



**PROCLAMATION OF THE MAYOR OF THE CITY OF NOGALES, ARIZONA, MANDATING THAT CITY RESIDENTS WEAR FACE COVERINGS IN PUBLIC.**

**Mayor Arturo Garino, on behalf of the City Council of the City of Nogales, Arizona, finds as follows:**

1. On March 21, 2020, the Mayor and Council of the City of Nogales adopted Ordinance No. O2020-003-001 declaring a state of emergency due to the COVID-19 pandemic affecting the community and adopting temporary business regulations consistent with Gov. Ducey's Executive Order No. 2020-09.
2. On January 31, 2020, the United States Department of Health and Human Services declared a Public Health Emergency related to the COVID-19 outbreak.
3. On March 11, 2020, the Governor of the State of Arizona, Douglas A. Ducey, declared that a State of Emergency exists in Arizona due to the COVID-19 outbreak.
4. On March 13, 2020, the President of the United States of America, Donald J. Trump, found and proclaimed that the COVID-19 outbreak in the United States constituted a national emergency.
5. On March 30, 2020, Governor Doug Ducey issued Executive Order 2020-18, entitled "*Stay Home, Stay Healthy, Stay Connected; Physical Distancing to Mitigate COVID-19 Transmission.*" That order generally permitted persons to leave their residences only for Essential Activities, Essential Governmental Functions, or Essential Functions. The order initially was effective until April 30, 2020.
6. On May 12, 2020, Governor Doug Ducey issued Executive Order 2020-36, entitled "*Stay Healthy, Return Smarter, Return Stronger.*" The order implemented a limited reopening of businesses.
7. On May 10, 2020, Santa Cruz County was reporting forty-five (45) positive COVID-19 cases, and no deaths. By June 17, 2020, the Santa Cruz County Health Department has confirmed one thousand two hundred seventeen (1,217) COVID-19 cases in Santa Cruz County, with 12 deaths.
8. On June 8, 2020, as a result of the alarming increase in COVID-19 cases and deaths within the City, Mayor Garino issued a press release emphasizing the need to practice social distancing, wear face coverings, avoid large gatherings, wash hands often with soap and water for at least 20 seconds, and to stay home if you are sick.

9. On June 15, 2020, 688 Maricopa County medical providers addressed a letter to Governor Ducey urging him to implement a statewide requirement for face coverings in public for everyone over the age of 2. The letter stated, *"There is sufficient, clear, scientific evidence that wearing masks is one way to decrease the spread of COVID-19 and thus would reduce both the wave of severely affected patients requiring ICU and ventilator resources as well as unnecessary deaths."* The letter indicated *"strong[. . .] support [for] universal masking"* was provided by the following references:

[https://www.thelancet.com/journals/lancet/article/PIIS0140-6736\(20\)31183-1/fulltext?fbclid=IwAR0TSoh6w PI54K5ZmmNU6p cIBo2EoP9BmSxY5Pu2K0aV95l Pwk5T53Q6s \[thelancet.com\]](https://www.thelancet.com/journals/lancet/article/PIIS0140-6736(20)31183-1/fulltext?fbclid=IwAR0TSoh6w PI54K5ZmmNU6p cIBo2EoP9BmSxY5Pu2K0aV95l Pwk5T53Q6s [thelancet.com])

[https://www.pnas.org/content/early/2020/06/10/2009637117?fbclid=IwAR0tKGt HiqbtbB3zfTjLSqMvXVhch qCNPkgoSOzukucaMD7 SjbVawG4E \[pnas.org\]](https://www.pnas.org/content/early/2020/06/10/2009637117?fbclid=IwAR0tKGt HiqbtbB3zfTjLSqMvXVhch qCNPkgoSOzukucaMD7 SjbVawG4E [pnas.org])

[https://www.sfgate.com/science/article/Study-100-face-mask-use-could-crush-second-15333170.php? \[sfgate.com\]](https://www.sfgate.com/science/article/Study-100-face-mask-use-could-crush-second-15333170.php? [sfgate.com])

[https://www.sciencedirect.com/science/article/pii/S2468042720300117?via%3Dihub \[sciencedirect.com\]](https://www.sciencedirect.com/science/article/pii/S2468042720300117?via%3Dihub [sciencedirect.com])

[http://ftp.iza.org/dp13319.pdf?fbclid=IwAR1jcs2PjDlvq3AjqxMucwVPfexpRDot5 T3k24MzNYmTCIE0Resziaeto \[ftp.iza.org\]](http://ftp.iza.org/dp13319.pdf?fbclid=IwAR1jcs2PjDlvq3AjqxMucwVPfexpRDot5 T3k24MzNYmTCIE0Resziaeto [ftp.iza.org])

[https://www.nbcnews.com/news/us-news/no-new-covid-19-cases-reported-after-infected-hair-stylists-n1230346 \[nbcnews.com\]](https://www.nbcnews.com/news/us-news/no-new-covid-19-cases-reported-after-infected-hair-stylists-n1230346 [nbcnews.com])

