

**RESOLUTION NO. 20-476**

**A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF LITCHFIELD PARK, ARIZONA, ADOPTING A FACE COVERINGS IN PUBLIC SPACES ORDER; PROVIDING PENALTIES FOR VIOLATION OF THE ORDER; PROVIDING FOR SEVERABILITY; AND DECLARING AN EMERGENCY FOR IMMEDIATE OPERATION OF THIS ORDER.**

**WHEREAS**, COVID-19 is a disease dangerous to public health which spreads easily, quickly, and undetected because people who have caught it are contagious but may never show symptoms, be in the early stages of the disease when they do not have symptoms, or have mild symptoms; and

**WHEREAS**, COVID-19 can lead to severe respiratory illness, permanent damage to vital organs, and death; and

**WHEREAS**, individuals with certain underlying medical conditions of any age and the elderly are particularly vulnerable to COVID-19; and

**WHEREAS**, there is no vaccine, treatment, or cure for COVID-19; and

**WHEREAS**, without vaccine, treatment, or cure individuals must together prevent exposure to COVID-19; and

**WHEREAS**, on May 12, 2020, Governor Douglas A. Ducey issued Executive Order No. 2020-36 which ordered entities such as the City of Litchfield Park to develop policies which ensure physical distancing and provide for necessary protection equipment, the purpose of which is “to ensure that the State of Arizona continues to mitigate the spread of COVID-19 to the greatest extent possible”; and

**WHEREAS**, the City of Litchfield Park supports Governor Douglas A. Ducey’s phased approach to allow businesses to remain open in a safe and healthy manner while maintaining healthcare capacity and avoiding crisis standard of care to respond to COVID-19 by taking actions to limit the spread of COVID-19; and

**WHEREAS**, to prevent COVID-19 exposures in Arizona Courts, on May 8, 2020, Arizona Supreme Court Chief Justice Robert Brutinel issued Administrative Order No. 2020-75 titled *Authorizing Limitation of Court Operations During a Public Health Emergency and Transition to Resumption of Certain Operations*, which orders masks, face covering, or face shields for in-person contacts of any kind in all Arizona Courts; and

**WHEREAS**, on June 17, 2020, Arizona Governor Douglas A. Ducey issued Executive Order No. 2020-40, which finds that face coverings are effective in preventing the transmission of COVID-19; and

**WHEREAS**, Executive Order No. 20-40 declares that a city “may, based on conditions in its jurisdiction, adopt policies regarding the wearing of face coverings in public for the purpose of mitigating the spread of COVID-19”; and

**WHEREAS**, the City Council of the City of Litchfield Park hereby finds that there is community spread of COVID-19 in the City of Litchfield Park; and

**WHEREAS**, based on the Maricopa County Department of Public Health COVID-19 Daily Report of Tuesday, June 16, 2020, “the number of people diagnosed with COVID-19 in Maricopa County per day is steadily increasing” because of increased community spread; and

**WHEREAS**, the City of Litchfield Park is within its powers to take measures to protect the public health, safety, and welfare of and reduce the harm to residents and visitors within its city limits from the spread of COVID-19, specifically its police powers as a political subdivision of the State of Arizona, including ARS § 9-240(B)(22) which gives the city the power to take any action and prescribe regulations, which may be necessary or expedient for the prevention or suppression of disease; and as a power reserved to the States under the Tenth Amendment to the U.S. Constitution; and

**WHEREAS**, A.R.S. § 26-311 and City Code § 2-2-4, Paragraph F, empowers the Mayor of the City of Litchfield Park to declare a local emergency exists and during such emergency, have the authority to impose all necessary regulations to preserve the peace and order of the city; and

**NOW, THEREFORE**, I, Thomas L. Schoaf, Mayor of the City of Litchfield Park, Arizona, by the authority vested in me by the urgency of the circumstances and law recited above, and with the concurrence of the City Council, proclaim and order the following:

Section 1. That the recitals set forth above are hereby incorporated as if fully set forth herein.

Section 2. That a public health emergency continues to exist in the City of Litchfield Park and that action is required to limit the spread of COVID-19 in the City of Litchfield Park.

Section 3. That the City of Litchfield Park hereby adopts the following Face Coverings in Public Spaces Order for the City of Litchfield Park:

#### **FACE COVERINGS IN PUBLIC SPACES ORDER**

- I. Definitions.
  - A. “City Buildings and Facilities” as used in this Order means any enclosed building or structure that is owned, leased or operated by the city, including, but not limited to, the City Hall, Court, Public Works and Recreation Center buildings.

- B. “Face Covering” as used in this order means a material that covers the nose and mouth. It can be secured to the head with ties or straps or simply wrapped around the lower face. It can be made of a variety of materials, such as cotton, silk, or linen. A face-covering may be factory-made, sewn by hand, or can be improvised from household items such as scarfs, T-shirts, sweatshirts, or towels. Face Coverings shall fit snugly but allow the wearer to breathe easily.
  - C. 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.
- II. Exemptions. The following individuals are not required to wear a Face Covering under this order:
- A. Children and infants four (4) years old or younger.
  - B. People of any age with medical condition(s) which precludes them from wearing Face Coverings.
  - C. People of any age with trouble breathing, who are unconscious, incapacitated, or otherwise unable to remove the mask without assistance.
  - D. A person does not need to wear a Face Covering when wearing personal protective equipment (“PPE”) such as a medical-grade N95 mask or a similar mask that is more protective than a Face Covering, as required by (1) any workplace policy or (2) any local, state, or federal law, regulation, or other mandatory guidance. When a person is not required to wear such PPE, they must wear a Face Covering unless otherwise exempted from this Order.
- III. City Buildings and Facilities
- A. City Employees
    - 1. Face Coverings Mandatory. It is mandatory for City of Litchfield Park employees to wear Face Coverings in City Buildings and Facilities during interaction between City staff members and the public when safe social distancing (minimum 6 feet physical separation or absence of a

physical barrier) cannot be attained. First responders, including police and fire, shall follow their respective departmental guidelines and directives for Face Coverings or other higher levels of respiratory protection and infection control.

