



MAYOR

Regina Romero

CITY OF TUCSON, ARIZONA
PROCLAMATION OF THE MAYOR
DECLARING A CONTINUING EMERGENCY OR LOCAL EMERGENCY
RELATED TO COVID-19
AND DECLARING REGULATIONS AND ADVISORIES
NECESSARY FOR PUBLIC SAFETY AND PROTECTION OF LIFE
AND TO MITIGATE THE SPREAD OF COVID-19

WHEREAS, the Tucson Charter, Chapter VI, Section 5 empowers the Mayor of the City of Tucson, Arizona to govern the City by proclamation during times of great danger; and

WHEREAS, A.R.S. § 26-311(A) provides that in addition to the powers granted by the Tucson Charter or other provisions of law, the Mayor may by proclamation declare an emergency or local emergency to exist due to any natural or man-made calamity or disaster; and

WHEREAS, A.R.S. § 26-311(B) provides that if an emergency is declared by the Mayor as described above, the Mayor shall govern by proclamation during that emergency and shall have the authority to impose all necessary regulations to preserve the peace and order of the City; and



WHEREAS, Tucson Code Sections 11-100 through 11-103 provide that the Mayor may proclaim a civil emergency to exist; and during that civil emergency may issue such orders as are eminently necessary for the protection of life and property; and

WHEREAS, on March 11, 2020, Arizona Governor Douglas A. Ducey declared a statewide State of Emergency due to the necessity to prepare for, prevent, respond to, and mitigate the spread of COVID-19 - a declaration that remains in effect to this day; and

WHEREAS, on March 17, 2020, pursuant to the authority under the Tucson Charter and Arizona law as described above, the undersigned, the Mayor of the City of Tucson, Arizona issued a Proclamation declaring that an emergency or local emergency did then exist in the City of Tucson due to the COVID-19 outbreak, and issued certain orders to protect public health and safety and mitigate the spread of COVID-19; and

WHEREAS, on March 24, 2020, the Mayor and Council of the City of Tucson, by unanimous vote: (1) confirmed their endorsement of the Mayor's March 17 declaration of a local emergency, (2) declared that the COVID-19 outbreak constitutes a continuing local emergency that endangers life and property within the City of Tucson, and requires extraordinary measures to protect public health and safety; and (3) approved the Mayor's ongoing use of her emergency powers under Arizona law; and

WHEREAS, on March 27, April 17, April 30, May 15 and June 8, 2020 the undersigned, the Mayor of the City of Tucson, Arizona, issued Proclamations declaring a continuing emergency or local emergency, and included in those Proclamations various Orders and Advisories; and

WHEREAS, on April 21, 2020, and on June 9, 2020, the Mayor and Council of the City of Tucson, by unanimous vote, again found and directed that the COVID-19 outbreak constitutes a continuing local emergency that endangers life and property within the City of



Tucson, and approved the Mayor's ongoing use of her emergency powers under Arizona law to protect public health and safety; and

WHEREAS, the most current local data relating to COVID-19 as provided by the Arizona Department of Health Services (ADHS) and Pima County Health Department (PCHD) show that Pima County and the City of Tucson are experiencing significant community-based transmission of COVID-19, and an increasing pace of viral spread. Current local conditions demonstrate that cases of and hospitalizations for COVID-19 are increasing in Pima County; that the rate of positive test results is increasing; and that hospital capacity, and ICU bed capacity in particular, within Tucson, Pima County and Southern Arizona is at or very near full capacity. Confirmed cases in Pima County were reported as 2,382 on June 1, 2020, and at 4,329 on June 16, 2020, an increase of 1,947 cases in just 16 days.

WHEREAS, the Centers for Disease Prevention and Control (CDC) recognizes the critical role that face coverings have in containing and mitigating the spread of COVID-19, and provides the following guidance through its website:

"CDC continues to study the spread and effects of the novel coronavirus across the United States. We now know from recent studies that a significant portion of individuals with coronavirus lack symptoms ("asymptomatic") and that even those who eventually develop symptoms ("pre-symptomatic") can transmit the virus to others before showing symptoms. This means that the virus can spread between people interacting in close proximity—for example, speaking, coughing, or sneezing—even if those people are not exhibiting symptoms. In light of this new evidence, CDC recommends wearing cloth face coverings in public settings where other social distancing measures are difficult to maintain (e.g., grocery stores and pharmacies) especially in areas of significant community-based transmission."

