



# City of Flagstaff

## CITY OF FLAGSTAFF THIRD PROCLAMATION OF THE MAYOR UNDER DECLARATION OF EMERGENCY DATED MARCH 15, 2020

**WHEREAS**, on March 15, 2020, the Mayor of the City of Flagstaff, Coral J. Evans, proclaimed that a local emergency exists in the City of Flagstaff (“Declaration of Local Emergency”); and

**WHEREAS**, the Mayor of the City of Flagstaff pursuant to City Code Section 1-22-001-0002, A.R.S. §26-311.B, and the Declaration of Local Emergency has the authority to govern by proclamation and impose all necessary regulations to preserve the peace, health, and order of the City; and

**WHEREAS**, on March 16, 2020, the Mayor of the City of Flagstaff issued a proclamation (“March 16 Proclamation”) closing certain business establishments to mitigate the spread of COVID-19; and

**WHEREAS**, on March 26, 2020, the Mayor of the City of Flagstaff issued a proclamation (“March 26 Proclamation”) closing additional business establishments to mitigate the spread of COVID-19; and

**WHEREAS**, all provisions of the Mayor’s Declaration of Local Emergency, March 16 Proclamation, and March 26 Proclamation not otherwise preempted by the Executive Order 2020-36 issued by Governor Douglas A. Ducey are still in full force and effect; and

**WHEREAS**, as of June 13, 2020, the Coconino County Health and Human Services Department confirmed 419 presumptive positive cases of COVID-19 in the City of Flagstaff, Arizona; and

**WHEREAS**, the COVID-19 pandemic and outbreak is an immediate threat to life, public health, safety, welfare, and economic viability which constitutes a continuing local emergency; and

**WHEREAS**, the Mayor of the City of Flagstaff deems it necessary to issue this Proclamation to preserve health, peace, and order in the City of Flagstaff, and to protect life and/or property and to promote and preserve public safety and welfare, in particular to mitigate the spread of COVID-19 and provide essential protections for residents of Flagstaff, including but not limited to those who are most vulnerable to infection, while still preserving the availability of essential services; and

**WHEREAS**, the Centers for Disease Control and Prevention (CDC) recognizes the critical role that face coverings have in containing and mitigating the spread of COVID-19; and

**WHEREAS**, pursuant to Executive Order No. 2020-40, Governor Ducey authorized cities, based upon local conditions and circumstances, to require the wearing of face coverings in public to further mitigate the spread of COVID-19.

**IT IS HEREBY PROCLAIMED AND IMPOSED AS FOLLOWS:**

1. The COVID-19 pandemic and outbreak – consistent with above listed declarations, proclamations, and recommendations – presents conditions in the City of Flagstaff that endanger life and justify this Proclamation.
2. The Mayor’s March 15 Declaration of Local Emergency and those portions of the Mayor’s March 16 Proclamation and March 26 Proclamation not preempted by Executive Order 2020-36 are still in full force and effect until further notice.
3. The Mayor’s March 16 Proclamation is hereby amended to add the following: **“Section 10. Face Coverings”** – a requirement for the wearing of face coverings in public places. This Order will take effect at 8:00 P.M. on June 20, 2020, and continue until further notice, repeal, or revision by the Mayor or by the Governor of the State of Arizona per Paragraph 7 of Executive Order 2020-40.

**Section 10. Face Coverings:**

- a. A “Face Covering” means a covering made of cloth, fabric, or other soft or permeable material that covers only the nose and mouth and surrounding areas of the lower face. A covering that hides or obscures the wearer’s eyes or forehead in addition to the nose and mouth is not a Face Covering. Examples of Face Coverings include a scarf or bandana; a neck gaiter; a homemade covering made from a t-shirt, sweatshirt, towel, or other fabric held on with rubber bands or otherwise; or a face mask, which need not be medical grade. A Face Covering may be factory-made or handmade and improvised from ordinary household materials. The Face Covering should be comfortable, so that the wearer can breathe through the nose and does not have to adjust it frequently, so as to avoid touching the face.

