

TOWN OF PAGOSA SPRINGS, STATE OF COLORADO

RESOLUTION NO. 2020-X

**A RESOLUTION
EXTENDING THE REQUEST FOR THE WEARING OF FACE
COVERINGS IN TOWN OF PAGOSA SPRINGS**

WHEREAS, on March 10, 2020, the Governor of the State of Colorado declared a statewide state of emergency in response to coronavirus (COVID-19); and

WHEREAS, the Governor has issued a series of executive orders imposing stay at home requirements to slow the spread of the disease, and which orders currently extend until several dates in June and July, under revised protocols; and

WHEREAS, the Governor's executive orders have been implemented by public health orders of the Colorado Department of Public Health and Environment (CDPHE); and

WHEREAS, on April 17, 2020, the Governor issued Executive Order D 2020 039, ordering workers in Critical Businesses and Critical Government functions to wear non-medical face coverings while working, except where doing so would inhibit the individual's health, and to also wear gloves, to the extent possible when in contact with customers or goods if gloves are provided to workers by the employer; and

WHEREAS, On April 26, 2020, the Governor issued Executive Order D 2020 044, introducing the "Safer at Home" phase of slightly relaxed state regulation. That Order, while permitting certain non-critical businesses to open as of May 1, including personal services (salons, dog grooming, personal training, etc.), directs the CDPHE to issue restrictions for such businesses similar to the requirements for Critical Retail, and which will include requiring customers to wear face coverings in such personal service establishments; and

WHEREAS, on May 14, 2020, the Colorado Department of Public Health and Environment issued its Third Amended Public Health Order Health Order 20-28, further defining requirements for face coverings for employees in "critical businesses;" and

WHEREAS, Governor's Safer at Home executive orders and Public Health Orders promulgated by the Colorado Department of Public Health and Environment (the "CDPHE") provide for the gradual reopening of businesses and activities while continuing precautions to help slow the spread of the disease; and

WHEREAS, the Centers for Disease Control and Prevention (the "CDC") recommends the wearing of cloth face coverings in public settings where other social distancing measures are difficult to maintain; and

WHEREAS, the CDC further recommends the use of a simple cloth face covering to slow the spread of COVID-19 and help people who may have the virus and do not know it from transmitting it to others; and

WHEREAS, in the Governor's Safer at Home order (Executive Order D2020-044),

Governor Polis provided that nothing in such order prevents a county or municipality from adopting more protective standards than those contained in the order, including but not limited to stay at home orders, mask wearing requirements in public or additional protective measures, and if such local measures are adopted, they will become effective within the county or municipality without state approval; and

WHEREAS, the Town of Pagosa Springs, following the guidance of San Juan Basin Public Health, CPDHE, the CDC and other scientific authorities desires to facilitate safe re-opening of businesses in the community in a manner that reduces the risk of increasing the local infection rate; and

WHEREAS, the Town of Pagosa Springs, as a home rule municipality has broad authority under its Charter and state law to enact regulations to protect the health, welfare and safety of its citizens; and

WHEREAS, the Municipal Code provides a wide range of authority to the Town Council to help mitigate the impacts of the COVID-19 virus within the Town limits, including the authority to suspend any Town process or to amend other function of the Town in a manner that abates or mitigates the effects of the emergency; and

WHEREAS, the Town of Pagosa Springs Town Council finds that requiring the wearing of face coverings by employees, customers, and visitors of businesses and government facilities open to the public will best provide for the promotion of health and the suppression of disease within the Town limits by slowing the spread of COVID-19; and

WHEREAS, it is the intent of this Resolution to continue to protect those members of the public who need to be out of their homes in order to access and provide goods and services and to the maximum extent feasible slow the spread of COVID-19, while enabling the continuation of essential services, businesses and travel necessary to protect public health and safety, and for the continuity of social and commercial life during the time the Emergency Declaration is in effect.

WHEREAS, the Town Council of the Town of Pagosa Springs approved Resolution 2020-14 at their regular meeting on June 2, 2020, which provides for an extension of the Disaster Declaration through August 4, 2020, at which time the Town Council may determine to further extend the Declaration if needed; and

WHEREAS, the Town Council wishes to request that face coverings to be worn by persons entering all Town of Pagosa Springs businesses and areas in public; and

WHEREAS, the Town Council finds and determines that the adoption of this Resolution is necessary for the promotion of health and the suppression of disease.

THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF PAGOSA SPRINGS:

Section 1. Face Covering Request Instituted. The Town Council hereby extends request for face coverings by enacting the following Request:

- A. All persons entering a business or establishment located within the Town limits of Pagosa Springs are hereby requested to wear medical or non-medical cloth face coverings, such as to cover their nose and mouth, when entering any such business and in conducting any interactions within such business.
- B. All persons visiting or residing within the Town limits of Pagosa Springs are urged to wear a medical or non-medical cloth face covering when indoors or outdoors where six-foot minimum distance between individuals cannot be maintained.
- C. This Request is necessary to reduce the spread of COVID-19 and protect the health of essential workers and the residents and visitors with Town limits. The Request shall go into effect upon adoption of this Resolution and shall **expire at midnight on July 27, 2020**, unless it is earlier terminated or extended.
- D. This Order is permitted to be more restrictive than any state-issued stay at home order or other public health order, as permitted by the Governor's stay at home orders and associated orders of the Colorado Department of Public Health and Environment.
- E. The Council strongly urges all citizens, for your own health and safety, and for that of the brave citizens who are staffing the grocery stores, pharmacies and other businesses that are so critical to our daily needs, to comply with this Request. It is only through our collective efforts that we can protect those persons, ourselves and our families. The Council genuinely appreciates your voluntary cooperation.

Section 2. Severability. If any part, section, subsection, sentence, clause or phrase of this Resolution is for any reason held to be invalid, such invalidity shall not affect the validity of the remaining provisions.

Section 3. Effective Date. This Resolution shall take effect and be enforced immediately upon its approval by the Town Council.

ADOPTED THIS _____ DAY OF _____, 2020, BY THE TOWN COUNCIL OF THE TOWN OF PAGOSA SPRINGS, BY A VOTE OF ____ IN FAVOR, ____ AGAINST.

TOWN OF PAGOSA SPRINGS

By: _____
Don Volger, Mayor

ATTEST:

April Hessman, Town Clerk