

TOWN OF NORWOOD BOARD OF TRUSTEES

Monday, July 13, 2020

Work Session – 6:00 P.M.

Norwood Community Center

1670 Naturita Street

Via Zoom

A G E N D A

Topic: Norwood Board of Trustees/Work Session

Time: Jul 13, 2020 06:00 PM Mountain Time (US and Canada)

Join Zoom Meeting

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Discussion of Mask Ordinance for Town of Norwood:

a. Ouray County Ordinance.

b. Town of Telluride Ordinance.



**NOTICE OF COUNTYWIDE PUBLIC HEALTH ORDER
REGARDING THE COVID-19 PANDEMIC (OCPHA ORDER NO. 9)**

This Order sets forth requirements and guidelines for personal responsibility and additional mandates to slow the spread of COVID-19 in **Ouray County**.

FINDINGS

The Public Health Director finds:

1. Corona Virus Disease 2019 ("COVID-19") is a highly contagious virus that has spread worldwide and is causing serious illness or death in certain cases, particularly in, but not limited to, the elderly or persons with underlying health condition.
2. On March 10, 2020 Jared Polis, the Honorable Governor of the State of Colorado, declared a State of Emergency for the entire State of Colorado in response to COVID-19 as the number of cases in Colorado and in the United States of America increased, and Governor Polis also announced numerous emergency measures to protect public health, safety and welfare.
3. On March 11, 2020 the World Health Organization ("WHO") declared the worldwide outbreak of COVID-19 a "global pandemic", surpassing the stage of "global health emergency" declared by the WHO on January 30, 2020 due to the worldwide spread of COVID-19.
4. On March 13, 2020, the President of the United States, Donald J. Trump, declared a national state of emergency due to COVID-19.
5. On March 16, 2020 the Board of County Commissioners of Ouray County, Colorado declared a Local Disaster Emergency due to COVID-19.
6. As of July 2, 2020, the Colorado Department of Public Health and Environment (CDPHE), there are 33,352 known cases of COVID-19 in Colorado and 1,521 Coloradans have died due to COVID-19. There is clear evidence that some individuals who contract COVID-19 have no symptoms or have very mild symptoms, which means they are likely unaware they carry the virus. Asymptomatic individuals can transmit the disease, and evidence shows the disease is easily spread, making gatherings of people a potential source of COVID-19 transmission.
7. The presence of visitors to Ouray County from many communities throughout the state, surrounding states, and the country, if unregulated, may introduce increased illness into the community, imposing burdens on the local economy, local workers, our health care system, public services, first responders, food supplies and other essential services during the ongoing COVID-19 pandemic.
8. In the absence of a widely available vaccine and/or treatment, community mitigation tools, such as physical distancing, face coverings, hand washing, self-quarantining and isolating if sick and reporting symptoms to public health officials, are necessary to reduce the spread of COVID-19 to protect health and save lives.



9. A key transmission route for COVID-19 is by droplet spread of saliva from the mouths of people, when speaking, coughing or sneezing and research shows some evidence that covering your mouth and nose when around others, reduces the rate of infection of the virus through droplet spread by as much as 33%, according to Andrew D. Yeowell, MD, Emergency Medicine Specialist at Montrose Memorial Hospital in Montrose, Colorado.
10. Ouray County Public Health Medical Director, Joel T. Gates, DO, has studied CDC modeling predictions concerning rates of infection with and without face coverings and he believes a face covering order for Ouray County is appropriate when social distancing is not achievable given the significant increase in visitors and spread happening throughout the county.
11. Many business owners throughout Ouray County have experienced increased altercations with customers who refuse to cover their face when inside the business such that an order regarding face coverings indoors is necessary.
12. In the commercial areas of Ouray County there are often gatherings of people waiting in line outside local business establishments without face coverings such that an order requiring face coverings when waiting in line outside business establishments is necessary.
13. At this time an order requiring face coverings in all indoor public settings or public transportation and if people are gathered outside an indoor public setting waiting to enter, in Ouray County, is necessary, urgent, and consistent with the powers to promote public health or suppression of disease.
14. This emergency order is necessary to preserve the public health safety and welfare given the July 4th holiday weekend is imminent and there are significant number of tourists in Ouray County; coupled with a recent uptick in new cases which may jeopardize any variances the County has obtained from the State of Colorado concerning opening further.

