



Mayor's Proclamation

Directing the Use of Face Coverings in the City of Bisbee

WHEREAS, Mayor David M. Smith is very concerned about protecting the health, safety and well-being of all Citizens and Guests in the City of Bisbee; and

WHEREAS, on March 11, 2020, the Governor of the State of Arizona, Douglas A. Ducey, determined that the COVID-19 outbreak justifies a declaration of a State of Emergency; and

WHEREAS, on June 17, 2020, the Governor issued Executive Order 2020-40, which provides that a City, based on conditions in its jurisdiction, may adopt policies regarding the wearing of face coverings in public to mitigate the spread of COVID-19; and

WHEREAS, the United States Centers for Disease Control and Prevention and the Arizona Department of Public Health have recommended that members of the public, when they interact with others outside the home, and, especially in settings where many people are present, should cover their mouth and nose to prevent the spread of COVID-19; and

WHEREAS, one transmission method for the COVID-19 virus is through respiratory droplets expelled when persons breathe, cough, or sneeze. Moreover, people can be infected with the COVID-19 virus and be asymptomatic but still be contagious. Many people with COVID-19 have mild symptoms and do not recognize they are infected and contagious, and they can unintentionally infect others; and

WHEREAS, the number and percentage of COVID-19 positive cases are increasing significantly throughout Arizona; and

WHEREAS, wearing a face covering, in combination with physical distancing of at least 6 feet and frequent hand-washing, may reduce the risk of transmission by reducing the spread of respiratory droplets; therefore, this Declaration requires that people wear face coverings in certain public settings as further described below.

NOW, THEREFORE, BE IT KNOWN:

SECTION 1. All persons six years old or older who are present in the City of Bisbee shall have possession of a face covering described in Arizona Department of Public Health Face Covering Guidance issued on May 21, 2020, (available at: <https://directorsblog.health.azdhs.gov/clothface-coverings-what-you-need-to-know/>), when they go into a public setting by leaving their home or place of residence and shall wear the face covering whenever they are within six feet of another person who is not a member of their family or resident of their household.

SECTION 2. Public settings, include, but are not limited to, indoor spaces that are accessible to the public like grocery stores, pharmacies, retail stores, restaurants, bars, gyms, offices, health care facilities and other spaces the public is permitted to enter. Public settings also include, but are not limited to, outdoor spaces where people congregate, stand in line or meet. Public settings also include public transportation, taxis, ride-sharing vehicles, vehicles for hire, golf carts and transit stops. A private car, truck or van is not a public setting.

SECTION 3. Exceptions for face coverings will be made under the following circumstances:

- a) 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 condition, mental health condition, developmental disability, or are otherwise covered under the Americans with Disabilities Act; or
- b) for children under 6 years old; or
- c) for people whose religious beliefs prevent them from wearing a face covering; or
- d) for restaurant patrons while they are dining; or
- e) for individuals exercising outdoors or while walking or exercising with other people from the same household; or
- f) for engaging in organized group or team sports, exercise or other physical activities where it is not practicable or feasible to wear a mask or socially distance; or
- g) in settings where it is not practical or feasible to wear a face covering, including public safety employees and/or emergency responders, when

wearing a face mask would interfere with or limit their ability to carry out their duties; or

- h) when people are seeking or providing goods or services, such as the receipt of dental services or medical treatments.

SECTION 4. The Mayor has determined that the orders and advisories, included in this Declaration, are to protect life and preserve public safety and welfare, and, in particular, to mitigate the spread of COVID-19 and provide essential protections to the Citizens and Guests to the City, including, but not limited to, those who are most vulnerable to infection.

SECTION 5. Enforcement of this Declaration shall focus first on educating and working to promote the mitigation of the spread of COVID-19. A person or business shall be notified of the provisions of this Declaration and will be provided an opportunity to explain an exception or follow the guidelines, prior to issuance of any citation or other enforcement action.

SECTION 6. Businesses have the right to refuse service for the failure to comply with this Declaration, provided the non-compliant person does not fall under one of the exceptions in this Declaration.

SECTION 7. The Mayor directs that enforcement of this Declaration shall first be administered by education and an opportunity for compliance, followed by a warning, and a civil citation, only if necessary.

SECTION 8. This Declaration is effective as of 12:01 a.m. June 21, 2020, and shall remain in effect until such time as further action by the City Council of the City of Bisbee.

Dated this 20th day of June, 2020



David M. Smith, Mayor

ATTEST: 
James E. Ledbetter, City Attorney

