

**TOWN OF FRASER
ORDINANCE NO. 479
Series 2020**

**AN EMERGENCY ORDINANCE REQUIRING FACE COVERINGS DURING
THE CORONAVIRUS (COVID-19) PUBLIC HEALTH EMERGENCY**

WHEREAS, by Resolution No. 2020-04-02 the Board of Trustees declared that a disaster emergency relating to the coronavirus (COVID-19) exists within the Town of Fraser; and

WHEREAS, the Board of Trustees hereby finds and determines that such emergency continues as an ongoing public health emergency (the “public health emergency”) due to the continued presence of the COVID-19 virus and the threat of infection from such virus; and

WHEREAS, the public health emergency shall remain in effect until the Mayor declares that the emergency has passed; and

WHEREAS, the Board of Trustees reaffirms that protecting public health is the Board’s top priority; and

WHEREAS, the Board of Trustees is empowered by Section 31-15-401(1)(b), C.R.S., and other provisions of Colorado law, to do all acts and make all regulations which may be necessary or expedient for the promotion of health or the suppression of disease; and

WHEREAS, the Governor of the State of Colorado and the Colorado Department of Public Health and Environment have acknowledged that the wearing of face coverings in public settings is beneficial and helps to prevent the spread of COVID-19; and

WHEREAS, this ordinance is adopted to attempt to limit the health impacts of COVID19 within the Town of Fraser by establishing requirements for the public to utilize face coverings when inside places of business within the Town that are open to the public, or when members of the public are unable to maintain safe social distancing (six or more feet separation) from others not of their own household, and to thereby slow the spread of COVID-19 within the Town, all as more fully set forth in this ordinance; and

WHEREAS, the Board of Trustees finds and determines that the adoption of this ordinance is necessary for the promotion of health and the suppression of disease; and

WHEREAS, the Board of Trustees further finds and determines that the adoption of this ordinance is proper under Section 31-15-401(1)(b), C.R.S., and other applicable law.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF FRASER, COLORADO:

Section 1. Definitions. As used in this ordinance “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.

Section 2. Face Covering Required. Every person shall wear a face covering:

- A. When entering and while inside of a place of business open to the public; and
- B. In such other public indoor or outdoor places where such person is unable to maintain safe social distancing (six or more feet separation) from others not of the person’s own household.

Section 3. Exceptions. Nothing in this ordinance shall be interpreted or construed to require the wearing of face coverings by the following persons:

- A. Persons under the age of two (2) years; and
- B. Persons for whom a face covering would cause impairment due to an existing health condition; and
- C. Persons working in a professional office who do not have any face-to-face interactions with the public.

Section 4. General Information For All Persons. Pursuant to federal Centers for Disease Control guidance, the public is strongly encouraged to wear cloth face coverings that:

- A. Fit snugly but comfortably against the side of the face;
- B. Are secured with ties or ear loops;
- C. Include multiple layers of fabric;
- D. Allow for breathing without restriction; and
- E. Are able to be laundered and machine dried without damage or change to shape.

Section 5. Violations; Penalties.

- A. Any violation of the provision of this Ordinance shall be punished as set forth in Section 1-4-10 of the Fraser Municipal Code, provided, however, that any such violation of this Ordinance shall be an infraction, punishable only by a fine, and not to include the imposition of any form of imprisonment.
- B. Any person found to have violated any provision of this ordinance, or against whom a default judgment has been entered for any violation of this ordinance shall be punished by a fine as follows:

Offense No.	Fine Amount
First Offense	\$ 50.00
Second Offense	\$250.00
Third Offense and Each Subsequent Offense	\$500.00

Section 6. Findings. The Board of Trustees hereby finds, determines and declares that this ordinance:

- A. Is necessary and proper to provide for the safety, preserve the health, promote the prosperity, and improve the order, comfort and convenience of the Town of Fraser and the inhabitants thereof.
- B. Is necessary for the promotion of health and the suppression of disease

Section 7. Direction to Enforce Ordinance. The Police Chief of the Town of Fraser, and all officers of the Town’s Police Department, are authorized to enforce this Ordinance until the Mayor has declared that the public health emergency as defined above has passed. Nothing in this Section 7 shall prevent the Police Chief or any officer of the Town’s Police Department from testifying in court with respect to an alleged violation of this Ordinance that occurred prior to the Mayor’s declaration that the public health emergency in the Town has passed.

Section 8. Authority. The Board of Trustees hereby finds, determines and declares that it has the power to adopt this ordinance pursuant to the provisions of Section 31-15-401(1)(b), C.R.S., and other applicable Colorado law.

Section 9. Emergency Declaration. The Board of Trustees of the Town of Fraser hereby finds, determines and declares that an emergency exists and that this ordinance

is necessary for the immediate preservation of public property, health, welfare, peace or safety for the reasons enumerated in the introductory paragraphs of this ordinance, which are incorporated into this Section 9 by reference. The Board of Trustees further determines that the adoption of this ordinance as an emergency ordinance is in the best interest of the citizens of the Town of Fraser.

Section 10. Effective Date. Pursuant to Section 31-16-105, C.R.S., this Ordinance shall take effect and be in full force upon adoption of this Ordinance by the affirmative votes of at least six (6) members of the Board of Trustees.

Section 11. Repeal. This ordinance shall be automatically repealed at such time as the Mayor of the Town of Fraser declares that the COVID-10 public health emergency within the Town has passed.

Section 12. Publication of Ordinance. This ordinance shall be published in full within ten (10) days after adoption, or as soon thereafter as possible as required by law.

ADOPTED AND APPROVED as an Emergency Ordinance this ____ day of _____, 2020.

READ, PASSED, ADOPTED AND ORDERED PUBLISHED BY THE BOARD OF TRUSTEES AND SIGNED THIS ____ day of _____, 2020.

Votes in favor: ____
Votes opposed: ____
Votes abstained: ____

BOARD OF TRUSTEES OF THE
TOWN OF FRASER, COLORADO

BY: _____
Philip Vandernail, Mayor

ATTEST:

Antoinette McVeigh, Town Clerk

(S E A L)

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