LEGAL AUTHORITY

15. This Order is adopted pursuant to the legal authority set forth in sections 25-1-506 and 25-1-508, 25-1-509, Colorado Revised Statutes, as well as all other applicable laws, rules, regulations, orders and declarations. Under this authority, the Public Health Director has the duty to investigate and control the causes of the epidemic or communicable diseases and conditions affecting public health; to establish, maintain, and enforce isolation and quarantine; to exercise physical control over the property and over the persons of the people within the territorial limits of Ouray County; and to prohibit the gatherings of people to protect the public health; all as the Public Health Director may find necessary for the protection of the public health. Issuance of this Order is deemed reasonable under the existing circumstances and necessary for the immediate preservation of the public health, safety and welfare of Ouray County citizens.

MOST RESTRICTIVE STANDARD CONTROLS



16. The requirements of this Order shall be in addition to any and all local, State and/or Federal orders. In the event that any such other orders or laws are more or less restrictive than what is set forth herein, the more restrictive orders control. Individuals should be aware that Executive Orders from the Governor of Colorado and State Public Health Orders from the Director of the Colorado Department of Public Health and Environment (CDPHE) are being issued on a regular basis, and all members of the public are responsible for following the Governor's orders, CDPHE orders, and local orders.

ORDER

I. Definitions. For purposes of this Order:

"Face Covering" shall mean a covering made of cloth, fabric, or other soft or permeable material, without holes, that covers only the nose and mouth and surrounding areas of the lower face, and that fits snugly but comfortably against the side of the face and remains in place without the use of one's hands. Face coverings include, but are not limited to, bandanas, medical masks, cloth masks, buffs and gaiters. Face coverings do not include any mask that incorporates a one-way valve that is designed to facilitate easy exhaling, and such masks are not to be used to comply with this Order.

II. Face Covering Order.

1. All persons shall be required to wear a Face Covering when entering, waiting in line to enter and while in the following locations open to the public within Ouray County:
 - a. Any place of business or facility engaged in any sales or other transactions of any kind to the general public and any place that offers services, facilities, privileges, or advantages to the general public, including any outside courtyard, patio, seating, waiting or parking area associated with the place of business or place of service in which any kind of delivery, pick up or other service is provided;
 - b. Any County, City of Ouray or Town of Ridgway owned or operated building or indoor facility of any kind; and
 - c. Any public transportation.
2. Exceptions. Nothing herein shall require the wearing of face coverings by the following persons under this Order:
 - a. Persons in restaurants or other food establishments which are permitted by state and local regulations to serve food for consumption on the premises, while such person is in the act of eating or drinking; provided, however, that face coverings must be worn while entering and exiting the restaurant, and while ordering, paying, or otherwise interacting with employees or other customers of the restaurant, and once the food and drink have been consumed;
 - b. Persons working in a place of business who do not come into contact with the public and who do not share workspace with other persons not of their household; provided, however, that face coverings shall be worn while entering or exiting the building or otherwise when within six feet of another person in or around that place of business and as may otherwise be required under any other orders or directives issued by any entity with jurisdiction;
 - c. Persons 3 years of age or younger or children within a childcare facility;
 - d. Persons for whom a face covering would cause impairment due to an existing health condition or persons who, because of a disability, are unable to wear a face covering; and



- e. Persons in a place of business such as banks, financial institutions or other security sensitive businesses who are requested to remove or lower their face covering for purposes of verifying their identity to carry out a sale or transaction; provided, however, that face coverings must otherwise be worn while in the establishment.

III. **General Information.** Pursuant to Federal Centers for Disease Control and Prevention (CDC) 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.

More Information on making face coverings can be found at [CDC.gov](https://www.cdc.gov)

The requirements of this Order supplant other local public health orders and take effect at 6:00 PM on July 3, 2020, and all requirements remain in effect at 12:00 AM on August 1, 2020, unless otherwise extended in writing by the Public Health Director. This order shall be known as Ouray County Public Health Agency Order No. 9. (OCPHA Order No. 9).

