



## **City of Phoenix**

### **DECLARATION OF PHOENIX CITY COUNCIL REQUIRING FACE COVERINGS**

**WHEREAS**, on the March 20<sup>th</sup>, 2020, after due consideration and deliberation, the City Council determined to declare a local emergency under the authority of Phoenix City Code, section 11-3; and

**WHEREAS**, Phoenix City Code, section 11-3 provides that the City Council has the power to declare a local emergency and make, amend and rescind regulations necessary for emergency management; and

**WHEREAS**, on March 11, 2020, the Governor of the State of Arizona, Douglas A. Ducey, determined that the COVID-19 outbreak presents conditions in Arizona that justified his declaration of a State of Emergency; and

**WHEREAS**, on June 17, 2020, Governor Ducey issued Executive Order 2020-40 (“Governor’s Order”) which provides that a city, based on conditions in its jurisdiction, may adopt policies regarding the wearing of face coverings in public for the purpose of mitigating the spread of COVID-19; and

**WHEREAS**, the Governor’s Order requires that any enforcement of city policies shall focus first on educating and working to promote best practices to accomplish the goal of mitigation by discussing the Governor’s Order and an opportunity to comply; and

**WHEREAS**, the United States Centers for Disease Control and Prevention and the Arizona Department of Public Health have recommended that members of the public, when they need to interact with others outside the home, and especially in settings

where many people are present, should cover the mouth and nose to prevent inadvertently spreading COVID-19; and

**WHEREAS**, one key transmission method for the COVID-19 virus is through respiratory droplets that people expel when they breathe, speak, cough, or sneeze. Moreover, people can be infected with the COVID-19 virus and be asymptomatic but still be contagious. People can also be infected and contagious 48 hours before developing symptoms when they are pre-symptomatic. Many people with COVID-19 have mild symptoms and do not recognize they are infected and contagious, and they can unintentionally infect others; and

**WHEREAS**, the number and percentage of COVID-19 positive cases have increased significantly in Maricopa County, and the City of Phoenix zip codes have some of the highest numbers of cases in Arizona; and

**WHEREAS**, Phoenix finds therefore, that wearing a face covering, in combination with physical distancing of at least 6 feet and frequent hand-washing, may reduce the risk of transmitting the COVID-19 virus when in public and engaged in necessary activities by reducing the spread of respiratory droplets, Therefore, this Declaration requires that people wear face coverings in certain public settings as further described below; and

**WHEREAS**, Phoenix City Code, section 11-7 creates a penalty for violation of lawful City Council emergency Declarations, and Phoenix City Code, section 11-3 provides City Council with authority to make, amend and rescind regulations necessary for emergency management;

**NOW, THEREFORE**, BE IT DECLARED BY THE COUNCIL OF THE CITY OF PHOENIX as follows:

**SECTION 1.** All persons six years old or older who are present in the City of Phoenix shall have possession of a face covering described in Arizona Department of Public Health Face Covering Guidance issued on May 21, 2020, (available at: <https://directorsblog.health.azdhs.gov/cloth-face-coverings-what-you-need-to-know/>), when they leave their home or

place of residence and shall wear the face covering whenever they are within six feet of another person who is not a member of their family or household.

**SECTION 2.** Exceptions for face coverings will be made under the following circumstances:

- for those who fall into the Centers for Disease Control and Prevention’s guidance for those who should not wear face coverings due to a medical condition, mental health condition, developmental disability, or are otherwise covered under the Americans with Disabilities Act; or
- for children under 6 years old; or
- for people whose religious beliefs prevent them from wearing a face covering; or
- for restaurant patrons while they are dining; or
- for individuals exercising outdoors or while walking or exercising with other people from the same household, if social distancing from others who are not your family or household members can be maintained; or
- for engaging in organized group or team sports, exercise or other physical activities where it is not practicable or feasible to wear a mask or socially distance; or
- in settings where it is not practical or feasible to wear a face covering, including when obtaining or rendering goods or services, such as the receipt of dental services or medical treatments.

**SECTION 3.** The Phoenix City Council has determined that the orders and advisories included in this Declaration are necessary to preserve the peace and order of the City of Phoenix, 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 to Phoenix residents, including but not limited to those who are most vulnerable to infection, while still preserving the availability of essential services.

**SECTION 4.** Consistent with the Governor’s Order, enforcement of this Declaration shall focus first on educating and working to promote the mitigation of the spread of COVID-19. A person or business shall be notified of the provisions of this Declaration and the Governor’s Order and

will be provided an opportunity to explain an exception or follow the guidelines prior to issuance of any citation or other enforcement action.

**SECTION 5.** Under the City Council's authority for enforcement of a violation of face coverings, City Council specifically orders that a violation of this Declaration under Phoenix City Code, section 11-7 is punishable by a civil penalty of \$0 to \$250 dollars, at the court's discretion.

**SECTION 6.** Businesses have the right to refuse service for failure to comply, if there are no exceptions under this Declaration.

**SECTION 7.** The Phoenix City Council specifically orders that enforcement of this Declaration shall therefore be administered by first education and an opportunity for compliance, followed by a warning, and a civil citation, only if necessary.

**SECTION 8.** The City Manager shall provide all necessary assistance in executing City Council's Declaration, and amend policies or procedures as needed and to the extent required.

**SECTION 9.** This Declaration is effective at 6:00 a.m. on Saturday, June 20<sup>th</sup>, 2020.

**PASSED** by the City Council of the City of Phoenix this 19th day of June 2020.

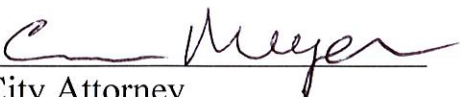
  
\_\_\_\_\_  
Mayor of the City of Phoenix

ATTEST:

  
\_\_\_\_\_  
City Clerk



APPROVED AS TO FORM:

  
City Attorney

REVIEWED BY:

  
City Manager

JMK/dh: 2190089