

ORDINANCE No. O2020-03-001

AN ORDINANCE OF THE COUNCIL OF THE CITY OF NOGALES, ARIZONA DECLARING A STATE OF EMERGENCY AND ADOPTING TEMPORARY BUSINESS REGULATIONS IMPLEMENTING GOVERNOR DUCEY'S EXECUTIVE ORDER NO. 2020-09; EFFECTIVE IMMEDIATELY

WHEREAS, both the State of Arizona and the federal government have declared a public health emergency to address the impacts from the 2019 novel Coronavirus (COVID-19); and

WHEREAS, the President of the United States has declared a national emergency due to both the health and economic implications of the COVID-19 virus; and

WHEREAS, the disease caused by COVID-19 is easily contagious and can be fatal, resulting in the World Health Organization declaring it a global pandemic; and

WHEREAS, the State of Arizona has experienced community spread of COVID-19 in multiple counties as it continues to spread across the country and the state, posing an increasing threat to public health and having a devastating impact on the economy; and

WHEREAS, on March 19, 2020, Santa Cruz County identified the first local presumptive positive case of COVID-19; and

WHEREAS, on March 16, 2020, the United States Centers for Disease Control and Prevention issued updated guidance recommending that individuals avoid social gatherings of more than 10 people and use drive-thru, pickup, or delivery options at restaurants and bars to slow the spread of the disease; and

WHEREAS, the time has come for further measures to protect public health and safety, protect our most vulnerable citizens, and mitigate the strain on our health care providers by slowing the spread of COVID-19; and

WHEREAS, Nogales City Charter Section 4 Paragraph (l) authorizes the Council to license and regulate business and trades; and

WHEREAS, Nogales City Charter Section 4 Paragraph (m) authorizes the Council to adopt rules and regulations necessary to preserve and promote the health and safety of inhabitants of the City; and

WHEREAS, the City of Nogales is committed to both mitigating the economic harm of COVID-19 and ensuring the safety of those in our City; and

WHEREAS, A.R.S. §§ 26-307(D) and 26-311 authorize the City of Nogales to declare a local emergency under appropriate circumstances.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the City of Nogales, Arizona, as follows:

SECTION ONE: IT IS HEREBY DECLARED that the COVID-19 outbreak, consistent with the above listed declarations, proclamations, and recommendations, presents an imminent and grave risk to the health, welfare and safety of the inhabitants of the City and therefore that a local health emergency exists.

SECTION TWO: The City Manager or designee is hereby authorized and directed to coordinate emergency operations for Nogales and to take all appropriate actions needed to mitigate the effects of COVID-19 on and within Nogales.

SECTION THREE: To minimize the spread of COVID-19, the following business regulations are hereby enacted:

1. Effective immediately, all of the following establishments located in Nogales shall close access to the public until further notice:
 - a. Bars
 - b. Movie theaters
 - c. Indoor gyms and fitness clubs
2. Effective immediately, all restaurants and mobile food vendors in Nogales shall close access to on-site dining until further notice. Restaurants may continue serving the public through pick-up, delivery, and drive-thru operations only.
3. Cafeterias at nursing homes, hospitals, and similar facilities as well as soup kitchens and senior centers that provide meals to the needy are not subject to these restrictions and may continue normal operations while taking precautions to ensure social distancing and appropriate hygiene according to Centers for Disease Control and Prevention standards.

SECTION FOUR: Pursuant to Nogales City Charter Section 9, the Mayor is hereby authorized to adopt by proclamation additional temporary health and safety measures in any future executive order enacted by the Governor designed to inhibit the spread of the COVID-19 virus.

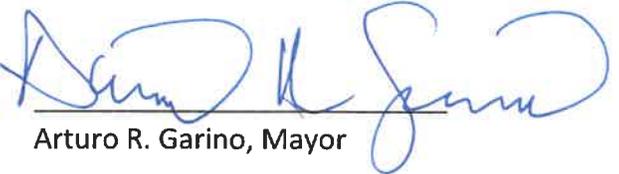
SECTION FIVE: This Ordinance being necessary for the immediate preservation of the peace, health and safety of the residents of the City of Nogales, it shall be operative upon enactment.

SECTION SIX: This Ordinance shall cease to be effective and shall be automatically repealed upon any declaration by the Governor that the health emergency due to the presence and spread of COVID-19 shall have passed or that health regulations of the type enacted herein are no longer necessary.

SECTION SEVEN: All other ordinances in conflict with this Ordinance are hereby repealed to the extent of any such conflict.

SECTION EIGHT: The City Clerk is directed to publish the text of this Ordinance in a newspaper of general circulation for two (2) consecutive weeks and to further post copies of this Ordinance in three or more public places within the City and on the City's website.

PASSED AND ADOPTED BY THE COUNCIL OF NOGALES, ARIZONA, this 21st day of March, 2020.



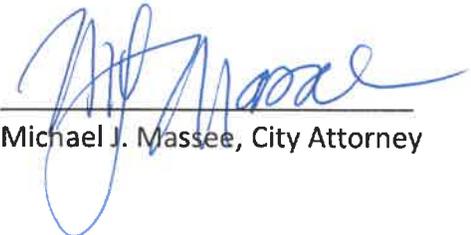
Arturo R. Garino, Mayor

ATTEST:



Leticia Robinson, City Clerk

APPROVED AS TO FORM:



Michael J. Masee, City Attorney