OCPHA is tasked with protecting the health and welfare of the citizens of Colorado by investigating and controlling the causes of epidemic and communicable disease. This Order is necessary to control any potential transmission of disease to others. Immediate issuance of this Order is necessary for the preservation of public health, safety, or welfare.

THE COUNTY WILL SEEK VOLUNTARY COMPLIANCE OF THIS THROUGH EDUCATION AND WARNING NOTICES PRIOR TO THE ISSUANCE OF ANY CITATIONS OR COMMENCEMENT OF LEGAL ACTION.

FAILURE TO COMPLY WITH THIS ORDER IS SUBJECT TO THE PENALTIES CONTAINED IN SECTIONS 25-1-516 AND 18-1.3-501, COLORADO REVISED STATUTES, INCLUDING A FINE OF UP TO FIVE THOUSAND (5,000) DOLLARS AND IMPRISONMENT IN THE COUNTY JAIL FOR UP TO EIGHTEEN (18) MONTHS.


Tanner Kingery, MPH, Public Health Director

Date: July 3, 2020

ORDINANCE NO. 1511
Series of 2020

AN EMERGENCY ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF TELLURIDE, COLORADO ADOPTING A PUBLIC HEALTH ORDER AND EMERGENCY ORDINANCE OF THE TOWN OF TELLURIDE, COLORADO FOR THE PRESERVATION OF HEALTH, PEACE AND SAFETY, THE PROMOTION OF HEALTH AND THE SUPPRESSION OF DISEASE REQUIRING ALL PERSONS TO WEAR FACE COVERINGS UPON ENTERING, AND AT ALL TIMES WHILE REMAINING INSIDE OF, AN INDOOR AND ENCLOSED PLACE OF BUSINESS THAT IS OPEN TO THE PUBLIC AND WHEN USING ANY FORM OF PUBLIC TRANSPORTATION AND IMPOSING SPECIFIC PENALTIES FOR VIOLATIONS OF THIS EMERGENCY ORDINANCE AND DECLARING AN EMERGENCY.

WHEREAS, the Town of Telluride, Colorado (the “Town”) is a duly organized and existing home rule municipality of the State of Colorado (the “State”), created and operating pursuant to Article XX of the Constitution of the State and the home rule charter of the Town (the “Telluride Charter”); and,

WHEREAS, Corona Virus Disease 2019 (“COVID-19”) is a highly contagious virus that has spread worldwide and is causing serious illness or death in certain cases, particularly in, but not limited to, the elderly or persons with underlying health conditions; and,

WHEREAS, on March 10, 2020 Jared Polis, the Honorable Governor of the State of Colorado, declared a State of Emergency for the entire State of Colorado in response to COVID-19 as the number of cases in Colorado and in the United States of America increased, and Governor Polis also announced numerous emergency measures to protect public health, safety and welfare; and,

WHEREAS, on March 11, 2020 the World Health Organization (“WHO”) declared the worldwide outbreak of COVID-19 a “global pandemic”, surpassing the stage of “global health emergency” declared by the WHO on January 30, 2020 due to the worldwide spread of COVID-19; and,

WHEREAS, on March 13, 2020, the President of the United States, Donald J. Trump, declared a national state of emergency due to COVID-19; and,

WHEREAS, on March 16, 2020 the Board of County Commissioners of San Miguel County, Colorado declared a Local Disaster Emergency due to COVID-19; and,

WHEREAS, on March 20, 2020 the Telluride Town Manager issued a Declaration of Local Disaster Emergency (the “Declaration”), on file with the Town Clerk and with the County Clerk and Recorder, which Declaration was extended by formal passage of a Resolution by the Telluride Town Council on March 27, 2020; and,

WHEREAS, the Town Council of the Town is using this Public Health Order and Emergency Ordinance to attempt to slow the spread of COVID-19 and to attempt to limit the health impacts of COVID-19 by setting forth requirements for the public to utilize face coverings inside of public places and while utilizing any public transportation; and,

WHEREAS, a key transmission route for COVID-19 is by droplets from the mouths of people, including when we speak, cough or sneeze and research shows that even a cotton mask significantly reduces the number of virus particles emitted from our mouths by as much as 99 percent; and,

