

1 ORDINANCE 2020-.

2  
3 AN ORDINANCE AMENDING PROVO CITY CODE REGARDING CIVIL  
4 INFRACTIONS AND REQUIREMENTS RELATED TO THE COVID-19  
5 PANDEMIC. (20-118)  
6

7 WHEREAS, the State of Utah has been in a declared state of emergency due to novel  
8 coronavirus disease (COVID-19) since March 6, 2020, which worldwide disease outbreak has  
9 been characterized by the World Health Organization as a pandemic; and  
10

11 WHEREAS, the Centers for Disease Control and Prevention (CDC) advises that COVID-  
12 19 is easily spread through the air from person to person who are in close contact with one another;  
13 and  
14

15 WHEREAS, federal, state, and local authorities have recommended that individuals limit  
16 public gatherings, wear face masks, and follow social distancing guidelines; and  
17

18 WHEREAS, a BYU study, Making sense of the research on COVID-19 and masks,  
19 concluded that “masks could be one of the most powerful and cost-effective tools to stop COVID-  
20 19 and accelerate the economic recovery;” and  
21

22 WHEREAS, some 70,000 BYU and UVU students are returning to school over the next  
23 few weeks, many of whom will live, work, and recreate in Provo and Orem; and  
24

25 WHEREAS, another BYU study, Provo City and BYU need to be Partners during COVID-  
26 19, notes that while BYU has done extensive work to reduce the spread of COVID-19 through on-  
27 campus networks, the close proximity and interconnectedness of the students with the larger  
28 community off campus can seed larger outbreaks of the disease; therefore, the study recommends  
29 that masks be required in all businesses and enclosed spaces outside the home and that gatherings  
30 larger than 50 people not be permitted; and  
31

32 WHEREAS, the State of Utah is promoting the Mask Up Utah campaign and Provo City  
33 Mayor Kaufusi is promoting Mask Month; and  
34

35 WHEREAS, without greater compliance to the State’s “Phased Guidelines for the General  
36 Public and Businesses to Maximize Public Health and Economic Reactivation,” including social  
37 distancing and the wearing of masks, to slow the transmission of COVID-19, the city, county, and  
38 state risk greater restrictions being imposed on businesses and school operations, including  
39 possible closures, and the adverse corollary effects of such additional restrictions on our local  
40 economy and families; and  
41

42  
43  
44  
45  
46  
47  
48  
49  
50  
51  
52  
53  
54  
55  
56  
57  
58  
59  
60  
61  
62  
63  
64  
65  
66  
67  
68  
69  
70  
71  
72  
73  
74  
75  
76  
77  
78  
79

WHEREAS, on August 20, 2020, the Municipal Council passed a resolution calling for more measures to be implemented to slow the transmission of COVID-19, and to encourage all of our citizens to take necessary actions to protect the health and allay the fears of our fellow citizens; and

WHEREAS, on August 20, 2020 and August 25, 2020, the Municipal Council met to ascertain the facts regarding this matter and receive public comment, which facts and comments are found in the public record of the Council’s consideration, and passed the then current version of this Ordinance 2020-36; and

WHEREAS, on August 27, 2020, Mayor Michelle Kaufusi vetoed Ordinance 2020-36 and submitted to the Council her written statement of objections; and

WHEREAS, on August 27, 2020, the Municipal Council met to reconsider Ordinance 2020-36 in light of that veto, as provided in Utah Code Section 10-3b-204(3); and

WHEREAS, after considering the facts presented to the Municipal Council, the Council finds that (i) Provo City Code should be amended as set forth below, and (ii) such action furthers the health, safety, and general welfare of the citizens of Provo City.

NOW, THEREFORE, be it ordained by the Municipal Council of Provo City, Utah, as follows:

PART I:

Provo City Code Chapter 9.17 is hereby amended as follows:

**Chapter 9.17 Civil Infractions**

...

**9.17.030. Acts Made Civil Infractions.**

The following acts are hereby declared to be civil infractions (and not criminal offenses) and within the jurisdiction of the City Civil Violations Hearing Examiner:

- (1) Violation of any of the parking regulations described in the Provo City Code;
- (2) Violations of parking laws and regulations not inconsistent with these ordinances which are described in State statutes, including benefiting disabled (handicapped) persons, which statutes are hereby adopted as a portion of the Provo City Code;

80 (3) Violation of motor vehicle license plate and registration regulations when the motor vehicle is  
81 parked on public property as described in Section 9.31.100, Provo City Code.

