

ORDINANCE NO. 24 -2021

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

WHEREAS, the United States Supreme Court has long recognized State and local control over the spread of infectious disease 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, the health of employees and patrons of reopened businesses is directly threatened by individuals who enter into such establishment without facial coverings: and

WHEREAS, the Delta variant to the COVID-19 virus has caused a greater surge in COVID-19 cases; and

WHEREAS, the City previously adopted Ordinance No-12-2021 which was invalidated by an Act of the Arkansas Legislature; and

WHEREAS, the Circuit Court of Pulaski County issued an injunction regarding the enforcement of ACT 1002 of the Arkansas Legislature;

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

Section 1: Upon previous consultation with the ADH, the Governor's Office, and the Arkansas Municipal League prior to the adoption of Ordinance 12-2021 and the preliminary injunction issued to stay the enforcement of ACT 1002, the City of Helena-West Helena, Arkansas **requires the usage of facial coverings to adhere with ADH guidance** in 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.

Section2: 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 mask 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.

Law enforcement may additionally act in 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. The Delta variant to COVID-19 has worsened the conditions that existed at the time of the enactment of Ordinance 12-2021. Therefore, an emergency is declared.

Passed and approved on the 9th day of August, 2021.

Approved: Kevin A. Smith
Kevin Smith, Mayor

Attested: Sandi Ramsey
Sandi Ramsey, City Clerk