

ORDINANCE NO. _____

AN ORDINANCE TO REQUIRE PERSONS TO WEAR FACE MASKS IN PUBLIC SERVICE AREAS IN CITY OWNED BUILDINGS AND PLACES OF PUBLIC ACCOMMODATION SUBJECT TO REASONABLE EXEMPTIONS

WHEREAS, Covid -19 infections of Arkansas's residents are surging to higher levels that ever before in this pandemic because of the highly contagious Omicron Variant of the Covid-19 virus and the large number of our residents who are not fully vaccinated; and

WHEREAS, there are already over 60,000 active cases of Covid -19 in Arkansas (over 9,000 new infections reported on the 10th) and hospitalizations have more than doubled since Christmas; and

WHEREAS, the Pulaski County Circuit Court issued a Final Order finding Act 1002 of 2021 unconstitutional and enjoining enforcement of Act 1002 which had limited the State, counties, and cities from enforcing broad mask mandates for private places of public accommodation and school districts from protecting their students even during this pandemic; and

WHEREAS, Washington County has recently had the second largest number of new daily cases of Covid -19 in the state including 434 reported on Sunday, January 9th while the state reported 4,308 new cases which is ten times the number of new cases reported just two weeks ago and

WHEREAS, the most important duty of the City of Fayetteville is to protect the safety and preserve the health of its citizens, residents and visitors; and

WHEREAS, the Fayetteville City Council expresses its appreciation of the University of Arkansas and Fayetteville School District for their wise and important decisions to continue their mask mandates for their students and staff during this Omicron surge.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, ARKANSAS:

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby determines that a renewed pandemic caused by the Omicron Variant of Covid-19 is surging in Fayetteville, with the unvaccinated victims threatening to overwhelm hospital resources and staff, and causing grievous infections, hospitalizations and deaths of even young and previously healthy unvaccinated persons.

Section 2: That the City Council of the City of Fayetteville, Arkansas hereby determines that the health and safety of Fayetteville residents require that all persons within public service areas in all places of public accommodation including City buildings are required to constantly wear face masks covering the nostrils and mouth of such persons, subject to the following exceptions:

- A. Masks may be removed while consuming food or drinking a beverage if social distancing and disinfection best practices are also followed.
- B. Settings with ten (10) or fewer persons present, such as small business offices which do not serve the public in person, and areas without normal public access, such as semi-private offices and workshops, do not require masks, unless persons cannot follow social distancing best practices.
- C. Reasonable accommodations may be made for individuals with a disabling condition that prevents wearing a face mask.
- D. Masks may be removed in outdoor settings generally while best practices to maintain social distance are followed. Masks shall be worn at managed events when attendance and format prevent social distancing.
- E. Children of less than two years of age shall not be required to wear face masks.

Section 3: Sunset Clause. Taking into consideration the Omicron Variant's history in other countries of both its much greater infectious ability which is causing so many new cases now, but also its rapid decline after its initial and unprecedented surges, this mask mandate will likely not need to be in force nearly as long as previous mandates caused by earlier variants. Therefore, this ordinance's mask mandate will automatically terminate on March 2, 2022 unless the City Council extends this ordinance by passing a resolution by the March 1st City Council meeting setting a new date for the termination of this ordinance and its mask mandate.

PASSED and APPROVED this 18th day of January, 2022.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

By: _____
KARA PAXTON, City Clerk/Treasurer