82

83 (4) Violation of Section 9.32.170, Provo City Code.

84

85 [\(5\) Violation of Provo City Code Chapter 9.25.](#)

86

87 ...

88

89 **9.17.060. Fees for Infractions – Payment.**

90

91 (1) Fees and other money related to civil infractions shall be paid to the Finance Department in  
92 such manner, not inconsistent with this Chapter, as the Finance Director shall direct. No Hearing  
93 Examiner or any subordinate thereof shall receive any fees or other money related to civil  
94 infractions over which the Hearing Examiner has jurisdiction.

95

96 (2) The fee for the violation of a regulation listed below shall be as shown in Subsection (8) of  
97 this Section:

98

99 (a) All overtime restricted parking violations;

100

101 (b) Parking within an intersection in violation of Section 9.31.010, Provo City Code;

102

103 (c) Double parking in violation of Section 9.31.030, Provo City Code;

104

105 (d) Parking out of stall in violation of Section 9.31.020, Provo City Code;

106

107 (e) Parking in a red or yellow curbed area in violation of Section 9.31.020, Provo City  
108 Code;

109

110 (f) Parking across or on a sidewalk in violation of Section 9.31.010, Provo City Code;

111

112 (g) Parking in noncompliance with a parking sign or parallel parking requirements  
113 established under Section 9.31.020, Provo City Code;

114

115 (h) Parking in a crosswalk in violation of Section 9.31.010, Provo City Code;

116

117 (i) Parking left side of curb in violation of Section 41-6-104, Utah Code;

118

119 (j) Vehicles parked with expired registration in violation of Section 41-1a-215, Utah Code;

120  
121  
122  
123  
124  
125  
126  
127  
128  
129  
130  
131  
132  
133  
134  
135  
136  
137  
138  
139  
140  
141  
142  
143  
144

(k) Parking too close to a fire hydrant in violation of Section 9.31.010, Provo City Code, or for parking in a fire access lane in violation of Section 9.32.120, Provo City Code;

(l) Parking or leaving a vehicle unattended over seventy-two (72) hours in violation of Section 9.31.050, Provo City Code;

(m) Except as specifically allowed under Chapter 9.32, Provo City Code, parking along a public street or highway which obstructs or partially obstructs clear passage of vehicular entrance or egress to any driveway abutting upon a public street or highway in violation of Section 9.31.010, Provo City Code;

(n) Parking in a disability parking space in violation of Section 41-1a-414, Utah Code;

(o) Any other parking violation found in the Provo City Code or State law, but not specifically mentioned in this Section; ~~and~~

(p) Violations of Section 9.32.170, Provo City Code; ~~and~~

[\(q\) Violations of Provo City Code Chapter 9.25.](#)

...

(8) The fees established under this Section are set forth in the following table:

<b>Violation</b>	<b>Paid on Time (within 10 days)<sup>1</sup></b>	<b>Paid Late (11 or more days)<sup>1, 2</sup></b>
Disability Space – 41-1a-1306 UCA	\$175.00	\$218.75
Skateboard, etc. Violation – Section 9.32.170, Provo City Code	\$55.00	\$68.75
<u><a href="#">Violation of Provo City Code Section 9.25.030(3)</a></u>	<u><a href="#">\$500.00</a></u>	<u><a href="#">\$625</a></u>
All Other Regulations Listed in Subsection (2) of this Section	\$55.00	\$68.75

145  
146

...

147  
148  
149  
150  
151  
152  
153  
154  
155  
156  
157  
158  
159  
160  
161  
162  
163  
164  
165  
166  
167  
168  
169  
170  
171  
172  
173  
174  
175  
176  
177  
178  
179  
180  
181  
182  
183  
184  
185  
186

**PART II:**

Provo City Code Chapter 9.25 is hereby enacted as follows:

**Chapter 9.25 COVID-19 Response**

- 9.25.010. Purpose.**
- 9.25.020. Face Coverings.**
- 9.25.030. Large Public Gatherings.**
- 9.25.040. Exemptions.**
- 9.25.050. Posting.**
- 9.25.060. Penalties.**
- 9.25.070. Expiration of this Chapter.**

**9.25.010. Purpose.**

The purpose of this Chapter is to ensure a coordinated implementation of practices which slow the transmission of COVID-19 by requiring all individuals living or working within or visiting Provo, Utah, to wear face coverings while (1) in indoor areas accessible to the public, including without limitation businesses and City buildings, where social distancing is not possible, reasonable, or prudent, (2) in attendance at large outdoor gatherings where social distancing is not possible, reasonable, or prudent, and (3) in attendance at large indoor gatherings. All provisions of this Chapter shall be interpreted to effectuate this intent.