A video showing how to make a face covering and additional information about how to wear and clean Face Coverings may be found on the Centers for Disease Control and Prevention website at <https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/diy-cloth-face-coverings.html>.

- b. “Public Place” means any place the public is allowed, including but not limited to businesses and outdoor spaces. Public Place includes but is not limited to restaurants, food courts, cafes, coffeehouses, similar businesses and establishments offering food or beverage for on-premises consumption, bars, taverns, brew pubs, breweries, microbreweries, distilleries, wineries, tasting rooms, special licensees, clubs, other similar businesses and establishments offering alcoholic beverages for on-premises consumption, theaters, cinemas, indoor/outdoor performance venues, libraries, museums, gymnasiums, fitness centers, recreation centers, indoor sports facilities, indoor exercise facilities, exercise studios, yoga and barre studios, other similar facilities, bingo halls, bowling alleys, indoor climbing facilities, skating rinks, trampoline parks, other similar recreational or entertainment facilities, grocery stores, markets, convenience stores, other similar businesses and establishments that

offer food and beverage not for on-premises consumption, pharmacies/drug stores, food banks/food pantries, cafeterias, commissaries, restaurants located within health care facilities, nursing homes, shelters, group homes, other similar facilities, cafeterias, commissaries, and restaurants located within or on the premises of institutions of higher learning, etc.

- c. "Social Distancing" means keeping six feet distance between individuals who are not in the same household.
- d. Each person five (5) years of age and older must wear a Face Covering when in a Public Place in the City of Flagstaff, except as follows:
  - i. A person is not required to wear a Face Covering in a Public Place:
    1. when able to maintain adequate Social Distancing;
    2. when that person cannot wear a Face Covering because of a medical condition, mental health condition, or developmental disability, or is unable to remove the Face Covering without assistance. No proof of a medical order or directive is required except that an employer may require such documentation from an employee in accordance with state and federal law;
    3. when a person's religious beliefs prevent the person from wearing a Face Covering.
    4. when a person is eating or drinking in a Public Place;
    5. when a person's use of a Face Covering is exempted under any federal, state, or local laws and regulations, including but not limited to the Occupational Safety and Health Administration (OSHA) requirements and standards;
    6. when a person is in a setting where it is not practical or feasible to wear a face covering, such as when receiving or rendering emergency, medical, or dental services and treatments, or while swimming.
4. Social distancing recommendations of the CDC remain the most effective tool to mitigate the spread of COVID-19; hence, Face Coverings are not a replacement for adhering to social distancing and hygiene practices.
5. To limit the gathering of people, all businesses are strongly advised and encouraged, where possible, to allow telecommuting or other methods of working from home.

6. The City Manager, or the City Manager's designee, is authorized to take all lawful actions necessary to respond to the emergency and to take all appropriate action to mitigate the effects and spread of COVID-19 and assist the City and its residents with the effects of the COVID-19 outbreak.
7. In compliance with Executive Order No. 2020-40, enforcement of this proclamation shall focus first on education and providing guidance issued by the CDC and Arizona Department of Health Services to promote health and safety as well as to further contain the spread of COVID-19. Individuals shall also be given an opportunity to comply with the proclamation before any enforcement action is taken. Continued failure to comply with an emergency proclamation is a misdemeanor under A.R.S. §26-317.
8. Private businesses and venues shall enforce this proclamation by asking any person failing to comply with the emergency proclamation to leave their premises. Business owners are not liable for members of the public who are in violation of this proclamation and refuse to leave their establishment when asked.
9. The current public health crisis related to COVID-19 is being monitored as it is evolving, and additional regulations may be forthcoming as needed.

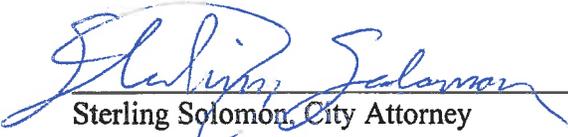
Dated this 18th day of June 2020

  
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Coral J. Evans, Mayor

Attest:

  
\_\_\_\_\_  
Stacy Saltzburg, City Clerk

Approved as to form and found to be within the powers granted to the Mayor of the City of Flagstaff.

  
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Sterling Solomon, City Attorney