



# Office of the Mayor

KENNETH D. MIYAGISHIMA  
MAYOR

CITY OF LAS CRUCES

## CITY OF LAS CRUCES PROCLAMATION OF EMERGENCY 2020-05

**WHEREAS**, pursuant to LCMC Art. III, Sec. 9-35, Emergency Declaration Ordinance, the Mayor has the authority to proclaim that a state of emergency exists in the municipality, after consultation with the emergency manager, chief of police, or fire chief; and

**WHEREAS**, such proclamation allows the Mayor to prohibit and/or require certain actions to maintain the public peace, health, welfare, or safety, and if desired, to request that the Governor of New Mexico proclaim a state of emergency pursuant to the Riot Control Act; and

**WHEREAS**, on June 30, 2020, Governor Michelle Lujan Grisham issued Executive Order 2020-053 Renewing the State of Public Health Emergency Initially Declared in Executive Order 2020-004, Other Powers Invoked In That Order, and All Other Orders and Directives Contained in Executive Orders Tied to the Ongoing Public Health Emergency; and

**WHEREAS**, on April 7, 2020, an Emergency Proclamation was issued by Mayor Kenneth Miyagishima, and was extended and approved by the City Council on April 10, 2020 and again on April 24, 2020; and

**WHEREAS**, the Emergency Proclamations support and reiterate Governor Michelle Lujan Grisham's Executive Orders tied to the public health emergency created by the novel coronavirus disease which has been referred to as "COVID-19"; and

**WHEREAS**, the Governor's Executive Orders and the City of Las Cruces Emergency Proclamations have been implemented as emergency measures intended to slow the spread of COVID-19 and to reduce the potentially devastating effects of the disease.

**NOW THEREFORE**, I, Kenneth Miyagishima, Mayor of the City of Las Cruces, New Mexico, hereby invoke LCMC Sections 9-35 through 9-41, to preserve the peace, health, welfare, and safety in the City of Las Cruces, consistent with the above guidance and information. In particular, I am invoking the following actions:

I.I order the following:

- a. That businesses within the Las Cruces city limits and registered and operating in accordance with Las Cruces Municipal Code (LCMC) Chapter 16, and further defined in LCMC Sec. 16-96, shall require patrons and employees to wear face coverings when appropriate social distancing of six-feet cannot be maintained between individuals within the business.
- b. The face covering requirement applies to all applicable businesses currently open to the public.
- c. "Face Covering" as used in this Order, means a covering made of cloth, fabric, or other soft or permeable material, without holes, that covers the nose and mouth and surrounding areas of the lower face. A Face Covering may be factory-made, or may be handmade and improvised from ordinary household materials. The Face Covering should fit snugly but comfortably against the side of the face, include multiple layers of fabric, allow for breathing without restriction, and be able to be laundered and machine-dried without damage or change to shape. Face Coverings must cover the nose and mouth at all times and should remain in place until it can be removed safely. Face



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Coverings should be replaced when they become dirty, wet, and/or difficult to breathe through.

d. Any child under the age of three should not wear a Face Covering and parents should seek the advice of a physician.

e. Face coverings are not required when wearing one would inhibit the individual's health. Individuals with health issues that preclude them from wearing a Face Covering should document those concerns with their employer. Individuals are not required to wear face coverings when eating, drinking or exercising.

f. Business owners who violate this proclamation will face a \$100 fine for every individual within the place of business found not to be wearing an appropriate Face Covering, but fines shall not exceed \$500 per occurrence.

## II. Effective Date

I hereby declare that this Proclamation will become effective on 12:01 am, July 4, 2020, and direct the City Manager to disseminate the contents hereof to the public by appropriate news media, government media and website, and other means available.

## III. Term.

This Proclamation of Emergency may be extended for such additional periods of time as determined necessary by Resolution of the Governing Body of the City of Las Cruces, New Mexico.

DONE at Las Cruces, New Mexico this 3rd day of JULY, 2020, at the hour of 1 pm (MST).

KENNETH MIYAGISHIMA, MAYOR  
City of Las Cruces, New Mexico

ATTEST:

CHRISTINE RIVERA, CITY CLERK

