

CITY OF TOLLESON, 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, A.R.S. § 26-311(A) provides that in addition to the powers granted by the 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, Tolleson City Code § 4-4-4 (Powers and Duties) empowers the Mayor of the City of Tolleson to govern by proclamation, and impose all necessary regulations to preserve the peace and order of the City; and

WHEREAS, on March 11, 2020, Arizona Governor Doug 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, the undersigned Mayor of the City of Tolleson, Arizona issued a Proclamation declaring that an emergency or local emergency did then exist in the City of Tolleson 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, the most current local data relating to COVID-19 as provided by the Arizona Department of Health Services (ADHS) and Maricopa County Public Health Department (MCPHD) show that Maricopa County is 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 Maricopa County; that the increase in new cases is not entirely attributable to an increase in testing; and that the rate of positive test results is either steady or increasing. Confirmed cases in Maricopa County were reported as 10,427 on June 1, 2020 and 22,232 positive cases on June 16, 2020 – an increase of more than 100% in just 16 days.

WHEREAS, the 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>

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

SECTION 1. I, ANNA TOVAR, Mayor of the City of Tolleson, Arizona, do hereby declare, pursuant to A.R.S. § 26-311 and Tolleson Code Section 4-4-4, 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 Proclamation dated March 17, 2020, which are incorporated herein by reference.

SECTION 2. Face Coverings.

- A. Wearing a face covering in public places or when working. EFFECTIVE ON JUNE 20, 2020 AT 8:00 A.M., and continuing thereafter until this Proclamation and its Orders are rescinded, terminated or modified, every person who is over the age of two (2) is required to cover his or her nose and mouth with a Face Covering when in a Public Setting, including but not limited to within retail establishments and grocery stores, where maintaining a six-foot physical distance from other persons is difficult or impossible. Adults accompanying minor children shall use reasonable efforts to cause those children to wear Face Coverings when they are in a Public Setting.

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 places where the public is allowed to enter; and
 - b. outdoor spaces such as playgrounds, parking lots, and other areas such as those 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) “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. The Face Covering should fit snugly but comfortably against the side of the face, include multiple layers of fabric, allow for breathing without restriction, and be able to be laundered and machine-dried without damage or change to shape. Face Coverings need to cover the nose and mouth at all times and should remain in place until taken off safely.

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

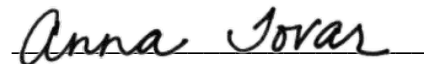
- 1) When a person is in a personal office (a single room) where others outside of that person's household are not present as long as the public does not regularly visit the room, but that person must put on a Face Covering when coworkers are working within six feet, when being visited by a client/customer, and anywhere members of the public or other coworkers are regularly present.
- 2) For 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) When a person is inside or obtaining services at a business or establishment, and the person is engaged in eating, drinking or sleeping, or the individual is in an area of the facility that is not designed for community gathering, such as a sleeping area.

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.


SECTION 5. The undersigned, Mayor of the City of Tolleson, has determined that the orders and advisories included in this Proclamation are necessary to preserve the peace and order of the City of Tolleson, 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 Tolleson 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 Tolleson, reserves the emergency authority and powers provided to her under Arizona law, including but not limited to A.R.S. Section 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 Tolleson'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 Tolleson.

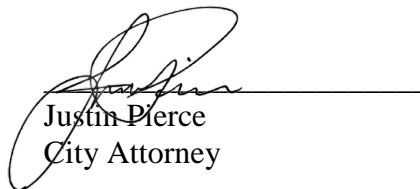
PROCLAIMED at 11:11 a.m. this 18th day of June, 2020.



Anna Tovar
Mayor of the City of Tolleson

Attest: 

Crystal Zamora
City Clerk

Approved as to form: 

Justin Pierce
City Attorney