

ORDINANCE NO. 12-2020

**AN ORDINANCE BY THE CITY OF HELENA-WEST HELENA
ARKANSAS REGARDING THE USE OF MASKS IN RELATION TO THE
COVID-19 PANDEMIC**

WHEREAS, An outbreak of COVID-19 (Coronavirus) has resulted in an ongoing global pandemic; and

WHEREAS, On June 18, 2020, Executive Order 20-37 declared that the Emergency declared pursuant to Executive Order 20-03 and its amendments was terminated and the public health and disaster emergency and declaration of the State of Arkansas and a disaster area resulting from the statewide impact of COVID-19 was declared anew and would be effective for sixty (60) days unless renewed; and

WHEREAS, On June 19, 2020, the Arkansas Department of Health (ADH), released guidance regarding the use of face masks/covering by the general public which asserts that ample evidence exists to support the efficacy of wearing face masks/coverings by the general public to prevent the transmission of COVID-19 including a World Health Organization (WHO) funded study; and

WHEREAS, the aforementioned ADH guidance on masks recommends the general public should wear face coverings in ALL indoor environments where they are exposed to non-household members and distancing of six (6) feet or more cannot be assured. This includes, but is not limited to, workplaces, retail stores, businesses, places of worship, courtrooms, jails/prisons, schools, healthcare facilities, and other people homes; and

WHEREAS, the aforementioned ADH guidance recommends that the general public should also wear face coverings in ALL outdoor settings where there is exposure to non-household members, unless there is ample space of six (6) or more to practice physical distancing; and

WHEREAS, Arkansas Governor Asa Hutchinson supports and encourages the usage of facial coverings in an effort to curb the spread of COVID-19; and

WHEREAS, the United States Supreme Court has long recognized State and local control over the spread of infectious diseases and gave broad leeway in responding to those threats in Jacobson v. Massachusetts 197 US 11 (1905); and

WHEREAS, the Centers for Disease Control and Prevention (CDC) encourages the use of cloth face coverings to curb the spread of Covid-19; and

WHEREAS, individuals who are infected by Covid-19 are often asymptomatic and may transmit the virus; and

WHEREAS, the health of employees and patrons of reopened businesses is directly threatened by individuals who enter into such establishments without facial coverings.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF HELENA-WEST HELENA ARKANSAS:

Section 1: Upon consultation with the ADH, the Governor's Office, and the Arkansas Municipal League, the City of Helena-West Helena, Arkansas **requires the usage of facial coverings to adhere with ADH guidance** in an effort to help curb the spread of COVID-19, in particular to protect the most vulnerable members of our community, as well as to ensure that the hard won progress made by the citizens of Arkansas in reopening our shared economy is preserved.

Section 2: The City of Helena- West Helena has hereby determined that local law enforcement and other city officials will act in a supporting capacity to local businesses that wish to enforce the use of masks upon their premises.

Law enforcement, acting in such a support capacity, shall educate and encourage members of the public who decline to wear facial coverings regarding the efficacy of wearing such coverings according to the ADH guidance on facial coverings released on June 19, 2020.

Law enforcement may additionally act in a support capacity to local businesses by educating individuals who decline to comply with the facial covering requirement of any local business that the individual must abide by that requirement or leave the premises.

Section 3: The City Clerk is hereby directed to print and mail this ordinance to all businesses within the municipal limits as soon as practical, for display in a prominent area of the business or on the primary entrance way.

Section 4: An emergency is declared to exist, and because of the need for immediate response to the COVID-19 pandemic, this ordinance shall go into effect immediately upon passage. The emergency factors considered in declaring an

emergency is the infectious rate of COVID-19, the rapid use of protective equipment across all sectors, the fatality rate, and the fatality rate if the virus is left unchecked. Therefore, an emergency is declared.

Passed and approved on the 7th day of July, 2020.

Approved: Kevin A. Smith
Kevin Smith, Mayor

Attested: Sandi Ramsey
Sandi Ramsey, City Clerk



Arkansas Department of Health

4815 West Markham Street • Little Rock, Arkansas 72205-3867 • Telephone (501) 661-2000
Governor Asa Hutchinson
Nathaniel Smith, MD, MPH, Secretary of Health

June 19, 2020

Guidance on the Use of Face Coverings by the General Public

Supporting data:

- Plenty of evidence shows that SARS-COV-2, the cause of COVID-19, is transmitted through large (larger than 20 μm) respiratory droplets, which are generated by coughing and sneezing.
- More and more evidence supports the transmission of SARS-COV-2 through aerosol droplets (smaller than 5-10 μm), which are produced during coughing, singing, speaking, and even quiet breathing.
 - Aerosol droplets can remain in the air for long periods of time and travel longer distances. A closely related virus, SARS-COV-1 (the cause of the SARS epidemic of 2003), is known to travel long distances through the air from sources.
- Asymptomatic (people infected but have no symptoms) and pre-symptomatic (before the infected person has symptoms) transmission of SARS-COV-2 is now well-documented and is thought to contribute significantly to transmission. One example of this was the Skagit Valley Chorale rehearsal in Mount Vernon, Washington, which resulted in the infection of 45 of 60 choir members. Three required hospitalization and two died.
- More and more evidence supports the efficacy of wearing masks for the prevention of transmission of COVID-19:
 - Anecdotal but significant support (information provided directly to the Arkansas Department of Health from the Missouri Department of Health): Two COVID-19-infected stylists with symptoms in a Missouri hair salon exposed 140 clients and 6 co-workers. The salon where they were employed required universal use of face coverings. The stylists wore cloth masks. Of the 46 people who agreed to be tested for COVID-19, none were positive. Additionally, none of the 146 exposed people developed symptoms of COVID-19.
 - A World Health Organization (WHO)-funded study found that wearing masks of any type not only served as preventing spread from an infected person but also gave some protection from COVID-19 to the wearer as well.
 - A recent modeling study reported that when face masks are used by a majority of the population in public settings (not just symptomatic people), the effective reproductive number for SARS-COV-2 falls below 1.0. This would decrease the spread of COVID-19, flatten future disease waves, and allow people to resume normal activities with greatly reduced risk.

- Based on the above data and more, the WHO issued a statement on June 5, 2020 recommending that everyone wear fabric face masks in public to reduce disease spread.

Based on the above data, the ADH makes the following recommendations:

- The general public should wear face coverings in all indoor environments where they are exposed to non-household members and distancing of 6 feet or more cannot be assured. This includes, but is not limited to, workplaces (with few exceptions), retail stores, businesses, places of worship, courtrooms, jails and prisons, schools, healthcare facilities, other people's homes and all the scenarios addressed by the Governor's Directives.
- The general public should also wear face coverings at all outdoor settings where they are exposed to non-household members, unless there is ample space (6 feet or more) to practice physical distancing.
- Regarding the type of face covering, medical masks may be somewhat more protective than cloth masks (if they are clean and dry), but more and more evidence supports cloth masks as being sufficient for the general public and effective in preventing transmission. Cloth masks should consist of at least two layers of fabric. N95 respirators should be reserved for front-line health care workers.
- All face coverings should cover both the mouth and nose at all times in order to be effective.

Example of the correct way to wear a face covering (covers mouth and nose):



Source: CDC