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

WHEREAS, in a May 4, 2020 press release the San Miguel County, Colorado Department of Public Health and Environment reminded the community of the importance of wearing Face Coverings when leaving a person's domicile citing research that shows that there are asymptomatic COVID-19 positive individuals who can spread COVID-19 and a Face Covering over the mouth and nose helps prevent the spread of droplets that carry COVID-19; and,

WHEREAS, on April 22, 2020 the Executive Director of the Colorado Department of Public Health and Environment ("CDPHE") issued Public Health Order 20-26 requiring employees who work in close proximity to other employees or with the public to wear a non-medical (or medical) face covering, with limited exception; and,

WHEREAS, on May 12, 2020 Town Council passed Emergency Ordinance No. 1507 requiring all persons to wear Face Coverings upon entering, and at all times while remaining inside of, an indoor and enclosed place of business that is open to the public and when using any form of public transportation, which Emergency Ordinance is set to expire at midnight on June 2, 2020 unless extended by Town Council action; and,

WHEREAS, on May 26, 2020 the State of Colorado issued the Fourth Amended Public Health Order 20-28 "Safer at Home", which addresses the reopening of restaurants serving a limit of 50% of the indoor posted occupancy code limit per establishment or no more than 50 people total, whichever is less, and which Order requires that food service employees must wear facial coverings at all times along with a request that facial coverings be worn by customers when not seated for dining; and,

WHEREAS, the Town Council is adopting this Ordinance pursuant to its Home Rule Authority provided under the Colorado Constitution, Article XX, Sections 1-6, the Telluride Charter, specifically Section 4.13, as well as the Town's Police Power authority under Colorado Revised Statute Section 31-15-401(1)(b) with the explicit authority to "[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 limits of the Town of Telluride.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF TELLURIDE, COLORADO as follows:

Section 1. Findings and Declaration of Emergency Ordinance.

As a result of the unprecedented pandemic impacts from COVID-19, some of which are currently apparent and some of which remain either unknown or the extent of the impact remains unknown, the Town Council finds and determines that an emergency ordinance requiring Face Coverings in all indoor public settings and on public transportation in the Town of Telluride is urgent, necessary, proper and is consistent with and will advance and preserve the public health, peace, safety and welfare of the Town.

It is therefore hereby declared that an emergency exists, and this Ordinance is necessary for the urgent preservation of public health, peace, safety and welfare of the Town. This Ordinance is hereby declared exempt from all reserved powers of referendum.

Section 2. Definitions.

"Face Covering(s)" means a uniform piece of material, made of cloth, fabric or other soft or permeable material without holes, that securely covers a person's nose and mouth and which remains affixed in place without the need to use one's hands to hold or secure the material covering both the nose and mouth.

"Open to the Public" means any place of business engaged in any sales to the general public or any place of business that offers services, facilities, privileges or advantages to the general public.

Section 3. Requirement for Face Coverings.

All persons shall wear a Face Covering upon entering, and at all times while remaining inside of, an indoor and enclosed place of business that is Open to the Public.

All persons shall wear a Face Covering when using any form of public transportation within the Town of Telluride.

Section 4. Exceptions.

Nothing in this Emergency Ordinance shall be deemed to require the wearing of Face Coverings by persons meeting any of the following exception provisions:

- 1) Persons under the age of two (2) years; or
- 2) Persons for whom a Face Covering would cause impairment due to an existing health condition; or
- 3) Persons working in a personal or professional office (a single room) who do not have any face-to-face regular interactions with the public, but not exempting the following situations:
 - a. if coworkers are working or visiting in that office within six feet (6') of the person; and
 - b. if a client/customer enters the office within six feet (6') of the person.
- 4) Customers of restaurants reopened for public service pursuant to and in compliance with both State of Colorado and San Miguel County Public Health Orders are not required to wear Face Coverings while seated at their dining tables, but are required to wear Face Coverings anytime they leave the dining table including at all times while entering or exiting the interior of the restaurant.
- 5) Customers of bars reopened for public service pursuant to and in compliance with both State of Colorado and San Miguel County Public Health Orders are not required to wear Face Coverings while they are consuming food or beverages.

Section 5. Limited Duration and Automatic Repeal.

