

**ORDINANCE NO. 19
SERIES 2020**

**AN EMERGENCY ORDINANCE REQUIRING FACE COVERINGS IN THE
TOWN OF VAIL**

WHEREAS, on March 10, 2020, the Governor of the State of Colorado recognized the COVID-19 pandemic and declared a state of emergency;

WHEREAS, on March 13, 2020, the Town Manager declared a disaster emergency in and for the Town of Vail, Colorado, pursuant to the Colorado Disaster Emergency Act, C.R.S. § 24-33.5-701, *et seq.* (the "Act"), and Section 13.5 of the Town's Home Rule Charter, which declaration was thereafter continued by the Town Council;

WHEREAS, the emergency conditions caused by the COVID-19 pandemic, as defined by C.R.S. § 24-33.5-702 and the Home Rule Charter, persist and require additional and sustained action by the Town;

WHEREAS, pursuant to State and Local Public Health Orders, businesses have been allowed to open to the public under strict guidelines for the health and safety of the public;

WHEREAS, the Centers for Disease Control and Prevention recommends wearing face coverings in public settings to prevent the spread of COVID-19;

WHEREAS, on November 3, 2020, Eagle County issued a Standing Public Health Order adopting Colorado's Statewide Covid-19 Dial Dashboard, requiring all individuals over the age of 2 years to wear face coverings when entering and inside any place of business, event, or public indoor environment;

WHEREAS, in addition, Colorado's Statewide Public Health Order and Eagle County's Public Health Order both recommend the wearing of face coverings in outdoor public spaces in which 6 feet of physical distance from non-household members cannot be maintained over a period of 15 minutes or longer;

WHEREAS, the failure of individuals and businesses to comply with public health guidelines can jeopardize the health of the community as a whole and could require the reinstatement of stay at home orders and the re-closing of all businesses leading to devastating economic impacts;

WHEREAS, on November 4, 2020, the Town Manager enacted an emergency order requiring face coverings in the Town; and

WHEREAS, requiring face coverings and establishing a Mandatory Face Covering Area in which face coverings shall be mandated at all times in all public indoor and outdoor places, as defined herein, is in the best interest of the public health, safety and welfare.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF VAIL, COLORADO, THAT:

Section 1. Definitions. As used in this Ordinance, the following terms shall have the following meanings:

Face Covering means 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.

Mandatory Face Covering Area means any outdoor public place located within the boundaries of that zone depicted on the map attached hereto and incorporated herein by this reference, which map may be amended by the Town Manager.

Outdoor Public Place means an outdoor area to which the public or a substantial number of the public has access, including without limitation a street, sidewalk, public alley, public parking lot, park, playground, and common areas of public and private buildings and facilities.

Section 2. Face Covering Required. Except as provided in Section 3, below, every person shall wear a Face Covering in the:

- A. When entering and while inside of a place of business open to the public;
 - B. While in an Outdoor Public Place in the Mandatory Face Covering Area;
- and
- C. In such other public indoor or outdoor places outside of the Mandatory Face Covering Area where such person is unable to maintain safe social distancing (6 feet or more of separation) from others not of the person's own household.

Section 3. Exceptions. Nothing in this order shall be interpreted or construed to require the wearing of Face Coverings by the following persons:

- A. Persons 2 years of age or younger;
- B. Persons for whom a face covering would cause impairment due to an existing health condition;
- C. Persons working in a professional office who do not have any face-to-face interactions with the public;
- D. Public safety personnel while in the performance of their duties;
- E. Persons while eating or drinking; and
- F. Performers as long as 25 feet of distance from spectators is maintained.

Section 4. Businesses. Requirements for businesses open to the public:

A. No business open to the public shall permit any individual not wearing a face covering to enter or remain in the business unless that individual is excepted from wearing a face covering pursuant to Section 3 hereof. Businesses that choose to offer masks to customers prior to entering must provide new, clean and unworn masks.

B. Restaurants may allow an individual to remove their face coverings once the individual is seated at a table for dining. The individual must wear the face covering any time they are not seated at their table.

C. Any business open to the public that permits an individual to enter or remain in the business without a required face covering is subject to the suspension or revocation of its business or liquor license pursuant to Section 4-1-7 of the Vail Town Code, as well as the penalties contained in Section 5 of this ordinance.

Section 5. Penalties. Violations of this ordinance shall be punishable as follows: a fine of \$50 for the first offense; a fine of \$250 for the second offense; and for any subsequent offense, a mandatory court appearance subject to the penalties set forth in Section 1-4-1 of the Vail Town Code, including a fine of up to a \$2,650, incarceration not to exceed 180 days, or both.

Section 6. Enforcement. The members of the Town's Police Department, code enforcement, and such other law enforcement and peace officers as may be authorized by the Town Manager are hereby authorized and directed to enforce the orders, rules, and regulations made or issues pursuant to this ordinance.

Section 7. Severability. If any part, section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance; and the Town Council hereby declares it would have passed this ordinance, and each part, section, subsection, sentence, clause or phrase thereof, regardless of the fact that any one or more parts, sections, subsections, sentences, clauses or phrases be declared invalid.

Section 8. Repealer. All bylaws, orders, resolutions and ordinances, or parts thereof, inconsistent herewith are repealed to the extent only of such inconsistency. This repealer shall not be construed to revise any bylaw, order, resolution or ordinance, or part thereof, theretofore repealed.

Section 9. Emergency. Pursuant to § 4.11 of the Vail Town Charter, the Town Council hereby finds and declares that this ordinance is necessary for the immediate preservation of the public health, safety and welfare, to prevent the spread of COVID-19 and to ameliorate the negative effects of the COVID-19 pandemic on businesses in the Town.

Section 10. Effective Date. This ordinance shall be effective immediately upon adoption.

INTRODUCED, READ, APPROVED, AND ORDERED PUBLISHED ONCE IN FULL this 17th day of November 2020.

Dave Chapin, Mayor

ATTEST:

Tammy Nagel, Town Clerk