See: <https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/cloth-face-cover.html>



WHEREAS, on June 17, 2020, Governor Ducey, through Executive Order 2020-40, *Continuing Arizona Mitigation Efforts*, expressly authorized “a county, city or town . . . , based on conditions in its jurisdiction,” to “adopt policies regarding the wearing of face coverings in public for the purpose of mitigating the spread of COVID-19,” and authorizing enforcement of the policy after an individual has been notified about and provided the opportunity to comply with the policy; and

WHEREAS, on June 5, 2020, City Manager Michael Ortega issued an Administrative Order directing the continued closure of City facilities and offices, pursuant to Tucson Code Section 2-1(b); and together with the Director of Parks and Recreation ordered the continued closure of designated parks as well as parks and recreation facilities, pursuant to Tucson Code Section 21-2(b) in order to protect the public health, safety or welfare (the “June 5th Administrative Order”); and the City Manager has now extended that Administrative Order so that it remains in effect until August 3, 2020:

NOW, THEREFORE, IT IS PROCLAIMED AND ORDERED, EFFECTIVE IMMEDIATELY, AS FOLLOWS:

SECTION 1. I, REGINA ROMERO, Mayor of the City of Tucson, Arizona, do hereby declare, pursuant to A.R.S. § 26-311; Chapter VI, Section 5 of the Tucson Charter; and Tucson Code Section 11-101, that an emergency, civil emergency and/or local emergency now exists and/or continues to exist in connection with the COVID-19 outbreak, as further described in the preceding Recitals and in the Recitals of my Proclamations dated March 27, April 17, April 30, May 15, 2020 and June 8, 2020, which are incorporated herein by this reference.

SECTION 2. The provisions of my June 8, 2020 Proclamation, including the incorporation therein of the provisions of the City Manager’s June 5th Administrative Order, as extended by the City Manager; the listed limitations on public access to City offices and



facilities; the direction regarding various City programs; and limitations on public attendance at Mayor and Council meetings or the meetings of other City of Tucson boards, committees and commissions, all remain in effect.

SECTION 3. Face Coverings.

- A. **EFFECTIVE ON JUNE 20, 2020 AT 6:00 A.M.**, and continuing thereafter until this Proclamation and its Orders are rescinded, terminated or modified, every person within the jurisdiction of the City of Tucson who is two (2) years of age or older is required to cover his or her nose and mouth with a Face Covering when in a Public Setting where continuous Physical Distancing is difficult or impossible. Adults accompanying minor children who are two (2) years of age or older shall use reasonable efforts to cause those children to wear Face Coverings when they are in a Public Setting. Businesses whose employees interact with the public must require employees to wear Face Coverings.

For the purposes of this Section, the following terms have the following meanings:

1) "Public Setting" means:

- a. indoor spaces that are accessible to the public such as grocery stores, retail stores, pharmacies and health care facilities, restaurants and bars, gyms and similar facilities, and any other spaces where the public is allowed to enter; and
- b. outdoor public spaces where people congregate, including but not limited to areas where persons stand in lines for entering an establishment; and
- c. in or on 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. Public Setting does not include a personal vehicle.



- 2) "Person" means any person, regardless of whether the person is an employee, customer, vendor, invitee or other.
- 3) "Physical Distancing" means keeping six (6) feet of distance between individual persons who are not of the same household.
- 4) "Face Covering" means a covering made of cloth, fabric, or other soft or permeable material that covers the nose and mouth and surrounding areas of the lower face. A Face Covering may be factory-made, or may be handmade and improvised from ordinary materials, and can include a bandana or scarf. Face Coverings need to cover the nose and mouth at all times and should remain in place until taken off safely.