**9.25.020. Face Coverings.**

Except as otherwise provided in this Chapter, any individual within Provo shall be required to wear a face covering that completely covers the nose and mouth when in indoor areas accessible to the public where consistent social distancing of at least six feet from individuals not dwelling in the same household is not possible, reasonable, or prudent.

**9.25.030. Large Public Gatherings.**

(1) Any individual within Provo who is in attendance at an indoor public gathering of more than fifty (50) individuals shall be required to wear a face covering that completely covers the nose and mouth regardless of whether or not social distancing is possible.

(2) Any individual within Provo who is in attendance at an outdoor public gathering of more than twenty-five (25) individuals shall be required to wear a face covering that completely covers the nose and mouth where consistent social distancing of at least six feet is not possible, reasonable, or prudent.

187  
188 (3) It shall be unlawful to organize a public gathering in contravention of subsections (1) or (2)  
189 and promote such as an event without requiring attendees to wear face coverings. It shall also be  
190 unlawful to organize an indoor public gathering of more than fifty (50) individuals and fail to  
191 provide clear notice at the public entrance or entrances to the gathering of the requirements of this  
192 Section.

193  
194 **9.25.040. Exemptions.**

195 The following individuals are exempt from wearing a face covering:

- 196 (1) Individuals under five years of age;  
197 (2) Individuals with a medical condition, mental health condition, or disability that prevents  
198 wearing a face covering;  
199 (3) Individuals who are hearing impaired, or communicating with an individual who is hearing  
200 impaired, where the ability to see the mouth is essential for communication;  
201 (4) Individuals for whom wearing a face covering would create a risk to the individual related to  
202 their work, as determined by local, state or federal regulators or workplace safety guidelines;  
203 (5) Individuals who are obtaining a service involving the nose or face for which temporary removal  
204 of the face covering is necessary to perform the service;  
205 (6) Individuals who are seated at a restaurant or other establishment that offers food or beverage  
206 service, while they are eating or drinking; and  
207 (7) Individuals who are purchasing a product or receiving a service that requires identification may  
208 briefly remove a face covering, as necessary, so that the retailer or service provider can verify  
209 identity; and  
210 (8) Individuals engaging in strenuous physical activity where circumstances are not reasonably  
211 conducive to wearing a face covering, such as swimming, running, fitness classes, etc.

212  
213 **9.25.050. Posting.**

214 (1) All businesses open to the public where face coverings are required by this Chapter shall post  
215 a notice in a clearly visible location at or near the public entrance or entrances to such place of  
216 business that declares that face coverings are required by law.

217  
218 (2) Organizers of indoor public gatherings larger than fifty (50) individuals shall comply with the  
219 requirements of Section 9.25.030.

220  
221 **9.25.060. Penalties.**

222 Violations of this Chapter are a civil infraction and shall be subject to the provisions of Provo City  
223 Code Chapter 9.17.

224  
225 **9.25.070. Expiration of this Chapter.**

226 This Chapter shall expire and be automatically repealed on November 15, 2020 unless by  
227 ordinance the Council amends this section on or by October 20, 2020.

228

229

230 PART III:

231

232 A. If a provision of this ordinance conflicts with a provision of a previously adopted  
233 ordinance, this ordinance shall prevail.

234

235 B. This ordinance and its various sections, clauses and paragraphs are hereby declared to be  
236 severable. If any part, sentence, clause or phrase is adjudged to be unconstitutional or  
237 invalid, the remainder of the ordinance shall not be affected thereby.

238

239 C. The Municipal Council hereby directs that the official copy of the Provo City Code be  
240 updated to reflect the provisions enacted by this ordinance.

241

242 D. As set forth in Utah Code Section 10-3b(204(4)(c), this ordinance shall take effect upon  
243 being recorded in accordance with Utah Code 10-3-713.

244

245 END OF ORDINANCE.