

# PROCLAMATION

**WHEREAS**, the Tempe City Charter authorizes the declaration of an emergency affecting the life, health, property or the public peace of the City of Tempe; and the Tempe City Council by way of Emergency Ordinance No. O2020.07, declared an emergency on March 18, 2020, authorizing the Mayor to rule by proclamation to enact measures to ensure the public peace, health, safety, or general welfare of the community; and

**WHEREAS**, Arizona law authorizes the Mayor of the City of Tempe, Arizona, to proclaim the existence or threatened existence of a local emergency when the City of Tempe is or may be affected by a public calamity under AR.S. § 26-311, in addition to powers granted by other provisions of law or the Charter; and

**WHEREAS**, on January 30, 2020, the World Health Organization declared the COVID-19 virus a public health emergency of international concern and Arizona Governor Douglas Ducey declared a state of emergency for the State of Arizona on March 11, 2020; and

**WHEREAS**, the COVID-19 outbreak constitutes an immediate threat to life, public health, safety, welfare and economic viability, the City of Tempe has taken measures to protect the health and safety of our residents, community and employees, from the rapidly evolving threat to public health, safety and welfare; and,

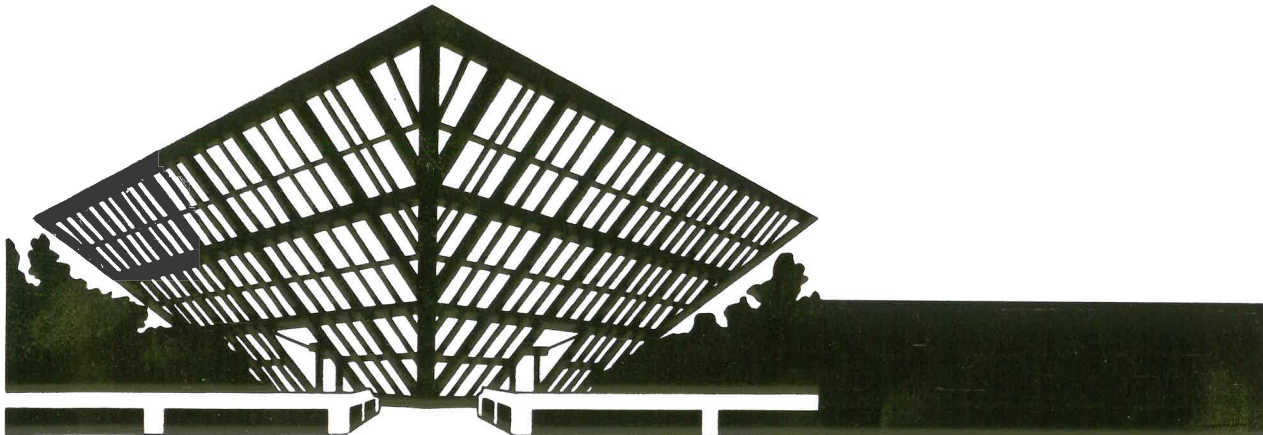
**WHEREAS**, pursuant to the State of Arizona's Executive Orders and at the recommendation of the state's public health officials, the City of Tempe shall continue its efforts to further limit potential exposure through a policy of physical distancing to slow the spread of the COVID-19 virus while maintaining social connections as residents return to certain activities; and,

**WHEREAS**, pursuant to Executive Order No. 2020-40, Governor Ducey authorized a county, city or town, based on the conditions in their jurisdiction, to adopt a policy mandating the wearing of face coverings in public for the purpose of mitigating the spread of COVID-19.

**NOW THEREFORE, IT IS HEREBY PROCLAIMED THAT DUE TO THE LOCAL EMERGENCY THAT EXISTS IN THE CITY OF TEMPE, ARIZONA FROM THE COVID-19 VIRUS OUTBREAK IT IS HEREBY ORDERED WITHIN THE CITY OF TEMPE:**

Effective June 18, 2020, all individuals within the jurisdiction of the City of Tempe are required to wear face coverings in all places of public accommodation, if they are or will be in contact with other individuals who are not in their household, in spaces where it is difficult or impossible to maintain physical distancing. Face coverings are also required in all spaces where it is difficult or impossible to maintain physical distancing. Physical distancing means keeping (6) feet distance between individuals who are not in the same household. These spaces include but are not limited to grocery stores, pharmacies, restaurants and bars, gyms and similar facilities, retail stores, special events and public transit. Businesses that interact with the public must require employees to wear face coverings. While wearing the face covering, it is essential to still maintain physical distance as it is the best defense against the spread of the COVID-19.

A face covering means material that covers the nose and mouth. It can be secured to the head with ties or straps, or wrapped around the lower portion of the face. It can be made from materials such as cotton, silk, or linen, or be a surgical mask. A cloth face covering may be made or sewn by hand, as well as improvised from household items such as a scarf, t-shirt, sweatshirt or towel. A face covering shall be worn per guidance provided by the Centers for Disease Control and Prevention.



A place of public accommodation means facilities, establishments, accommodations, services, commodities, or use offered to or for use by the general public, including public places where food or beverages are offered for sale, public places operated for temporary lodging, use or accommodation of those seeking health or recreation and all establishments offering such goods or facilities, and entities soliciting patronage from the general public, except for religious organizations.

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 or mental health condition or developmental disability.
- For children under 6 years old.
- For people whose religious beliefs prevent them from wearing a face covering.
- For restaurant patrons while they are eating or drinking. If a patron is not seated at their table, a face covering is required.
- For individuals exercising outdoors, or while walking or exercising with other people from the same household, as long as physical distancing from others is maintained. For individuals congregating outdoors with other people not in their same household, face coverings are required when physical distancing is not maintained.
- 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, medical treatments or while swimming.
- When a person is in a personal or work office or vehicle (or similar space) where others are not present as long as the public does not regularly visit the space.
- For public safety employees and/or emergency responders and/or field employees engaged in essential functions, when wearing the face covering would interfere with or limit their ability to carry out their duties or functions.
- For individuals complying with the directions of public safety employees.

In compliance with Executive Order No. 2020-40, enforcement of this proclamation shall focus first on education and providing guidance issued by the Arizona Department of Health Services, in order to promote the health and safety of Tempe residents 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 Section 1.04 of the Tempe City Charter.

Private businesses and venues shall enforce this proclamation by asking any person failing to comply with the emergency proclamation to leave their premises. By allowing people / patrons to remain on the premise without a face covering, as described in paragraph 2, is violation of this emergency proclamation. A continued failure to comply with an emergency proclamation by a business owner and/or responsible party is a misdemeanor under Section 1.04 of the Tempe City Charter.

This proclamation shall remain in place until further until notice of repeal or revision by the Governor of the State of Arizona per Paragraph 7 of Executive Order 2020-40.


PROCLAIMED at 10:42 a.m. this 18 day of June 2020.

  
Mark W. Mitchell, Mayor

ATTEST:

  
Carla R. Reece, City Clerk

APPROVED AS TO FORM:

  
Judith R. Baumann, City Attorney