

## ORDER NO. 1

### **AN EMERGENCY ORDER OF THE COMMON COUNCIL OF THE TOWN OF GILBERT, ARIZONA REQUIRING THE WEARING OF FACE COVERINGS IN PUBLIC**

WHEREAS, the Town of Gilbert (the “Town”) is continuing to respond to the spread of the coronavirus disease 2019 (“COVID-19”) in order to preserve the public health, safety, and welfare of the Town, its residents, businesses, visitors, and employees; and

WHEREAS, this Emergency Order is intended to provide additional assistance in these efforts; and

WHEREAS, on March 11, 2020, the Governor of the State of Arizona declared a state of emergency due to the spread of COVID-19; and

WHEREAS, on March 13, 2020, the President of the United States of America declared a national emergency due to the spread of COVID-19; and

WHEREAS, on March 16, 2020, Mayor Jenn Daniels declared a State of Emergency to protect the health, safety, and welfare of the Town and its residents, which declaration was amended on May 20, 2020 and remains in effect; and

WHEREAS, on June 17, 2020, the Governor issued Executive Order 2020-40 entitled “Containing the Spread of COVID-19” (“Executive Order 2020-40”) that, among other things, authorized the Town to require the wearing of face coverings in public in order to limit the spread of COVID-19; and

WHEREAS, the Centers for Disease Control and Prevention, the Arizona Department of Health Services, and the Maricopa County Disease Control Division all recommend the use of face coverings in public settings to slow the spread of COVID-19; and

WHEREAS, the Town will make a good faith effort to educate its citizens on the benefits of wearing face coverings in public; and

WHEREAS, the Town Council finds that it is appropriate and in the best interests of the public health, safety, and welfare for the Town Council to adopt this Emergency Order; and

WHEREAS, pursuant to A.R.S. § 26-307, Town Code Section 1-37, and Executive Order 2020-40, the Gilbert Town Council has the authority to issue this Emergency Order with the force of law.

NOW, THEREFORE, BE IT RESOLVED, that the Gilbert Town Council hereby issues the following Emergency Order:

### **Section 1. Definitions.**

“Face Covering” shall mean a piece of cloth, fabric, or other material without holes that fully and securely covers a person’s nose and mouth and remains affixed in place without the use of one’s hands. A Face Covering may be factory-made or may be handmade and improvised from household materials.

### **Section 2. Face Coverings required.**

All persons shall wear Face Coverings:

- a. when entering and while inside Town-owned buildings and facilities; and
- b. in such indoor or outdoor places where persons are unable to maintain safe social distancing (six or more feet separation) from others not of their own household.

### **Section 3. Exceptions.**

Nothing herein shall require the wearing of face coverings by the following persons or in the following circumstances:

- a. Those who cannot wear a face covering due to a medical or behavioral condition.
- b. Children under 6 years of age.
- c. Restaurant patrons while they are dining.
- d. When complying with directions of law enforcement officers.
- e. 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 while swimming.
- f. Anyone who has trouble breathing, is unconscious, incapacitated, or otherwise unable to remove the mask without assistance.

This Emergency Order shall not strictly apply to the extent that it frustrates the primary purpose of a business.

### **Section 4. Effective Date, Limitations, and Area.**

This Emergency Order shall become effective at 5:00 p.m. on June 19, 2020, and shall expire 30 days from its effective date unless modified or rescinded or until the Governor declares an end to the COVID-19 State of Emergency in Arizona, whichever occurs first. This Emergency Order is effective within the entirety of the territory of the Town of Gilbert.

### **Section 5. Posting of Emergency Order.**

Each business in the Town that is open to the public shall post signage at its entrances and at other appropriate locations stating that customers (or visitors) are required to wear face coverings by order of the Gilbert Town Council. Other appropriate locations shall include alternative entrances (back doors, etc.) and transaction locations such as registers.

**Section 6. Implementation.**

The intent of this Emergency Order is to encourage voluntary compliance by businesses and persons within the Town of Gilbert. Law enforcement and other Town personnel shall educate and encourage voluntary compliance with this Emergency Order.

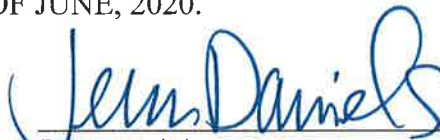
**Section 7. Distribution.**

This Emergency Order shall be (i) distributed to the news media and other organizations calculated to bring its contents to the attention of the general public and businesses; (ii) be filed with Town Clerk; and (iii) be distributed to others as necessary to ensure proper implementation of this Emergency Order.


**Section 8. Conflicting laws.**

All existing laws, ordinances, orders, rules, and regulations in conflict with this Emergency Order are suspended to the extent that they conflict with this Emergency Order.

PASSED AND ADOPTED BY THE COMMON COUNCIL OF THE TOWN OF GILBERT, ARIZONA THIS 19th DAY OF JUNE, 2020.

  
\_\_\_\_\_  
Jenn Daniels, Mayor

ATTEST:

  
\_\_\_\_\_  
Lisa Maxwell, Town Clerk

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Christopher W. Payne, Town Attorney

I hereby certify that the above foregoing Order No. 1 was duly passed by the Common Council of the Town of Gilbert, Arizona at a regular meeting held on June 19, 2020, and that a quorum was present thereat and that the vote thereon was 5 ayes and 2 nays and 0 abstentions. 7 Councilmembers were absent or excused.

  
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Lisa Maxwell, Town Clerk