

PROCLAMATION

**PROCLAMATION AND CONTINUED DECLARATION OF EMERGENCY
BY
MAYOR AND COUNCIL OF THE CITY OF DOUGLAS, ARIZONA
June 23, 2020**

Face Coverings in Public Spaces

WHEREAS, the City of Douglas remains under state of emergency that was declared on March 11, 2020, in response to the spread of the corona virus (COVID-19); and

WHEREAS, the City has been working with federal, state, and local governmental authorities; and with schools, businesses, non-profits, medical establishments, and faith-based groups within the City to combat and reduce the spread of the COVID-19 virus and to assist our community and its citizens with the effects of the COVID-19 contagion; and

WHEREAS, the Governor of the State of Arizona, Douglas A. Ducey on May 12, 2020, issued Executive Order 2020-36, Stay Healthy, Return Smarter, Return Stronger, outlining requirements for businesses to assist in mitigating the spread of COVID-19 as they reopened and mandating that businesses adopt policies consistent with guidance from the CDC and the ADHS; and

WHEREAS, since the time, many individuals and businesses have demonstrated great responsibility in taking precautions when out in public to mitigate the spread of COVID-19 while attending to their daily activities and needs; and

WHEREAS, the Governor of the State of Arizona, Douglas A. Ducey on June 17, 2020, issued Executive Order 2020-40 providing that a County, City, or Town may adopt and enforce policies requiring wearing a mask covering their mouth and nose ("face covering") for the purpose of mitigating the spread of COVID-19; and

WHEREAS, the use of face coverings within the City of Douglas will help build public confidence in the continued and safe reopening of the Arizona economy; and

WHEREAS, pursuant to A.R.S. §26-311 the Mayor of the City of Douglas has determined that there continues to be a risk to the safety of people and property;

NOW, THEREFORE, I, Donald C. Huish, Mayor of the City of Douglas, Arizona on behalf of the City Council, do hereby proclaim in accordance with the State of Arizona Executive Order 2020-40, in addition to the prior Proclamation of Emergency dated March 16, 2020, do hereby proclaim and declare to the People of the City of Douglas as follows:

1. Effective June 23, 2020 at 12:01 p.m., all persons within the City of Douglas shall wear a face covering as follows:
 - a. When entering, exiting, or waiting in line to enter a place of business that is open to the public, and while inside a place of business as to the areas within the place of business that are accessible to, and are intended for the use of, the public:
 - i. For purposes of this Proclamation, "place of business" means any facility, building, or structure operated by or for a business engaged in the sale or other transaction of any kind for

anything of value in exchange for goods, commodities, services, or temporary lodging and that is open to the general public or by appointment, and includes, but is not limited to, grocery stores, retail stores, pharmacies, health care facilities, restaurants and bars (including outdoor seating for such facilities), hotels and motels (excluding the rented room or suite), gyms and similar facilities; but excluding religious facilities.

- b. In any public transportation such as a bus or other public transit vehicle, a taxi or ride-sharing vehicle or any other vehicle for hire, or at a transit stop or waiting area for any public transportation.
 - c. In any outdoor space or outdoor place where or when a person is unable to maintain or does not maintain physical separation of not less than six feet from others not within their frequent and common association group or unit.
2. All places of business shall require all employees that interact with the public to wear a face covering; and all places of business shall only sell or otherwise enter into any transaction of any kind for anything of value in exchange for goods, commodities, services, or provide temporary lodging to those who comply with this Proclamation. Any manager, owner, or person in charge of a place of business who fails or refuses to comply with this Proclamation is in violation of this Proclamation.
3. The requirement to wear a face covering through this Proclamation does not apply to the following individuals or entities, or in the following situations:
- a. Any individual who cannot wear a face covering because of a medical condition, mental health condition or development disability, or who is unable to remove the face covering without assistance, and any individual who should not wear face coverings under the CDC guidance. Any individual is not required to produce medical documentation of the condition or disability, provided an employer may require such documentation from an employee in accordance with state and federal law.
 - b. Individuals under 6 years old.
 - c. Restaurant and bar patrons while eating or drinking. If a patron is not seated at their table or at the bar, a face covering is required.
 - d. School and school districts and individuals (including students and teachers) on or in school or school district facilities, so that schools and school districts may follow the regulations and guidelines promulgated by their governing bodies and the Arizona Department of Education. For this Proclamation, "school or school districts" means any public, private, or charter school or institution that provides education for any or all of the following grades or education: kindergarten through twelfth grade.
 - e. In setting where it is not practicable or feasible to wear a face covering such as when receiving dental services, medical treatments, or while swimming.
 - f. Walking or exercising outdoors so long as physical separation of not less than six feet is maintained, or while walking or exercising outdoors with individuals within their frequent and common association group or unit.
 - g. While actually engaged in exercising in a gym or other similar indoor facility so long as physical separation of not less than six feet is maintained and the individual wears a face covering at all times when not actually engaged in exercising.
 - h. When an individual is in their work office, conference room, or other workspace not intended for use by the general public.
 - i. Individuals while acting in their official capacity as a public safety employee or emergency responder when wearing a face covering would interfere with or limit their ability to carry out their official duties or functions. These include peace officers, firefighters, and other public safety or emergency medical personnel that support public safety operations.
 - j. Individuals complying with the directions of public safety employees or emergency responders as described in 3(i).
 - k. As part of a religious ceremony or service or individuals whose sincerely held religious beliefs, as defined under state law, would be substantially burdened by the requirement to wear a face covering.

4. For the purposes of this Proclamation, "face covering" means a piece of cloth, fabric, or other material that fully covers the mouth and nose and that is secured with ear straps or otherwise tied so as to prevent slipping. A face covering may be factory-made or may be handmade and improvised from household materials. Face coverings include, but are not limited to, bandanas, scarfs, medical masks, and cloth masks; and also include respirators, N95 masks or other personal protective equipment that provides a higher level of protection than a face covering defined in this section. A face covering shall be worn so as to cover the mouth and nose in compliance with the CDC's guidance on wearing face coverings.
5. Enforcement of this Proclamation shall focus first on educating on the dangers of community spread of COVID-19 and promoting best public health practices to achieve the goal this Proclamation to mitigate the spread of COVID-19. Any individual or business violating the provisions of this Proclamation shall first be notified of these provisions and given an opportunity to comply before any enforcement action is taken. After such notification and opportunity to comply, any person or business who violates this Proclamation is in violation of this Proclamation and the Douglas Municipal Code and may be subject to civil penalty of not more than \$50.
6. This Proclamation (and the Declarations of Emergency and of the City of Douglas issued on April 8, 2020, to the extent they do not conflict with this Proclamation or the Arizona Governor's Executive Orders) shall remain in full force and effect for the duration of the COVID-19 Public Health Emergency or until lawfully amended or terminated.



IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City of Douglas to be affixed this 23rd day of June, 2020.



Donald C. Huish, Mayor