

SALT LAKE CITY  
EMERGENCY PROCLAMATION

No. 3 of 2021

MAYOR'S EXERCISE OF  
EMERGENCY POWERS RELATED  
TO  
SALT LAKE CITY EMERGENCY PROCLAMATION  
NO. 1 OF 2020

On March 10, 2020, pursuant to her authority under Utah Code Sections 53-2a-208(1)(a) and 53-2a-209(1) and Salt Lake City Code Chapter 22.03, the Mayor of Salt Lake City declared a local emergency due to the global outbreak of COVID-19.

Under City Code Section 22.03.030, while the proclamation of local emergency is in effect, the Mayor of Salt Lake City may exercise certain emergency powers by proclamation. Between March 12, 2020 and April 7, 2021, the Mayor of Salt Lake City exercised emergency powers pursuant to Proclamation Numbers 2, 4, 5, 6, 7, 8, 11, 17 (all of 2020) and Proclamation Numbers 1 and 2 of 2021 to address the local emergency related to the spread of COVID-19 in Salt Lake City. Salt Lake City Emergency Proclamation Number 3 of 2020 addressed a local emergency related to the 5.7 magnitude earthquake that occurred in Salt Lake City on March 18, 2020. Salt Lake City Emergency Proclamations 9 and 10 addressed a local emergency related to civil disturbance that occurred in Salt Lake City on May 30, 2020. Salt Lake City Emergency Proclamation Numbers 15 and 16 addressed a local emergency related to a windstorm that occurred in Salt Lake City on September 8, 2020. Salt Lake City Emergency Proclamation Numbers 12, 13, and 14 repealed sections of previous emergency proclamations.

The Mayor of Salt Lake City now desires to exercise her emergency powers to rescind Proclamation Number 2 of 2021 and enact this Proclamation Number 3 of 2021. To address the COVID-19 pandemic and to protect the life and public safety of those within the geographical boundaries of Salt Lake City, Proclamation No. 3 of 2021 requires face masks in public settings, as defined below.

1. **Rescind.** Proclamation No. 3 of 2021 rescinds in its entirety Proclamation No. 2 of 2021.
2. **Term.** Proclamation No. 3 of 2021 shall take effect on that date it is signed and will be ongoing for as long as Proclamation No. 1 of 2020 is in effect unless Proclamation No. 3 of 2021 is amended or rescinded by the Mayor.
3. **Definitions.**
  - a. **“COVID-19”** means:
    - i. severe acute respiratory syndrome coronavirus 2; or
    - ii. the disease caused by severe acute respiratory syndrome coronavirus 2.
  - b. **“Event host”** means a person that owns, operates, provides facilities for, or has formal oversight over any of the following where a social gathering occurs: an

amusement or water park, arena, aquarium, aviary, botanical garden, ceremony, cinema, comedy club, commercial event venue, commercial party venue, concert or concert hall, conference, convention or convention center, dance or dance hall, driver's education training, fair or fairground, museum, organized athletic or sporting event, recital, stadium, theater, or zoo.

- c. **“Face mask”** means a mask that completely covers the nose and mouth, is made of tightly woven synthetic or natural fabrics, and fits snugly against the nose and sides of the face and under the chin. “Face mask” does not include a mask with an exhalation valve, vent, or other hole or opening, or a mask that is crocheted or made of lace, mesh, or similar open weblike construction or material.
- d. **“Face Shield”** means a shield that covers the entire face—including the eyes, nostrils, and mouth of the wearer—is made of clear plastic or similar nonpermeable transparent material, and can be used in conjunction with a face mask for enhanced protection.
- e. **“Party”** means a group of individuals gathered for a specific purpose who choose to be within six feet of one another.
- f. **“Public setting”** means any area, whether inside or outside a building or other enclosure, that is not a private residence or vehicle, and is open for simultaneous use by two or more individuals not of the same household for business, education, recreation, transportation, or other similar purposes, including a “public place” as defined in Utah Code § 76-9-102(1)(b) and a “place of public accommodation” as defined in Utah Code § 13-7-2(3) and 42 U.S.C. § 12181(7).
- g. **“Social gathering”** means an in-person gathering of individuals from separate households. “Social gathering” does not include:
  - i. a gathering at a residence for a non-commercial purpose;
  - ii. a gathering for a primarily educational or religious purpose;
  - iii. a business service provided at a residence;
  - iv. a physical custody exchange of a child or the exercise of parent-time pursuant to Utah Code § 30-3-32; or
  - v. a childcare service, including a daycare, nanny, or babysitting service, regardless of whether the childcare service is provided as part of a financial transaction.

