



# TOWN OF SUPERIOR

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## EMERGENCY DECLARATION NO. 2020-03

### DECLARATION OF THE MAYOR OF THE TOWN OF SUPERIOR, ARIZONA, DECLARING A TOWN STATE OF EMERGENCY

WHEREAS the World Health Organization declared a Public Health Emergency of International Concern on January 30, 2020, the United States Department of Health and Human Services declared a Public Health Emergency related to the COVID-19 outbreak on January 31, 2020, and the World Health Organization officially declared a pandemic due to COVID-19 on March 11, 2020, and the Governor of Arizona declared an emergency due to COVID-19 and issued Executive Order 2020-07 providing Proactive Measures to Protect Against COVID-19; and

WHEREAS, on March 12, 2020 and March 20, 2020 the Mayor of Superior issued Declarations declaring health emergencies in the Town of Superior to address COVID-19; and

WHEREAS, on May 12, 2020 the Governor of Arizona issued Executive Order 2020-36 allowing for the gradual opening of businesses with his “Stay Healthy, Return Smarter, Return Stronger” initiative; and

WHEREAS, despite the reopening of businesses and relaxed social distancing, on June 15, 2020, the Pinal County number of COVID-19 cases are increasing; and

WHEREAS the number of cases in Pinal County is on an upward trajectory as reported by the Pinal County Health Department; 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 June 17, 2020 the Governor issued Executive Order 2020-40 allowing for the Town of Superior to adopt policies regarding the wearing of face coverings in public for the purpose of mitigating the spread of COVID-19; and

WHEREAS COVID-19 continues to pose a serious public health threat for infectious disease spread to Town of Superior residents and visitors if proper precautions recommended by public health are not followed; and

WHEREAS it is necessary and appropriate to take action to ensure the spread of COVID- 19 is controlled and that the residents of the Town of Superior remain safe and healthy; and

WHEREAS the Mayor of the Town of Superior is authorized by the Superior Town Code Section 2-2-4(F) POWERS AND DUTIES OF THE MAYOR and by A.R.S. § 26-311 to declare an emergency; and

WHEREAS, during the emergency, the Mayor shall govern by Declaration and have the authority to preserve the peace and order of the Town of Superior.

NOW, THEREFORE I, Mila Besich, Mayor of the Town of Superior, by virtue of the authority vested in me by the Constitution and Laws of the State, specifically A.R.S. §§ 26-311 and Superior Town Code Section 2-2-4(F), do hereby Proclaim and Order:

1. A public health emergency continues to exist in the Town of Superior.
2. The Town of Superior abides by all Executive Orders of the Governor of Arizona.
3. "Face Covering" as used in this Declaration 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.
  - c. a bandana, scarf, or similar clothing.
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.
5. A mask or other face-covering that incorporates a one-way valve does not comply with this Declaration.

6. Face Coverings shall fit snugly but allow the wearer to breathe easily.
7. Individuals who are not required to wear a Face Covering are children and infants two (2) years old or younger and people of all ages with medical conditions which would preclude them from wearing Face Coverings.
8. Beginning June 19, 2020 at 8:00 am Arizona time, all other individuals shall wear a Face Covering while in public within the Town limits of the Town of Superior under these circumstances:
  - a. when in public space and in proximity to people, including multi-use pathways
    - i. indoors if another person is present,
    - ii. outdoors if another person is 30 feet away (about the length of a school bus, this gives pedestrians time to put their Face Coverings on as they see the person 30 feet away),
  - b. when in the public areas of business or government building and
  - c. when waiting in line.
9. All businesses and employers shall supply, at the request and at no cost to an employee only, a Face Covering to comply with this Declaration.
10. The public shall not be allowed to enter the Town of Superior Government buildings or facilities, including open space areas, without a Face Covering.
11. 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 and
  - f. in workspaces not open to the public. It is recommended in nonpublic workspaces Face Coverings be worn as recommended or required by the Arizona Division of Occupational Safety and Health (ADOSH) and any policies set by a business or employer.
12. Any enforcement of the Declaration shall focus first on educating and working to promote best practices to accomplish the goal of mitigation. Before any enforcement action is taken to enforce this Order under A.R.S. § 26-317 ( a class 1 misdemeanor), a person shall be notified an given an opportunity to comply. Thereafter, all enforcement matters shall be referred to the Town Prosecutor for a determination of charges.
13. If any provision of this Declaration or its application to any person or circumstance is held to be invalid by a court of competent jurisdiction, this invalidity affects no other provision or application of this Declaration. Those provisions that remain valid shall be given effect without the invalid provision or application. To achieve this purpose, the provisions of this Declaration are declared to be severable.

14. This Declaration shall remain in full force and effect until 11:59 PM July 9, 2020 unless extended or modified by the majority vote of the Town of Superior Mayor and Town Council .

**DECLARED AS AN EMERGENCY MEASURE BY THE MAYOR OF THE TOWN OF SUPERIOR, ARIZONA this 18<sup>th</sup> day of June 2020.**

**TOWN OF SUPERIOR**

*Mila Besich*  
**MILA BESICH, MAYOR**

**ATTEST:**

*Ruby Cervantes*  
**RUBY CERVANTES, TOWN CLERK**

**APPROVED AS TO FORM:**

*Stephen R. Cooper*  
**STEPHEN R. COOPER, TOWN ATTORNEY**

