

**ORDINANCE NO. 5
SERIES OF 2020**

**AN EMERGENCY ORDINANCE OF THE BOARD OF TRUSTEES
OF THE TOWN OF CARBONDALE, COLORADO,
REQUIRING THAT PERSONS UTILIZE FACE COVERINGS WITHIN THE
TOWN OF CARBONDALE DURING THE COVID-19 PANDEMIC WHEN
PUBLIC INTERACTION IS LIKELY**

WHEREAS, pursuant to the Colorado Disaster Emergency Act, C.R.S., Section 24-33.5-701, et seq., the Town of Carbondale has by adoption of Board of Trustee Resolution No. 6, Series of 2020 on March 17, 2020, and the Declaration of Local Disaster Emergency by the Town Manager on March 17, 2020, the Town of Carbondale has previously declared a local disaster currently existing in the Town of Carbondale due to the COVID-19 outbreak, the occurrence of which is an imminent threat to the health, safety and welfare of the Carbondale community;

WHEREAS, Colorado Governor Jared Polis, Colorado Department of Public Health and Environment, and Garfield County Public Health continue to indicate the likelihood of community transmission of COVID-19 within the Town of Carbondale; and

WHEREAS, the Board of Trustees has determined that an emergency exists because of the COVID-19 Pandemic, that it is necessary, desirable, appropriate and in the best interests of the Town, its citizens and inhabitants, to protect and preserve the public health, safety, peace, safety and welfare, that the Town enact an immediate requirement that all persons are required to wear face coverings when likely to encounter the public in the Town of Carbondale, except when certain activities necessitate the temporary removal of face coverings, as set forth below;

WHEREAS, pursuant to Section 3-7 of the Carbondale Home Rule Charter, the Board of Trustees is authorized to adopt and enforce such emergency ordinances as may be required to protect the public health, safety, and welfare; and

WHEREAS, Section 3-7 of the Carbondale Home Rule Charter further authorizes the Board to immediately implement an emergency ordinance by a vote of a quorum plus one so long as (1) the ordinance states that it is an emergency ordinance and (2) it describes the nature of the emergency.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF CARBONDALE, COLORADO, as follows:

- 1. Section One: Face Coverings Required.**
 - (a) “Face Covering” shall mean a uniform piece of material that securely covers a person’s nose and mouth and remains affixed in place without the use of one’s hands.

- (b) Face Coverings are required to be worn by all persons when entering and while inside public buildings or places of business at locations where public contact is likely, including but not limited to within all common areas and lobbies, at all front desks, within other public seating or waiting areas, and within all portions of retail grocery, and restaurant businesses that are accessible by customers.

2. **Section Two: Exceptions.**

Nothing herein shall require the wearing of face coverings by the following persons:

- (a) Persons under the age of two years;
- (b) Persons for whom a face covering would cause breathing impairment from an existing health condition; and
- (c) Persons working in an office who do not have any face-to-face interactions with the public.
- (d) Persons within bank lobbies if the bank posts signage on its public entrances that requires the removal of face masks for security reasons.
- (e) Owners or employees of professional office spaces that are not open to public.
- (f) Persons who need to temporarily remove face covering when required to perform a reasonably necessary activity in public (*e.g.* removing a mask to eat or drink at restaurants or other places of public accommodation, to receive dental services, etc.), to the extent such activity is allowed by applicable Garfield County or State of Colorado public health orders.

3. **Section Three: Penalties.**

- (a) Violations of this Ordinance shall be subject to the penalty provisions of Section 1-4-20 of the Carbondale Municipal Code.
- (b) At the discretion of the Officer, a penalty assessment may issue in the amount of Fifty Dollars (\$50.00) for a first offense; One

Hundred Dollars (\$100.00) for a second offense; and a summons to Municipal Court for any subsequent offense(s).

4. **Section Four. Termination.**

This Ordinance shall remain in effect until either:

- (a) Future Declaration of the Town Manager declaring the COVID-19 public health emergency has abated;
- (b) Repeal or amendment of this Ordinance by the Board of Trustees of the Town of Carbondale; or
- (c) If this Ordinance is superseded by a valid public health order by the State of Colorado or Garfield County that is more restrictive.

5. **Section Five: Effective Date.**

Because the Board of Trustees finds that it is necessary to adopt this ordinance as an emergency ordinance to protect the general health, safety and welfare of the citizens of the Town, this ordinance shall become effective immediately upon passage.

INTRODUCED, READ AND PASSED by a vote of 6 to 1 this 12th day of May, 2020.

THE TOWN OF CARBONDALE



Dan Richardson, Mayor

ATTEST:



Cathy Derby, Town Clerk



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