

Sedona mayor imposes mandatory mask order

*Office of the Mayor
City of Sedona, Arizona*



PROCLAMATION OF EMERGENCY

Sedona Mayor Sandy Moriarty has issued a unilateral order mandating masks within the Sedona city limits.

Face Masks Required for entry to this business!

All homeowners/guests/visitors are required to sign acknowledgement notice of mandatory face masks at front desk or you will forfeit your right to enter this business.

Moriarty stated at a meeting late Tuesday, June 23, that she would issue a proclamation Wednesday, June 24, mandating residents and visitors wear masks in most public spaces to reduce the spread of COVID-19.

The meeting began at 4:30 p.m., but the announcement of the proclamation came around 9 p.m. Some members of council appeared unaware there was already a draft proclamation written by Sedona City Attorney Robert Pickels that they were being asked to offer comment on for the mayor rather than vote on an agenda item. Moriarty did not provide a copy of the proclamation to other council members at the meeting.

Members the public spoke to council via phone at the meeting, which was held via Zoom. The public speakers were all opposed toward mandatory masks. Council members said they had received emails and phone calls and that they were 2 to 1 in favor of masks.

The meeting concluded just after 10 p.m. There was no vote by council.

The order is only applicable in Sedona city limits. Coconino County has its own executive order issued unilaterally by Chairwoman Liz Archuleta on June 19. It was not discussed by nor voted on by the Coconino County Board of Supervisors.

Yavapai County, which includes the Village of Oak Creek, the Red Rock Loop Road area, and most areas on the north, south and west of Sedona, has no order. The Yavapai County Board of Supervisors stated is recommends masks but will not mandate them.

While there is a medical exemption, **there is no religious exemption**, unlike many other orders in Arizona.

According to the order, which cites **Arizona Revised Statute §26-317, failure to comply would constitute a Class 1 misdemeanor and could result in six months in jail or a fine of up to \$2,500.**

A Class 1 misdemeanor is one step below a felony and punishes crimes like DUI, prostitution, simple assault and criminal trespassing.

The order:

Office of the Mayor
City of Sedona, Arizona

Proclamation of Emergency

WHEREAS, on March 11, 2020, the Governor 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, A.R.S. § 9-240(20) authorizes a common council to provide regulations to prevent the introduction or spread of contagious, loathsome, or infectious diseases within the City; 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 (Emergency Proclamation); and

WHEREAS, all provisions of the Mayor's Emergency Proclamation not otherwise preempted by Executive Order 2020-36 issued by Governor Douglas A. Ducey remain in full force and effect; and

WHEREAS, as of June 22, 2020, Yavapai County Community Health Services confirmed 36 presumptive positive cases of COVID-19 in the City of Sedona, Arizona and the unincorporated Big Park area of Yavapai County; and

WHEREAS, as of June 22, 2020, the Coconino County Health and Human Services Department confirmed up to 5 presumptive positive cases of COVID-19 in the greater Sedona-Oak Creek area; 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 are experiencing significant community-based transmission of COVID-19 and an increasing pace of viral spread; 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; 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.

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 2020-40 and A.R.S. § 9-240(20) do hereby declare that an emergency exists in connection with the COVID-19 outbreak, as further described in the preceding Recitals and Recitals of my Proclamation of Emergency dated March 8, 2020, which is incorporated herein by reference.

The Mayor orders that effective June 25, 2020 at 11:59 p.m., 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 Public Place where continuous Physical Distancing is difficult or impossible. Businesses whose employees interact with the public must require employees to wear Face Coverings.

1. 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. “Public Place” means indoor spaces that are accessible to the public such as grocery stores, retail stores, pharmacies and health care facilities, restaurants and bars, gyms and similar facilities, recreation facilities and pools and any other spaces where the public is allowed to enter; outdoor public spaces where people congregate, including but not limited to areas where persons stand in lines for entering an establishment; and in or on public transportation vehicles or any other vehicle for hire including but not limited to trolleys and tour operations.
- c. “Physical Distancing” means keeping six (6) feet of distance between individual persons who are not of the same household.

- d. “Person” means any person, regardless of whether the person is an employee, customer, vendor, invitee or other.

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 restaurant patrons while they are eating or drinking at their table or seating area.
- e. 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.

- f. In settings where it is not practicable or feasible to wear a Face Covering due to the nature of the services provided, such as when receiving dental services, medical treatments, personal hygiene services, or while swimming.
- g. For persons exercising outdoors, or while walking or exercising with other persons of the same household, as long as Physical Distancing from others is maintained.

In compliance with Executive Order 2020-40, 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.

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 his 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 24th day of June, 2020.

/s/ Sandy Moriarty

Sandra J. Moriarty, Mayor