



# Town of Cave Creek

## TOWN OF CAVE CREEK PROCLAMATION OF THE MAYOR UNDER DECLARATION OF EMERGENCY DATED MARCH 18, 2020

**WHEREAS**, on March 11, 2020, the Governor of the State of Arizona, Douglas A. Ducey, determined that the COVID-19 outbreak presents conditions in Arizona that justified his declaration of a State of Emergency; and

**WHEREAS**, on March 13, 2020, the President of the United States of America, Donald J. Trump, found and proclaimed that the COVID-19 outbreak in the United States constituted a national emergency; and

**WHEREAS**, the Centers for Disease Control and Prevention - in an effort to control the COVID- 19 outbreak - are currently recommending social distancing, the cancellation of non-essential large gatherings of more than 50 people, and that individuals older than 60 years of age, and those with chronic medical conditions should not attend gatherings of more than 10 people; and

**WHEREAS**, the Mayor of the Town of Cave Creek is authorized under the current circumstances by Town Code Section 30.23, A.R.S. §26-307, and A.R.S. §26-311.A to proclaim that a local emergency exists and, thereafter, to impose all necessary regulations to preserve the peace and order of the Town; and

**WHEREAS**, on March 16, 2020, the President of the United States of America, Donald J. Trump, issued "The President's Coronavirus Guidelines for America: 15 Days to Slow the Spread," which recommends that all individuals avoid social gatherings in groups of more than 10 people; and

**WHEREAS**, on March 16, 2020, Senator Kyrsten Sinema hosted a telephone conference with Arizona Mayors urging local leaders to take immediate action to reduce spread, keep our hospitals from getting overwhelmed, and save lives; and

**WHEREAS**, the Mayor of the Town of Cave Creek pursuant to Town Code Section 30.23, A.R.S. §26-311.B, and this Declaration of Local Emergency has the authority to govern by proclamation and impose all necessary regulations to preserve the peace, health, and order of the Town.

**IT IS HEREBY PROCLAIMED AND IMPOSED AS FOLLOWS:**

1. The COVID-19 outbreak - consistent with above listed declarations, proclamations, and recommendations - presents conditions in the Town of Cave Creek that endanger life and justify this proclamation.
2. To mitigate the spread of COVID-19, protect the public health, and provide essential protections to vulnerable Cave Creek residents, it is reasonable and necessary to impose limited and temporary restrictions on the use of certain public establishments in our community.
3. The following regulations are necessary for the protection of life and property and I hereby order, effective March 19, 2020 at 4:00 p.m. and continuing until April 6, 2020 at 11:59 p.m.:
  - a. All restaurants, food courts, cafes, coffeehouses, retail food facilities, and other similar businesses and establishments are prohibited from serving food and beverages for consumption on premises.

Members of the public are prohibited from entering said premises and remaining to consume food or beverages.

Businesses and establishments subject to this section that offer food and beverages for on-premises consumption are encouraged to offer food and beverages using delivery service, window service, drive-through service, or drive-up service, and to use precautions in doing so to mitigate the potential transmission of COVID-19, including social distancing. In offering food or beverages, a business or establishment subject to this section that does not have the ability to offer window service, drive-through service, or drive-up service may permit members of the public on its premises for the purpose of picking up their food or beverage orders for consumption off-premises.

- b. The following businesses and establishments are hereby closed to use and occupancy by members of the public:
  - i. Bars, taverns, brew pubs, breweries, microbreweries, distilleries, wineries, tasting rooms, special licensees, clubs, and other similar businesses and establishments offering alcoholic beverages for on-premises consumption.
  - ii. Indoor and outdoor performance venues.
  - iii. Libraries and museums.
  - iv. Gymnasiums, fitness centers, recreation centers, indoor sports facilities, indoor exercise facilities, exercise studios, yoga and barre studios, and other similar facilities.

This section does not prohibit a proprietor, employee, contractor, vendor, or supplier of a local business from entering, exiting, using, or occupying that place of business in their professional capacity.

4. The restrictions imposed by Section 3 of this Proclamation do not apply to any of the following:
  - a. Grocery stores, markets, convenience stores, and other similar businesses and establishments that offer food and beverage not for on-premises consumption;
  - b. Pharmacies and drug stores;
  - c. Food banks and food pantries;
  - d. Cafeterias, commissaries, and restaurants located within health care facilities, nursing homes, shelters, group homes, places of worship, or similar facilities;
  - e. Cafeterias, commissaries, and restaurants located within or on the premises of institutions of higher learning; and
5. Pursuant to A.R.S. §26-317, a person who violates any of the above prohibitions shall be guilty of a class 1 misdemeanor. Any violation which is continuing in nature shall constitute a separate offense on each successive date the violation continues, unless otherwise provided.
7. In addition, I strongly urge the leaders of the Town's houses of worship to limit gatherings on their premises and to explore and implement ways to practice their respective faiths while observing social distancing practices.
8. Finally, I urge all businesses owners to establish social distancing practices for their patrons and encourage citizens to avoid social gatherings of more than 10 people.
9. The current public health crisis related to COVID-19 is being monitored as it is evolving, and additional regulations may be forthcoming as needed.

**IT IS FURTHER PROCLAIMED AND ORDERED** that during the period noted above, but subject to possible extension during the existence of said local emergency, the powers, functions, and duties of the emergency organization of this Town shall be those prescribed by State Law, by Ordinances, and Resolutions of Town of Cave Creek. Citizens are urged to cooperate with this emergency declaration and, to every degree possible, abide by the safety announcements, advisories, and restrictions established by the County Health Emergency Operations Center and to cooperate with the community's public safety agencies and emergency services personnel.


Town facilities will remain open for the time being but programs, events, and activities that are not essential will be suspended until further notice. Further details regarding suspended programs, events, and activities will be forthcoming.

Closures of Town facilities may occur as needed in the future and the Town will monitor those needs on an ongoing basis.

PURSUANT TO A.R.S. §38-431.02, as amended, NOTICE IS HEREBY GIVEN to the general public that during the declared State of Emergency a possible quorum of the Cave Creek Town Council may be in attendance during the periodic County Health Emergency Operations Center and incident debriefs, however, no formal discussion/action will be taken by members in their role as the Cave Creek Town Council.

Dated this 18<sup>th</sup> day of March

  
Ernie Bunch, Mayor

  
Carrie Dyrek, Town Manager/Town Clerk