



TOWN OF JEROME

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AN EMERGENCY ORDER OF THE TOWN COUNCIL OF JEROME, ARIZONA REGARDING THE WEARING OF FACE COVERINGS IN PUBLIC

WHEREAS, the Town of Jerome (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 17, 2020, Mayor Alex Barber declared a State of Emergency to protect the health, safety, and welfare of the Town and its residents, which declaration 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 adopt policies regarding 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 and the Arizona Department of Health Services recommend the use of face coverings in public settings to slow the spread of COVID-19; 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 and §26-311 and Executive Order 2020-40, the Jerome Town Council has the authority to issue this Emergency Order with the force of law.

NOW, THEREFORE, BE IT RESOLVED, that the Jerome Town Council, as authorized by A.R.S. §26-307 and §26-311 the Governor's Executive Order 2020-40, hereby issues the following Emergency Order:

Section 1. Definitions.

- a. A "Face Covering" means a covering made of cloth, fabric, or other soft or permeable material that covers only the nose and mouth and surrounding areas of the lower face. A covering that hides or obscures the wearer's eyes or forehead in addition to the nose and mouth is not a Face Covering. Examples of Face Coverings include a scarf or bandana; a neck gaiter; a homemade covering made from a t-shirt, sweatshirt, towel, or other fabric held on with rubber bands or otherwise; or a face mask, which need not be medical grade. A Face Covering may be factory-made or handmade and improvised from ordinary household materials. The Face Covering should fit snugly but allow the

Jerome Town Hall Located at 600 Clark Street, Jerome Civic Center

wearer to breathe easily. The face mask may not have a one-way exhale valve on it. "Face Covering" may also mean a face shield, provided that it fits snugly around the nose and mouth.

- b. "Public Place" means any place the public is allowed, including but not limited to restaurants, cafes, taverns, tasting rooms, brew pubs, museums, yoga studios, markets, food banks/food pantries, retail shops and other businesses. "Public Place" includes both indoor and outdoor spaces, including the public sidewalks of Jerome.
- c. "Social Distancing" means keeping six feet distance between individuals who are not in the same household.

Section 2. Face Coverings required.

All persons 6 years of age and older shall wear Face Coverings when in a public place in the Town of Jerome, except as follows:

- a. Those who cannot wear a face covering due to a medical or mental health condition or developmental disability.
- b. Children under 6 years of age.
- c. People whose religious beliefs prevent them from wearing a face covering.
- d. Restaurant patrons while they are eating or drinking. If a patron is not seated at their table, a face covering is required.
- e. 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.
- f. Outdoors, when able to maintain social distancing as defined herein.
- g. When a person's use of a face covering is exempted under any federal or state regulations, including but not limited to the Occupational Safety and Health Administration (OSHA) requirements and standards.
- h. 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.
- i. When complying with directions of law enforcement officers.
- j. 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 medical treatments.
- k. Anyone who has trouble breathing, is unconscious, incapacitated, or otherwise unable to remove the mask without assistance.

Section 4. Effective Date, Limitations, and Area.

This Emergency Order shall become effective at 11:59 p.m. on June 23, 2020 and shall remain in effect until 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 Jerome.

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 Jerome Town Council. Other appropriate locations shall include alternative entrances (back doors, etc.) and transaction locations such as registers.

Section 6. Compliance and Enforcement.

- a. This proclamation shall be enforced by the Jerome Police Department and/or designees of the Jerome Police Chief.
- b. In compliance with Executive Order No. 2020-40, enforcement of this proclamation shall focus first on education and providing guidance issued by the CDC and Arizona Department of Health Services to promote health and safety 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 this order shall be deemed a civil violation pursuant to Chapter 18 of the Jerome Town Code.
- c. Private businesses and venues shall enforce this proclamation by asking any person failing to comply with the emergency proclamation to leave their premises. If a business does not request a person to leave when that person is refusing to comply with this proclamation, the business will be in violation. However, if the business has requested a person to leave and that person refuses, the individual refusing will be in violation and not the business.
- d. The current public health crisis related to COVID-19 is being monitored as it is evolving, and additional regulations may be forthcoming as needed.
- e. If any provision of this proclamation or its application to any person or circumstance is held invalid by any court of competent jurisdiction, this invalidity affects no other provision or application of this proclamation. Those provisions that remain valid shall be given effect without the invalid provision or application. To achieve this purpose, the provisions of this proclamation are declared to be severable.

ADOPTED AND APPROVED by a majority vote of the Jerome Town Council on the 23rd day of June, 2020.

APPROVED:



Christina "Alex" Barber, Mayor

ATTEST:



Candace Gallagher, Town Manager/Clerk

APPROVED AS TO FORM:



William J. Sims, Town Attorney