2. Face Coverings Optional. It is optional for City of Litchfield Park employees to wear Face Coverings in areas of City Buildings and Facilities under the following conditions:
  - a. Not open to the public when safe social distancing (minimum 6 feet physical separation or presence of a physical barrier) can be maintained; or
  - b. In City vehicles when no other person is in the vehicle other than the operator.

B. Members of the Public.

1. Face Coverings Mandatory. The public shall not be allowed to enter City Buildings and Facilities without a Face Covering.
2. Alternative Services. Members of the public may access City services through telephonic and electronic means as an alternative to physical entrance. Contact Emily Stinebaugh at (623) 935-5033 for information regarding alternative access to City services and programs.

IV. Municipal Courts and Judicial Staff. The Litchfield Park City Municipal Court shall follow Arizona Supreme Court Administrative Orders and Regulations, as amended, and may require court participants, visitors, and judicial staff to wear Face Coverings in the courthouse.

V. Public Spaces.

- A. Individuals shall wear Face Coverings when outside the person's home, living unit, or other place of residence in the following circumstances:
  1. Indoors (*away from their home, living unit, or other place of residence*) if another person is present within 6 feet, except

that in restaurants and bars, Face Coverings are not required when eating or drinking at a table. Face Coverings are required when entering or leaving, walking through the restaurant and when using public restrooms.

2. Outdoors if within 6 feet of another person and unable to socially distance, this includes two non-family members occupying the same golf cart and other sporting or exercise activities such as tennis if the players do not maintain the 6 feet of separation.
3. when in the public areas of business or government building, and
4. when waiting in line

B. Face Coverings are not required:

1. When at home.
2. When alone in a vehicle or in a vehicle with members of the person's home, living unit, or other place of residence.
3. When eating (even if out in public spaces).
4. When exercising outdoors alone or with members of the person's home, living unit, or other place of residence.
5. When swimming.
6. In workspaces not open to the public. It is recommended in nonpublic workspaces that Face Coverings be worn as recommended or required by the Arizona Division of Occupational Safety and Health (ADOSH).

- C. Anyone who is preparing food or other items for sale or distribution to others is required to wear a Face Covering at all times when preparing such food or other items, even if they are alone when doing so.
- D. Businesses shall post on their entrances and exits a notice to the public that masks are required for entry. Restaurants and bars shall also post notices inside the restaurant or bar that Face Coverings are required when entering or leaving, walking through the restaurant and when using public restrooms.

## VI. Enforcement

- A. It is hereby the policy of the City Council of the City of Litchfield Park to focus on education of this Order and voluntary compliance to protect public health and safety.
- B. Businesses shall enforce this Order in compliance with the standards set forth in this Order and should refuse entry to person who choose not to comply. However, in the event of non-compliance by a customer or a client, businesses should contact the Maricopa County Sheriff's Office (the City's law enforcement agency) at (602) 876-1011 for further enforcement. Under no circumstances should business employees or citizens attempt to further enforce these policies once a citizen has been asked to comply, and police have been called.
- C. Before any enforcement action is taken to enforce this Order, a person shall be notified and given an opportunity to comply. Violation of this Order is a class 1 misdemeanor, as set forth in A.R.S. § 26-317.

## VII. Safety Recommendations

Citizens are encouraged to prevent exposures by adopting these habits:

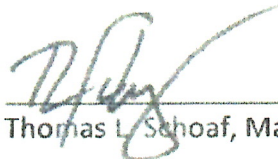
- A. Wash your hands often with soap and water for at least 20 seconds, or, if soap and water are not available, use a hand sanitizer that contains at least 60% alcohol.
- B. Clean surfaces that you or others often touch with an EPA registered household disinfectant daily.
- C. Keep in mind that wearing a mask does not eliminate your need to keep six (6) feet apart.
- D. Avoid gatherings of 10 or more people at all times.
- E. If you are sick or not feeling well, stay home and contact your medical provider as soon as possible.

Section 4. If any provision of this Order 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 Order. Those provisions that remain valid shall be given effect without the invalid provision or application. To achieve this purpose, the provisions of this Order are declared to be severable.


Section 5. This Order shall remain in full force and effect for the duration of the COVID-19 Public Health Emergency or until lawfully amended or terminated.

Section 6. In order to protect public health and safety it is hereby declared that an emergency exists and that this Order shall become effective immediately upon the date of its adoption. Notwithstanding the immediate operation of this Order, no enforcement shall occur until 9:00AM on Friday, June 19, 2020, to allow for public outreach and education.

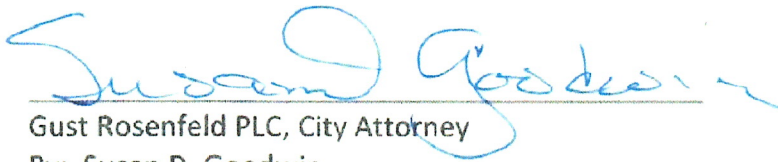
**PASSED AND ADOPTED** by the Mayor and Common Council of the City of Litchfield Park, Arizona, this 19<sup>th</sup> day of June, 2020 at 8:00AM.

  
Thomas L. Schoaf, Mayor

**ATTEST:**

  
Terri Roth, CMC, City Clerk

**APPROVED AS TO FORM:**

  
Gust Rosenfeld PLC, City Attorney  
By: Susan D. Goodwin