AN EMERGENCY ORDINANCE OF THE CITY OF EDGEWATER, COLORADO, TO REQUIRE FACE COVERINGS AT CERTAIN LOCATIONS WITHIN THE CITY, TO STRONGLY ENCOURAGE FACE COVERINGS AT ALL OTHER LOCATIONS WITHIN THE CITY IN COMPLIANCE WITH STATE OF COLORADO PUBLIC HEALTH ORDERS, DECLARING AN EMERGENCY AND PROVIDING FOR THE IMMEDIATE EFFECTIVE DATE OF THIS ORDINANCE.

WHEREAS, by Ordinance No. 20-04, on March 17, 2020, the City declared a public health emergency; to wit, the occurrence or imminent threat of widespread or severe damage, injury or loss of life or property resulting from COVID-19 requiring emergency action, then and now, to avert danger or damage and to protect public health; and

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, on March 14, 2020, the President of the United States declared a national emergency in response to the coronavirus (COVID-19); and

WHEREAS, the World Health Organization has declared the coronavirus (COVID-19) to be a worldwide pandemic; and

WHEREAS, the coronavirus (COVID-19) has been confirmed to exist in Jefferson County; and

WHEREAS, the City Council of the City of Edgewater confirms that protecting public health is the Council’s top priority and this ordinance is adopted to limit the health impacts of COVID-19 by potentially slowing the spread of the virus; and

WHEREAS, the City Council is empowered by Section 31-15-401(1)(b), C.R.S., “[t]o do all acts and make all regulations which may be necessary or expedient for the promotion of health or the suppression of disease” within the territorial limits of the City of Edgewater; and

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

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

WHEREAS, the City’s authority to adopt this Ordinance is in addition to those exercised by the Governor of Colorado, the State of Colorado Department of Public Health and Environment, and the County of Jefferson, Colorado.
NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF
EDGEWATER, COLORADO THAT:

The City of Edgewater hereby adopts the following Public Health Order:

Section 1. Definitions.

For purposes of this Ordinance, “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.

Section 2. Face Coverings Required.

All persons shall wear Face Coverings when entering and while inside a place of business open to the public that has posted a clearly legible sign at each entrance to the business that states that Face Coverings are required within the business.

Section 3. Face Coverings Recommended.

Consistent with the public health orders of the Colorado Governor and the related guidance from the Colorado Department of Public Health and Environment, and so long as that guidance remains in place, the City strongly recommends that all persons wear Face Coverings in all public indoor and outdoor places where persons are unable to maintain safe physical distancing (six feet or more of separation) from others not of their own household.

Section 4. Exceptions.

Nothing herein shall require Face Coverings for the following persons:

a. Persons under the age of two years; and

b. Persons for whom a Face Covering would cause impairment due to an existing health condition.

Section 5. General Information Concerning Face Coverings.

Pursuant to the United States Centers for Disease Control and Prevention 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 6. Penalties.

Any person found to have violated any provision of Section 2 of this Ordinance shall be guilty of misdemeanor offense and shall be subject to a maximum penalty of $50 for the first offense, $250 for the second offense, and to the penalties set forth in Section 1-4 of the Code of Ordinances of the City of Edgewater for each offense thereafter.

Section 7. Effect of Ordinance on Other Orders.

The provisions of this Ordinance shall have no impact nor effect on the provisions or enforceability of any federal, state or Jefferson County regulations or orders concerning COVID-19 or the wearing of Face Coverings. In each and every instance, each such regulation or order may be enforced under applicable law in accordance with its terms, and in all cases the most restrictive provision shall apply.

Section 8. Effective Date and Time.

This Ordinance will become effective at 12:00 a.m. on May 12, 2020, and will remain in effect until 11:59 p.m. on June 22, 2020.

INTRODUCED, PASSED AND FINALLY APPROVED THIS 11th DAY OF MAY, 2020.

CITY OF EDGEWATER, COLORADO

/s/ Laura Keegan
Laura Keegan, Mayor
ATTEST:

/s/ L Pedroza
Lenore Pedroza, City Clerk

APPROVED AS TO FORM:

/s/ Thad Renaud
Thad Renaud, City Attorney