

**SECOND PROCLAMATION
BY THE MAYOR OF THE CITY OF SURPRISE, ARIZONA
UNDER DECLARATION OF EMERGENCY DATED MARCH 17, 2020**

WHEREAS, on March 17, 2020, the Mayor of the City of Surprise (the “City”), Skip Hall, proclaimed that a local emergency exists in the City of Surprise due to the COVID-19 pandemic;

WHEREAS, Ariz. Rev. Stat. § 26-307, Ariz. Rev. Stat. § 26-311, Section 2-40 of the City of Surprise Municipal Code, and the March 17, 2020 Declaration of Emergency empowers the Mayor to govern by proclamation and impose all necessary regulations to preserve the peace and order of the City;

WHEREAS, as of June 19, 2020, there have been 46,689 diagnosed cases of COVID-19 in Arizona including 1,312 deaths and the state is seeing an increase in the number of cases and hospitalizations;

WHEREAS, on June 17, 2020, Arizona Governor Douglas Ducey issued Executive Order # 2020-40, in which, for the first time since the outbreak of the COVID-19 pandemic, the Governor has authorized local jurisdictions, based on conditions in same, to adopt policies regarding the wearing of face coverings in public for the purpose of mitigating the spread of COVID-19.

WHEREAS, as of June 19, 2020, there have been 405 reported cases of COVID-19 in the City of Surprise.

THEREFORE, IT IS HEREBY PROCLAIMED AND IMPOSED AS FOLLOWS:

1. That a public health emergency due to COVID-19 continues to exist in the City of Surprise.
2. For the purpose of mitigating the spread of COVID-19, beginning June 20, 2020 at 12:00 AM Arizona time, all persons shall wear a Face Covering while in all public settings within the city limits of the City of Surprise where it is impracticable or difficult to maintain a minimum physical distance of six (6) feet from all other persons present, unless exempted herein. Public settings where it is impracticable or difficult to maintain physical distancing shall include, but by no means be limited to, grocery stores, retail stores, pharmacies, restaurants and bars, recreation facilities, libraries, public transportation, any place of public accommodation where lines or crowds form, and special events.
3. Exemptions:
 - A. The following persons shall not be required to wear a Face Covering:
 - i. Persons under the age of two (2);
 - ii. Persons who fall under the Centers For Disease Control and Prevention’s guidance for those who should not wear a face covering;
 - iii. Persons who are unable to wear a face covering due to a medical or mental health condition or disability as defined by the Americans with Disabilities Act, as amended;

- iv. Persons whose religious beliefs prevent them from wearing a Face Covering;
 - v. Public Safety employees, first responders, and field employees engaged in essential functions, when wearing a Face Covering would interfere with or limit their ability to carry out their duties or function;
 - vi. Persons complying with the directions of public safety employees.
- B. Face Coverings shall not be required:
- i. In a private residence;
 - ii. In a private vehicle either alone or with persons who all reside within the same residence;
 - iii. In a public setting when the only persons within six (6) feet are persons who reside within the same residence;
 - iv. During any activity in which a Face Covering would render the activity impossible, dangerous, or jeopardize the wearer's health, including, but by no means limited to, eating (restaurant patrons not seated at a table must wear a Face Covering), drinking, swimming, dental or medical examination or treatment;
 - v. While engaged in exercise, physical training, or athletic activity so long as physical distancing of a minimum of six (6) feet is maintained.
4. For purposes of this Proclamation, a Face Covering is defined as:
- A. A face mask fabricated to cover the nose and mouth;
 - B. A cloth face covering which covers the nose and mouth and is large enough to be secured under the chin and can be secured to the head with ties, straps, loops, or bands over the ears or can be tied or looped to the back of the head;
 - C. A bandana, scarf, or similar clothing which can be wrapped around the lower portion of the face;
 - D. A transparent plastic safety face shield.
5. When required by this Proclamation, Face Coverings shall be worn per guidance provided by the Centers for Disease Control and Prevention by covering both the mouth and nose, fitting snugly, but also allowing the wearer to breathe easily.
6. Any enforcement of this proclamation shall focus first on educating and working to promote best practices to accomplish the goal of mitigation. Any person who violates any provision of this Proclamation shall first be provided a warning. Any person who violates any provision of this Proclamation for a second or subsequent time shall be responsible for a civil offense with a maximum fine of \$250.00 per violation. Issuance of a civil citation for violation shall be discretionary and based on the totality of the circumstances, considering any and all mitigating and aggravating factors.

7. 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.

8. This Proclamation shall remain in full force and effect until amended or terminated by order of the Mayor or until notice of repeal or revision by the Governor of the State of Arizona per Paragraph 7 of Executive Order 2020-40, whichever occurs first.

PROCLAIMED, DECLARED, AND ADOPTED BY THE MAYOR OF THE CITY OF SURPRISE, ARIZONA THIS 19th DAY OF JUNE, 2020.



Skip Hall, Mayor

ATTEST:



Sherry Aguilar, City Clerk

APPROVED AS TO FORM:



Robert W. Wingo, City Attorney