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

B. **Exceptions.** A Face Covering is not required under the following circumstances:

- 1) When a person is in a personal office or similar space (a single room) where others are not present as long as the public does not regularly visit the room.
- 2) For any person who falls under CDC guidance for those who should not wear a face covering, including but not limited to any child under the age of two (2).
- 3) For any person who cannot wear a Face Covering because of a medical condition, mental health condition or developmental disability, or who is unable to remove the Face Covering without assistance. A person who cannot wear a Face Covering because of a medical condition is not required to produce medical documentation of the condition, provided that an employer may require such documentation from an employee in accordance with state and federal law.
- 4) For restaurant patrons while they are eating or drinking at their table or seating area.



- 5) For public safety employees and/or emergency responders, when wearing the Face Covering would interfere with or limit their ability to carry out their duties or functions; and for any person acting at the direction of a public safety employee.
- 6) In settings where it is not practicable or feasible to wear a Face Covering, such as when receiving dental services, medical treatments or while swimming.
- 7) For persons exercising outdoors, or while walking or exercising with other persons of the same household, as long as Physical Distancing from others is maintained.

C. **Effect of Other State, County or City Regulations.** The provisions of Section A and B above are not intended to conflict with other regulations imposed by the State of Arizona or Pima County, or imposed by subsequent ordinance by the City of Tucson. They are intended to provide a base-line of requirements relating to the wearing of Face Coverings within the corporate boundaries of the City of Tucson beginning on June 20, 2020. Persons subject to any county-wide regulations relating to Face Coverings that may be adopted by Pima County are not excused or exempted from complying with those regulations by any of the provisions herein.

SECTION 4. Face Coverings are not a replacement for adhering to other social distancing and hygiene protocols. The Mayor also strongly advises and encourages all businesses, including those providing Essential Functions, to allow their employees to work from home through telecommuting or other means to the greatest extent possible in order to limit the gathering of employees at the work site. Additionally, the Mayor strongly advises that all persons within the City who have the means to acquire or make a face covering to adhere to CDC guidance relating to wearing face coverings to help slow the spread of COVID-19. That guidance includes direction to wear face coverings in settings where other social distancing measures are difficult to maintain. Additionally, the Mayor strongly advises that all employers provide face coverings to their employees for their use while at work, especially if employees are unable to acquire or make one themselves, even if that business does not fall under the requirements under this Proclamation.



SECTION 5. The undersigned, Mayor of the City of Tucson, has determined that the orders and advisories included in this Proclamation are necessary to preserve the peace and order of the City of Tucson, 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 Tucson residents, including but not limited to those who are most vulnerable to infection, while still preserving the availability of essential services. Additionally, the undersigned, Mayor of the City of Tucson, reserves the emergency authority and powers provided to her under the Tucson Charter and Code and under Arizona law, including but not limited to A.R.S. § 26-311, to revise, extend, modify or amend this Proclamation, and/or to issue and impose all necessary regulations to promote and protect the health and safety of Tucson's residents during this continuing emergency. Those actions could include the issuance of additional orders to protect public health and safety, protect life and/or property, and preserve the peace and order of the City of Tucson.

SECTION 6. Enforcement of this Proclamation and its Orders shall focus first on educating and working to promote the mitigation of the spread of COVID-19. A person shall be notified of the provisions of this Proclamation and its Orders and given an opportunity to comply prior to citation or other enforcement action. Citation should occur only where the person in violation demonstrates an intentional disregard for and refusal to comply with the imposed requirements. Any penalty imposed for a violation of Section 3 of this Proclamation shall be limited to a civil penalty not exceeding fifty dollars (\$50) or 5 hours of community service. Enforcement must be equitable, and documentation or records of any citations or other enforcement action shall be maintained and shall include readily available demographic information of the person subject to the enforcement action.



PROCLAIMED at 2:10 a.m./p.m. this 18th day of June, 2020.

A handwritten signature in black ink, appearing to be "Regina Romero", written over a horizontal line.

REGINA ROMERO
Mayor of the City of Tucson

Attest:

A handwritten signature in black ink, appearing to be "Roger W. Randolph", written over a horizontal line.

ROGER W. RANDOLPH
City Clerk

Approved as to form:

A handwritten signature in black ink, appearing to be "Mike Rankin", written over a horizontal line.

Mike Rankin
City Attorney