

City of Avondale Proclamation

DECLARATION OF EMERGENCY FOR USE OF FACE COVERINGS

BY THE AUTHORITY VESTED as Mayor of the City of Avondale (the “Mayor”), a state of local emergency is declared as follows:

WHEREAS, pursuant to Chapter 6, Article I of the Avondale City Code (the “City Code”), the Mayor may by proclamation declare a local emergency to exist, where necessary to preserve the peace and order of the City; and

WHEREAS, pursuant to Ariz. Rev. Stat. § 26-311, the Mayor has the authority to determine that a local emergency exists within the city limits of the City of Avondale (the “City”); and

WHEREAS, in November 2019, a novel coronavirus known as COVID-19 was first detected in Wuhan, Hubei Province, People's Republic of China, causing outbreaks of the coronavirus disease COVID-19 that has spread globally; and

WHEREAS, on January 30, 2020, the World Health Organization declared a Public Health Emergency followed by a declaration of pandemic due to COVID-19; and

WHEREAS, on March 11, 2020, the Honorable Douglas A. Ducey, Governor of the State of Arizona, declared a state of emergency due to COVID-19; and

WHEREAS, on March 13, 2020, the President of the United States, Donald J. Trump, declared the COVID-19 outbreak a state of national emergency that began March 1, 2020; and

WHEREAS, on May 12, 2020, Governor Ducey issued Executive Order 2020-36, “Stay Healthy, Return Smarter, Return Stronger,” establishing procedures for businesses and the public to operate in a manner that limits and mitigates the spread of COVID-19; and

WHEREAS, the Centers for Disease Control (CDC) has reported that mask or face coverings are effective in preventing the transmission of COVID-19; and

WHEREAS, as of June 17, 2020, there have been 40,924 diagnosed cases of COVID-19 in Arizona, including 1,239 deaths and the State of Arizona is seeing an increase in the number of cases and hospitalizations; and

WHEREAS, on June 17, 2020, Governor Ducey issued Executive Order 2020-40 granting cities and towns the authority to regulate and enforce the use of face covering in their jurisdiction; and

WHEREAS, Executive Order 2020-40 requires businesses to adopt guidance from the CDC, Department of Labor, Occupational Safety and Health Administration (OSHA) and Arizona Department of Health Services (ADHS) and to enhance their regulation and enforcement of measures to limit and mitigate the spread of COVID-19; and

WHEREAS, the Mayor finds it necessary and prudent to require the wearing of face coverings in order to protect the health, safety and welfare of citizens of Avondale; and

WHEREAS, the Mayor has determined the increasing number of cases arising from COVID 19 constitutes a disaster under Chapter 6, Article 1 of the City Code.

NOW THEREFORE, I, Kenneth N. Weise, Mayor of the City of Avondale, acting under the power vested in me pursuant to the Avondale City Code, Chapter 6, Article 1 and Ariz. Rev. Stat. § 26-511, do hereby declare an emergency exists due to the increasing threat of a COVID-19 outbreak in the City of Avondale.

FURTHER, I declare that in the City of Avondale the wearing of face coverings by employees and customers is required in all retail establishments, convenience stores, grocery stores, pharmacies, gyms, any indoor sport or activity facility, and medical offices (collectively, the “Businesses”). Such Businesses must post notice of this face covering requirement at their entrances.

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FURTHER, I declare that in the City of Avondale the wearing of face coverings by the public in City facilities and buildings is required.

FURTHER, I declare that minimum social distancing is required when using City parks and ramadas. The City may revoke any park or ramada rental permit for failure to comply with the CDC and ADHS social distance requirements.

FURTHER, I declare that any person holding a special event permit or license shall be subject to revocation for failure to comply with the CDS and ADHS social distancing requirements and for failure to comply with the face covering requirements of this Proclamation.

FURTHER, I declare that any business that fails to comply with Executive Order 2020-40 and this Proclamation may be subject to the revocation of its business license and may be subject to additional penalties and fines.

FURTHER, I declare that any individual that fails to comply with this Proclamation may be found guilty of a misdemeanor pursuant to Ariz. Rev. Stat. § 26-317 and Avondale City Code, Section 6-9 and subject to additional penalties and fines.

FURTHER, I declare that children under the age of 2 and individuals with disabilities or underlying health conditions that prohibit them from wearing a face covering shall be exempt from the requirements of this Proclamation.

FURTHER, I declare that any enforcement of this Proclamation shall focus first on educating and working to promote best practices to accomplish the goal of mitigation. Before an enforcement action is taken to enforce this order, a person shall be notified and given an opportunity to comply.

FURTHER, I declare that 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.

For purposes of this Proclamation, the definition of "person" shall include any individual, partnership, limited liability company, corporation or any other entity real or artificial.

THIS PROCLAMATION SHALL BE EFFECTIVE AT 12:01 AM ON JUNE 21, 2020 AND SHALL REMAIN IN EFFECT UNTIL A WITHDRAWAL OF THE PROCLAMATION OF EMERGENCY IS FILED WITH THE CITY CLERK.



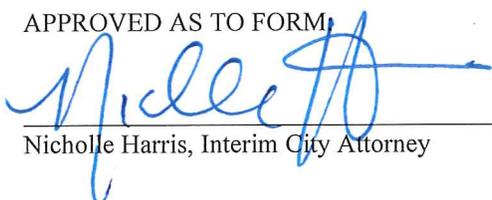
Kenneth N. Weise, Mayor

ATTEST:



Marcella Carrillo, City Clerk

APPROVED AS TO FORM:



Nicholle Harris, Interim City Attorney