

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

**Town of Basalt, Colorado
Resolution No. 14
Series of 2020**

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

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

WHEREAS, the Governor of the State of Colorado has 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 on March 10, 2020;

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 COVID-19 pandemic has spread and infected populations at such a rate throughout the United States, the State of Colorado, and the western slope of Colorado that it threatens to overwhelm limited medical facilities with infected individuals;

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, the Centers for Disease Control and Prevention ("CDC"), Colorado Department of Public Health and Environment ("CDPHE"), and various public health officials recommend wearing face coverings to prevent the spread of COVID-19, and the Town Council wishes to require face coverings to be worn 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 orders 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, and
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, 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 have any face-to-face interactions with the public.

D. General Information for all Persons. Pursuant to CDC guidance, the public is strongly encouraged to wear cloth 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.

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 terminate at 11:59 P.M. on May 26, 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, including up to a \$2,650 fine and 364 days imprisonment per day for each violation. 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 1st day of May 2020.

TOWN OF BASALT, COLORADO



William G. Kane, Mayor

ATTEST:



Pamela K. Schilling, Town Clerk