**4. Face Masks Required in Public Settings.**

- a. Any individual within the geographical boundaries of Salt Lake City is required to
  - i. wear a face mask while in an indoor public setting,
  - ii. wear a face mask while in an outdoor public setting and within six feet of any individual from a separate party, and
  - iii. comply with any face mask requirements required by an event host or business, pursuant to sections 4b or 4c.
- b. An event host of a social gathering shall:
  - i. require each individual attending the social gathering to wear a face mask, including in an area of ingress or egress; and
  - ii. post conspicuous signage at the social gathering that:
    - A. lists COVID-19 symptoms;
    - B. asks individuals experiencing COVID-19 symptoms to stay

- home; and
- C. provides notice of face mask requirements.
- iii. require any individual who removes their face mask to eat or drink on the premises of the social gathering to remain in place while eating or drinking.
- c. A business shall:
  - i. require each employee and contractor to wear a face mask while at work;
  - ii. post conspicuous signage at each entrance to the business that:
    - A. lists COVID-19 symptoms;
    - B. asks employees and patrons experiencing COVID-19 symptoms to stay home;
    - C. provides notice of face mask requirements.
  - iii. require any individual who removes their face mask to eat or drink on the premises of the business to remain in place while eating or drinking.


**5. Face Mask Exceptions.**

- a. Notwithstanding any other provision of this Proclamation, an individual required to wear a face mask may remove the face mask in the following situations:
  - i. while actively eating or drinking, provided that the individual remains in place while eating or drinking;
  - ii. while alone or only with other members of the same household in a room, cubicle, vehicle, or similar enclosure;
  - iii. when communicating with an individual who is deaf or hard of hearing if:
    - A. communication cannot be achieved through other means; and
    - B. the speaker wears a face shield or uses alternative protection such as a plexiglass barrier;
  - iv. while obtaining or providing a service that requires the temporary removal of the face mask, such as dental services or speech therapy services;
  - v. while sleeping;
  - vi. while actively performing as an athlete at an organized athletic event;
  - vii. while exercising or engaging in athletic training while:
    - A. outdoors; or
    - B. indoors and maintaining at least six feet of physical distance from any other individual from a separate party;
  - viii. while swimming or on duty as a lifeguard;
  - ix. while giving a religious, political, media, educational, artistic, cultural, musical, or theatrical presentation or performance for an audience;
  - x. when engaging in work where wearing a face mask would create a risk to the individual, as determined by government safety guidelines;
  - xi. when necessary to confirm the individual's identity, including when entering a bank, credit union, or other financial institution; and
  - xii. when federal or state law or regulations prohibit wearing a face mask.

- b. The following individuals are exempt from the face mask requirements of this Proclamation:
- i. a child who is younger than three years old;
  - ii. an individual who is unconscious, incapacitated, or otherwise unable to remove the face mask without assistance;
  - iii. an individual with a medical condition, mental health condition, or intellectual or developmental disability, that prevents the individual from wearing a face mask; and
  - iv. an individual who is incarcerated.
6. **Gatherings at Residences.** This Proclamation does not apply to a gathering of individuals at a residence for a non-commercial purpose.
7. **Religious Services.** This Proclamation does not apply to a religious service. Faith-based organizations are strongly encouraged to implement protocols to mitigate the spread of COVID-19.
8. **Enforcement.** The purpose of this Proclamation is to protect individuals' life, health, and safety and not to hold them criminally liable. Individuals within Salt Lake City are urged to voluntarily comply with this Proclamation and every effort will be made to educate people to achieve compliance. However, pursuant to City Code 22.03.080, a person who violates this Proclamation is guilty of a class B misdemeanor and upon conviction can be punished by a fine not to exceed \$1,000 and/or by imprisonment for a term no longer than 6 months. Nothing in this Proclamation is intended to encourage or allow law enforcement to transgress individual constitutional rights. Prosecutors are encouraged to exercise discretion in making any charging decisions due to a violation of this Proclamation.
9. **Filing and Dissemination.** This proclamation will be filed with the Salt Lake City Recorder, will be delivered to the State of Utah and Salt Lake County, and will be disseminated to local media.

Dated this 7<sup>th</sup> day of April, 2021.



  
Erin Mendenhall (Apr 7, 2021 22:21 MDT)


Erin Mendenhall  
Mayor

Approved as to Form:

  
Mark Kittrell (Apr 7, 2021 22:18 MDT)

Mark Kittrell  
Acting Salt Lake City Attorney

Attest:

  
Cindy Lou Trishman (Apr 7, 2021 22:27 MDT)

Cindy Lou Trishman  
City Recorder

**RECORDED**

**Apr 7, 2021**