

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF
BASALT, COLORADO, ADOPTING AN AMENDED PUBLIC HEALTH
ORDER REGARDING FACE COVERINGS**

**Town of Basalt, Colorado
Resolution No. 28
Series of 2020**

WHEREAS, the World Health Organization declared the 2019 Novel Coronavirus/ COVID-19 disease ("COVID-19") a Global Pandemic;

WHEREAS, the President of the United States of America declared a National State of Emergency relating to the COVID-19 pandemic;

WHEREAS, the Governor of the State of Colorado declared a statewide emergency regarding the occurrence or imminent threat of widespread or severe damage, injury or loss of life or property resulting from COVID-19;

WHEREAS, pursuant to C.R.S. § 24-33.5-709 and by Resolution No. 6, 2020, the Town Council declared a local disaster emergency in relation to COVID-19 outbreak, which granted the Town Manager certain emergency powers;

WHEREAS, the Centers for Disease Control and Prevention ("CDC"), Colorado Department of Public Health and Environment ("CDPHE"), Public Health Departments for Eagle County and Pitkin County, and various public health officials all strongly recommend wearing face coverings to prevent the spread of COVID-19 based on the scientific data available to them;

WHEREAS, Eagle County and Pitkin County have each issued Standing Public Health Orders, including variances from the CDPHE Orders;

WHEREAS, the Town has the authority to adopt emergency regulations and orders under the broad grant of police power reflected in Title 31, including but not limited to "...to do all acts and make all regulations which may be necessary or expedient for the promotion of health or the suppression of disease." C.R.S. § 31-15-401(1)(b);

WHEREAS, unlike other aspects of county police powers that extend only to unincorporated areas, the Public Health Departments of Eagle County and Pitkin County jurisdiction and authority extends to within the boundaries of the Town of Basalt;

WHEREAS, home-rule municipalities have the authority to adopt and impose public health measures to supplement the State and County orders;

WHEREAS, by Resolution No. 14, Series of 2020, the Town Council approved public health order requiring that face coverings be worn in certain instances, which was then extended by Resolution No. 17, Series of 2020, and is now set to expire on October 27, 2020, unless extended by Council;

WHEREAS, the Town Council wishes to require face coverings to be worn and extend the public health order requiring face coverings to until such time as revoked by Council or if the Town's local disaster emergency declaration is terminated, as set forth herein; and

WHEREAS, the Town Council finds this action is immediately necessary to preserve the life, health, and safety of the Town and its residents.

NOW, THEREFORE, IT IS RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF BASALT, COLORADO, THAT:

Section 1. Recitals. The foregoing recitals are hereby incorporated as findings of the Town Council.

Section 2. Public Health Order – Face Coverings. The Town Council hereby issues the following Public Health Order:

A. Definitions.

“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 Required. All persons shall wear Face Coverings:

1. When entering and while inside the areas of a place of business open to the public.
2. In such other public indoor or outdoor places where persons are unable to maintain safe social distancing (e.g. six or more feet separation) from others not of their own household, except for momentary circumstances to accept payment, deliver goods, walk or ride past another person, or perform otherwise necessary tasks.

Places of business open to the public shall not permit entry by persons not in compliance with this Public Health Order.

C. Exceptions. The following persons are not required to wear Face Coverings under this Public Health Order:

1. Persons under the age of two years;
2. Persons for whom a face covering would cause impairment due to an existing health condition; and
3. Persons working in a professional office who do not interact in close proximity (i.e. 6 feet) to other employees or with the public.

4. Persons seated at a table at a restaurant and otherwise complying with the Eagle County Variance(s), Pitkin County Variance(s), or State regulations related to restaurants, as applicable.
5. Persons exercising in a gym or fitness center when wearing a face covering is not physically possible.
6. Persons exempted under a special event activity permit issued by the Town, such as performers or event participants.

D. General Information for all Persons. Pursuant to CDC guidance, the public is strongly encouraged to wear Face Coverings that:

1. Fit snugly but comfortably against the side of the face;
2. Are secured with ties or ear loops;
3. Include multiple layers of fabric;
4. Allow for breathing without restriction; and
5. Are able to be laundered and machine dried without damage or change to shape.

Information on making such masks can be found at:

<https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/diy-cloth-face-coverings.html>

- E. Implementation and Clarifications on Order.** The Town Manager is hereby authorized to enter administrative orders to further implement and clarify this Public Health Order.
- F. Effective Date; Termination.** This Public Health Order will become effective upon adoption by Town Council and shall remain in effect until 11:59 P.M. on August 25, 2020, unless extended by Town Council.
- G. Most Restrictive Standard Controls.** To the extent any Federal, State, and/or County orders or laws are more restrictive than what is set forth herein, such orders control.
- H. Penalties.** Failure to comply with this Order is subject to the penalties contained in Section 1-82 of the Basalt Municipal Code. In the event of a citation, the fine for the first offense shall not exceed \$50 and the fine for the second offense shall not exceed \$200.

Section 3. If any section, subsection, clause, phrase, or provision of this Resolution, or the application thereof to any person or circumstance shall to any extent be held by a

court of competent jurisdiction to be invalid, void or unconstitutional, the remaining sections, subsections, clauses, phrases and provisions of this Resolution, or the application thereof to any person or circumstance, shall remain in full force and shall in no way be affected, impaired or invalidated.

READ AND ADOPTED by a vote of 7 to 0 this 28th day of July
2020.

TOWN OF BASALT, COLORADO



William G. Kane, Mayor

ATTEST:



Pamela K. Schilling, Town Clerk