10. As of June 16, 2020, Santa Cruz County has the third highest infection rate per capita of COVID-19 in Arizona (2,077 per 100,000) and is experiencing increased community spread. The threat of infection remains high, as shown by the increase in positive cases. As of the date of this Proclamation, the Arizona Department of Health Services has confirmed a twenty-four point six percent (24.6%) positive rate of all people tested for COVID-19 in Santa Cruz County.
11. The spread of COVID-19 can lead to severe respiratory illness, disease complications, and death, particularly for those with underlying medical conditions and the elderly.
12. Per the United States Centers for Diseases Control and Prevention (CDC) website, individuals who are sick or know they have COVID-19 should isolate at home; however, COVID-19 can be and almost certainly is spread by people who do not have symptoms and do not know that they are infected.
13. The best way to prevent COVID-19 illness is to avoid being exposed to this virus. The virus is thought to spread mainly from person-to-person. Per CDC, individuals should avoid close contact (keep a 6 foot distance) with people, especially those who are sick; stay home as much as possible; and avoid gatherings of more than 10 individuals.
14. The CDC recommends people older than two years old (2) wear cloth face coverings in public settings where social distancing measures are difficult to maintain, due to the fact that COVID-19 spreads through respiratory droplets produced by an infected person when they cough,

sneeze, or talk. The droplets can then be inhaled into the lungs or land in the mouths or noses of people nearby. A person in a private setting or without a cloth face covering should always cover their mouth and nose with a tissue when coughing or sneezing or use the inside of their elbow.

15. On June 17, 2020, Governor Ducey issued Executive Order #2020-40, entitled "Containing the Spread of COVID-19: Continuing Arizona Mitigation Efforts." Section 4 of the Order authorizes individual counties to adopt policies mandating the wearing of face coverings in public.
16. Pursuant to Section 4 of Ordinance No. O2020-03-001 and Nogales City Charter Section 9, the Mayor is authorized to adopt by proclamation health and safety measures during this emergency to inhibit the spread of COVID-19.
17. As Mayor of this border community that is being disproportionately impacted by this public health crisis, I believe it is imperative that additional health and safety measures be adopted to mandate the wearing of face coverings in public and when in close proximity to others.

**NOW, THEREFORE, IT IS ORDERED AND PROCLAIMED BY THE MAYOR OF THE CITY OF NOGALES, EFFECTIVE IMMEDIATELY, AS FOLLOWS:**

**SECTION 1.** The undersigned Mayor, on behalf of the City Council of the City of Nogales, Arizona, hereby proclaims and declares, that a public health emergency continues to exist.

**SECTION 2.** The City of Nogales abides by all Executive Orders of the Governor of Arizona.

**SECTION 3.** "Face Covering" as used in this proclamation means either

- a. a face mask fabricated to cover the nose and mouth or
- b. a cloth face covering which covers the nose and mouth and is large enough to be secured under the chin and kept on the face hands-free with either loops or rubber bands over the ears or can be tied or looped to the back of the head. Cloth face coverings should be made of a tight-weave-fabric and be folded or sewn to have more than one layer.

**SECTION 4.** A "Face Covering" is not a mask or other face-covering that incorporates a one-way valve. Typically, a one-way valve is a raised plastic cylinder about the size of a quarter on the front or side of the mask designed to facilitate easy exhaling. A mask or other face-covering that incorporates a one-way valve does not comply with this proclamation.

**SECTION 5.** Face Coverings shall fit snugly but allow the wearer to breathe easily.

**SECTION 6.** Individuals who are not required to wear a Face Covering are children and infants two (2) years old or younger.

**SECTION 7.** It is hereby made mandatory that all other individuals shall wear a Face Covering while in public within the limits of the City of Nogales under these circumstances:

- a. when in a public space and in proximity to people as follows:
  - i. indoors if another person is present,
  - ii. outdoors if another person is within 6 feet Proximity
- b. when in the public areas of business or government building; and
- c. when waiting in line.

**SECTION 8.** The public shall not be allowed to enter buildings or facilities of the City of Nogales, including open space areas, without a Face Covering.

**SECTION 9.** Face Coverings are not required:

- a. when at home,
- b. when alone in a vehicle or in the vehicle only with people you live with,
- c. when eating,
- d. when exercising outdoors alone or with people you live with,
- e. when swimming, or
- f. in workspaces in which a single person works alone with a closed door.

**SECTION 10.** Before any enforcement action is taken to enforce this order under Ordinance O2020-003-001 and this Proclamation (a class 3 misdemeanor), a person shall be notified that face coverings are mandatory in public places and given an opportunity to comply. If available, law enforcement shall issue a pamphlet with educational information regarding the spread of COVID-19 and the benefits of wearing a face covering.

**SECTION 11.** If a person refuses to wear a face covering or leave a public place after notification pursuant to Section 10, the person is in violation of Ordinance O2020-003-001 and this Proclamation. (a class 3 misdemeanor.)

**SECTION 12.** 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.

**SECTION 13.** This Proclamation shall remain in full force and effect until lawfully amended or terminated.

PROCLAIMED THIS 18<sup>TH</sup> DAY OF JUNE, 2020



  
Arturo R. Garino, Mayor

ATTEST:

  
Leticia Robinson, City Clerk