Exhibit may be updated by amendment to this declaration, 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 Leon Valley City Council.