On or before August 25, 2020 the Town Council shall consider in a Town Council meeting the effectiveness of this ordinance and may elect to continue the provisions of the same by similar action by emergency ordinance or this emergency ordinance shall automatically be repealed at midnight on August 25, 2020 if no Town Council action is taken on or before midnight August 25, 2020.

In addition, the provisions of this Emergency Ordinance shall be automatically repealed when both the State of Colorado and the local San Miguel County Public Health Orders have been lifted or expire by operation of law with respect to limitations imposed to prevent the spread of COVID-19.

Section 6. Imposition of Specific Penalties for Violations of this Emergency Ordinance.

Violations of this Emergency Ordinance are subject to the non-criminal penalty provisions found in the Telluride Municipal Code ("TMC") Section 1-4-10(a)(2), which includes punishment by a fine of not more than one thousand dollars (\$1,000.00), and including the provisions of TMC Section 1-4-10(b) for separate violations for repeated offenses.

Section 7. Effect on Litigation.

This Ordinance shall not have any effect on existing litigation and shall not operate as an abatement of any action or proceeding now pending under or by virtue of the ordinances repealed or amended as herein provided and the same shall be construed and concluded under such prior ordinances.

Section 8. Severability.

The provisions of this Ordinance are severable and the invalidity of any section, phrase, clause or portion of the ordinance as determined by a court of competent jurisdiction shall not affect the validity or effectiveness of the remainder of the Ordinance.

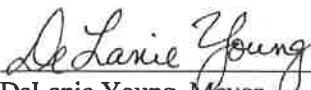
Section 9. Effective Date.


This Ordinance shall take effect immediately upon final passage and shall be published as soon thereafter as possible, and no later than ten (10) days after passage.

INTRODUCED, PASSED AND ADOPTED AS AN EMERGENCY ORDINANCE BY AN EXTRAORDINARY MAJORITY OF THE TOWN COUNCIL OF TELLURIDE, COLORADO on the 30th day of June 2020.

TOWN OF TELLURIDE


ATTEST

By: 
DeLanie Young, Mayor


Tiffany Kavanaugh, Town Clerk

THIS ORDINANCE IS ON FILE IN THE TOWN CLERK'S OFFICE FOR PUBLIC INSPECTION.

APPROVED AS TO FORM:


Kevin J. Geiger
Town Attorney

STATE OF COLORADO)
)
 COUNTY OF SAN MIGUEL) SS.
)
 TOWN OF TELLURIDE)

I, Tiffany Kavanaugh, the duly qualified and acting Town Clerk of the Town of Telluride, Colorado (the "Town") do hereby certify that:

1. The foregoing pages are a true, correct, and complete copy of an ordinance (the "Ordinance") passed and adopted by the Town Council (the "Town Council") of the Town at a Regular Meeting of the Town Council held at Rebekah Hall, 113 West Columbia, Telluride, Colorado, on June 30, 2020.

2. The passage of the Ordinance as an emergency ordinance was duly moved and seconded and the Ordinance was approved by the affirmative vote of at least five (5) Councilpersons (an extraordinary majority) as follows:

Name	"Yes"	"No"	Absent	Abstain
DeLanie Young, Mayor	✓			
Todd Brown, Mayor Pro-Tem	✓			
Adrienne Christy			✓	
Tom Watkinson	✓			
Geneva Shaunette	✓			
Lars Carlson	✓			
Jessie Rae Arguelles			✓	

3. The members of the Town Council were present at such meeting and voted on the approval of the Ordinance as set forth above.

4. The Ordinance has been signed by the Mayor, sealed with the Town seal, attested by me as Town Clerk, and duly numbered and recorded in the official records of the Town.

5. The Ordinance was published in full after final passage in the Telluride Daily Planet, a newspaper of general circulation within the Town on ~~June 30~~, 2020. The affidavit of publication is attached hereto as Exhibit A.
TK July 03, 2020

6. Public notice of the proposed consideration of the Ordinance was published in the Telluride Daily Planet in its issue of June 28, 2020, as evidenced by the affidavit of publication attached hereto as Exhibit B.

th IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Town this 30 day of June, 2020.

Tiffany Kavanaugh
 Tiffany Kavanaugh, Town Clerk

