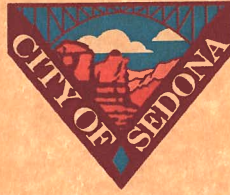


*Office of the Mayor
City of Sedona, Arizona*



PROCLAMATION OF EMERGENCY

WHEREAS, on March 11, 2020, Governor Douglas A. Ducey of the State of Arizona issued a Declaration of Public Health Emergency due to the necessity to prepare for, prevent, respond to, and mitigate the spread of COVID-19; and

WHEREAS, A.R.S. § 26-311 and Section 2.10.040(F) of the Sedona City Code authorize the Mayor of the City of Sedona, Arizona to proclaim the existence or threatened existence of a local emergency due to natural or manmade calamity or disaster or by reason of threats or occurrences of riots, routs, affrays, or other acts of civil disobedience which endanger life or property within the City of Sedona; and

WHEREAS, on March 18, 2020, the Mayor of the City of Sedona, Sandra J. Moriarty, proclaimed a local emergency exists in the City of Sedona; and

WHEREAS, on June 17, 2020, Governor Ducey, through Executive Order 2020-40, Continuing Arizona Mitigation Efforts, expressly authorized “a county, city or town..., based on conditions in its jurisdiction,” to “adopt policies regarding the wearing of face coverings in public for the purpose of mitigating the spread of COVID-19,” and authorizing enforcement of the policy after an individual has been notified about and provided the opportunity to comply with the policy; and

WHEREAS, on June 24, 2020, the Mayor of the City of Sedona, Sandra J. Moriarty, proclaimed a local emergency exists in the City of Sedona adopting a face covering policy in accordance with Executive Order 2020-40; and

WHEREAS, on February 24, 2021, President Biden continued the national emergency declaration concerning the COVID-19 pandemic.

WHEREAS, on March 25, 2021, Governor Ducey, through Executive Order 2021-06, lifted restrictions on organized public events and rescinded Executive Orders 2020-09, 2020-36, 2020-40, 2020-43, 2020-47, 2020-52, 2020-59, all provisions of the Mayor’s Emergency Proclamation not otherwise preempted by Executive Order 2021-06 remain in full force and effect; and

WHEREAS, Executive Order 2021-06 encourages businesses to take actions to limit and mitigate the spread of COVID-19 and continues to allow businesses to institute and enforce policies to mitigate against COVID-19 spread including the use of face coverings and physical distancing, and to refuse service to those who do not comply with the policies; and

WHEREAS, Executive Order 2021-06 rescinds the City’s mandated use of face coverings in public places and allows the City to set and enforce mitigation policies in its own

government buildings and on public transportation, including requiring face coverings; and

WHEREAS, the most current local data relating to COVID-19 as provided by the Arizona Department of Health Services, Yavapai Community Health Services, and the Coconino County Health and Human Services Department show that Yavapai County, Coconino County, and the City of Sedona continue to experience elevated community-based transmission of COVID-19; and

WHEREAS, the Sedona Chamber of Commerce and Tourism Bureau estimates that approximately 3.2 million people of various origin visit Sedona annually; and

WHEREAS, the Centers for Disease Prevention and Control (CDC) recognizes the critical role that face coverings have in containing and mitigating the spread of COVID-19.

NOW THEREFORE, I, Sandra J. Moriarty, Mayor of the City of Sedona, Arizona, acting under the power vested in me pursuant to A.R.S. § 26-311 and Section 2.10.040(F) of the Sedona City Code, and pursuant to the further authority provided in Executive Order 2021-06 and A.R.S. § 9-240(20) do hereby declare that an emergency exists in connection with the ongoing COVID-19 outbreak, as further described in the preceding Recitals and the Recitals of my Proclamations of Emergency dated March 8 and June 24, 2020, which are incorporated herein by reference, and do hereby order that effective immediately:

1. Every person within the jurisdiction of the City of Sedona who is five (5) years of age or older is required to cover his or her nose and mouth with a Face Covering when in a Government Building where continuous Physical Distancing is difficult or impossible and when on Public Transportation.
2. 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 be comfortable, so that the wearer can breathe through the nose and does not have to adjust it frequently, so as to avoid touching the face.
 - b. "Government Building" means any indoor space in any facility, structure or building that is accessible to the public that is owned or operated by the City of Sedona.
 - c. "Person" means any person, regardless of whether the person is an employee, customer, vendor, invitee or other.
 - d. "Physical Distancing" means keeping six (6) feet of distance between individual persons who are not of the same household in both indoor and outdoor spaces.

- e. "Public Transportation" means a system to transport groups of passengers by vehicle, such as a bus, that is available for use by the general public.

3. Exceptions:

A Face Covering is not required under the following circumstances:

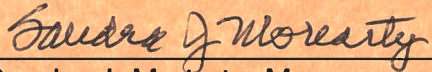
- a. When a person is in a personal office or similar space (a single room) where others are not present as long as the public does not regularly visit the room.
 - b. For any person who falls under CDC guidance for those who should not wear a Face Covering, including but not limited to any child under the age of five (5).
 - c. For any person who cannot wear a Face Covering because of a medical condition, mental health condition or developmental disability, or who is unable to remove the Face Covering without assistance. A person who cannot wear a Face Covering because of a medical condition is not required to produce medical documentation of the condition, provided that an employer may require such documentation from an employee in accordance with state and federal law.
 - d. For public safety employees and/or emergency responders, when wearing the Face Covering would interfere with or limit their ability to carry out their duties or functions; and for any person acting at the direction of a public safety employee.
4. Enforcement of this Emergency 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 Emergency Proclamation before any enforcement action is taken. Continued failure to comply with the Emergency Proclamation is a misdemeanor under A.R.S. § 26-317.

The CDC recommends that people wear Face Coverings in public settings, at events and gatherings, and anywhere they will be around other people. Physical Distancing recommendations of the CDC remain the most effective tool to mitigate the spread of COVID-19; hence, Face Coverings are not a replacement for adhering to Physical Distancing and hygiene practices.

The City Manager, or her designees, shall take all appropriate action needed to alleviate and mitigate the effects of a possible COVID-19 outbreak within the City of Sedona, and to take any and all action, including such lawful actions necessary to respond to this emergency.

THIS PROCLAMATION OF EMERGENCY AND THE ORDERS INCLUDED HEREIN SHALL BE EFFECTIVE IMMEDIATELY UPON ITS FILING WITH THE CITY CLERK AND SHALL REMAIN IN EFFECT AS PROVIDED ABOVE OR UNTIL A WITHDRAWAL OF THE PROCLAMATION OF EMERGENCY IS SIMILARLY FILED WITH THE CITY CLERK.

Issued this 29th day of March, 2021.



Sandra J. Moriarty, Mayor

ATTEST:



Susan L. Irvine, CMC, City Clerk

Approved as to form:



Kurt W. Christianson, City Attorney