

**PROCLAMATION OF EMERGENCY**  
**Amendment No. 3 to the Proclamation of Emergency Dated March 15, 2020**  
**(Face Coverings)**

**WHEREAS**, on March 15, 2020, I, Douglas J. Nicholls, pursuant to the authority vested in me as Mayor of the City of Yuma, declared a state of local emergency in the City of Yuma due to the threat of a possible outbreak of the COVID-19 virus into the City of Yuma community; and,

**WHEREAS**, since the outbreak of COVID-19, the City of Yuma has responded to this public health emergency in coordination with the Executive Orders of Arizona Governor Douglas A. Ducey under the Governor's declaration of a state of emergency dated March 11, 2020; and,

**WHEREAS**, throughout this emergent public health crisis, the City of Yuma has relied on medical expertise and guidance from the Centers for Disease Control and Prevention (CDC), the Arizona Department of Health Services (ADHS), and the Yuma County Public Health Services District (YCPHD) in making decisions with regard to COVID-19; and,

**WHEREAS**, the incidence of COVID-19 infection in Arizona and especially in the County of Yuma has increased rather than decreased; and,

**WHEREAS**, medical experts from both the Yuma County Health Department and private sector medical professionals attribute much of the increase to more readily available diagnostic testing, the increase in Yuma County is still much higher than anticipated based on the percent of positive tests compared to the total number of tests; and,

**WHEREAS**, as of June 18, 2020, Yuma County's incidence of COVID-19 infection is among the highest in the nation; and,

**WHEREAS**, while many individuals and businesses have remained vigilant in taking the precautions suggested by the CDC, a recent Texas A&M study published on June 12, 2020 in the *Proceedings of the National Academy of Sciences* and cited with authority from the Governor's Office and the ADHS, demonstrates that a more widespread use of face coverings "significantly reduces the number of infections" and that "the difference with and without mandated face covering represents the determinant in shaping the trends of the pandemic"; and,

**WHEREAS**, on June 17, 2020, Governor Ducey issued Executive Order 2020-40 authorizing a county, city or town, based on the local conditions in their jurisdiction, to adopt policies and regulations mandating the wearing of face coverings in public for the purpose of mitigating the spread of COVID-19; and,

**WHEREAS**, it should be acknowledged and understood that the use of face coverings is not fool-proof and not a safe substitution for adequate social distancing, hand-washing and the other recommendations of the CDC; and,

**WHEREAS**, the Yuma City Council, after careful consideration and input from the Yuma community voted to mandate the use of face coverings at a special City Council meeting held on June 19, 2020.

**NOW, THEREFORE**, pursuant to the Yuma City Charter, A.R.S. §§ 26-307 and 26-311 and the circumstances described in the Proclamation of Emergency dated March 15, 2020, as amended, Executive Order 2020-40, and this Amendment No. 3, I, Douglas J. Nicholls, Mayor of the City of Yuma, Arizona hereby **PROCLAIM AND ORDER AS FOLLOWS**:

1. Effective June 19, 2020 at 11:59 pm, all individuals within the jurisdiction of the City of Yuma, Arizona, are required to wear face coverings (1) in all places of public accommodation, (2) if the individuals are or will be in contact with other individuals who are not in their household, (3) in spaces where it is difficult or impossible to achieve and maintain physical distancing.
2. Physical distancing means keeping six (6) feet distance or more between individuals who are not in the same household. While wearing the face covering, it is essential to still maintain physical distance as it is the best defense against the spread of COVID-19.
3. Places of public accommodation include but are not limited to special events, assemblies, public transit and outdoor spaces such as parks and pathways and parking lots when social distancing of at least a minimum of six (6) feet cannot be maintained at all times.
4. Exceptions for face coverings will be made under the following circumstances:
  - 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.
  - For children under 4 years old.
  - For people whose religious beliefs prevent them from wearing a face covering.
  - 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.
- While exclusively with members of a family or the same household.
- For public safety employees and/or emergency responders and/or field employees 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.
- For active duty military personnel while on base or conducting military activities that would otherwise conflict with this proclamation.

5. 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 Yuma residents and visitors, as well as to further contain the spread of COVID-19. Individuals shall be given an opportunity to comply with the Proclamation before any enforcement action is taken.

6. Any person or entity who violates this Emergency Proclamation and Order is subject to a civil penalty. Civil penalties will only occur where the person or entity in violation demonstrates an intentional disregard and refusal to comply with the education required under Executive Order 2020-40. Any initial violation shall result in a warning focused on educating and working to promote best practices consistent with Executive Order 2020-40. A second offense shall result in a maximum civil penalty of fifty dollars (\$50), and each subsequent offense shall result in a maximum civil penalty of one hundred dollars (\$100). Any violation that is continuing in nature shall constitute a separate offense on each successive date the violation continues, unless otherwise provided.

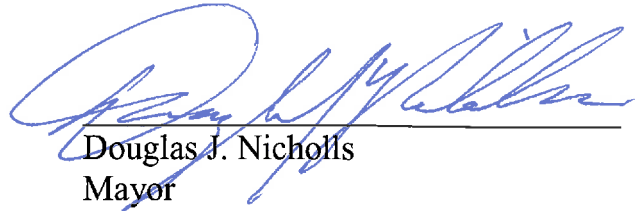
7. This Proclamation and Order shall remain in place until further notice. The conditions leading to this order shall be monitored daily and shall be considered for repeal or revision at least every two weeks consistent with Executive Order 2020-40.

8. Face coverings inside businesses in the State of Arizona are regulated by the Governor's Executive Order 2020-40 and the publications titled, "Requirements For Businesses" and "Requirements for Restaurants and Bars Providing Dine-In Services." This Proclamation and Order shall be read consistently with Executive Order 2020-40, and

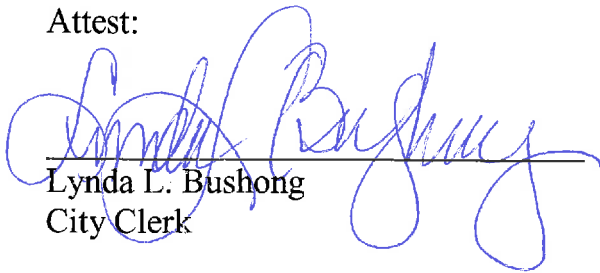
to the extent pre-empted by Executive Order 2020-40 or other Executive Orders, shall be interpreted to give full force and effect to all such Executive Orders.

9. In accordance with A.R.S. § 26-307(B), this Proclamation shall be effective when a copy is filed in the office of the City Clerk.


PROCLAIMED AND ORDERED this 19<sup>TH</sup> day of June, 2020, at 6:21 o'clock, a.m. / p.m. in the City of Yuma, Arizona.

  
Douglas J. Nicholls  
Mayor

Attest:

  
Lynda L. Bushong  
City Clerk

Approved as to form  
and found to be within the powers granted to the Mayor of the City of Yuma:

  
Richard W. Files  
City Attorney