

AGENDA

CITY COUNCIL SPECIAL MEETING

July 27, 2020

4:00 PM, City Council Chambers



I. CALL TO ORDER

Meeting number (access code): 126 134 2467

Meeting password: 81611

Monday, July 27, 2020

3:30 pm | (UTC-06:00) Mountain Time (US & Canada) | 6 hrs

+1-408-418-9388,,1261342467## United States Toll

II. ROLL CALL

III. CONSIDERATION OF EMERGENCY ORDINANCE #12, SERIES OF 2020

Ordinance #12, Series of 2020 - Mandatory Face Covering Zone

IV. ADJOURN



MEMORANDUM

To: Mayor and City Council
From: James R. True, City Attorney
Date: July 24, 2020
RE: Ordinance #12, Series of 2020

Request of Council: To consider the adoption of Ordinance #12, which amends Ordinance #11, Series of 2020, adding a mandatory face covering zone within the City and changing the requirements for face coverings for areas outside of the zone. All other requirements of Ordinance #11 remain in place.

Background: At a work session held on July 20, 2020, City Council discussed the prospect of adopting regulations that would require individuals within certain specified areas of the City to wear a mask while outside. The memo presented to Council for that discussion is attached. During the discussion and during the work session the following evening, Council also raised the question of whether the rules regarding wearing face coverings should be amended to clarify issues surrounding what is known as the “ten-minute rule.”

Following the discussions, Staff was directed to prepare an emergency ordinance to present at a special meeting called for July 27, 2020, with final consideration at the regular meeting scheduled for July 28, 2020. Pursuant to Sec. 4.11 of the Municipal Charter, two meetings are required but neither is a public hearing. Thus, this item is set for first reading on July 27, 2020, with final approval set for consideration as an action item in the regular meeting of July 28, 2020.

Discussion: As noted above, Ordinance #12, Series of 2020, amends Ordinance #11, Series of 2020, with the addition of a mandatory face covering zone. It also amends the provisions regarding the requirements for face covering at other times, specifically deleting provisions regarding what is known as the “ten-minute rule” for social distancing and the exemption regarding households.

The proposed zones were presented at the work session. Those are attached to the work session memo that is submitted hereto. A proposed zone is not attached to the proposed Ordinance #12, as it is believed that further discussion is required. When a majority of Council supports one particular proposed zone or a zone that it outlines, that will be added to the Ordinance.

Staff is proposing that the changes proposed become effective on August 4, 2020. This will provide time for Staff to conduct proper outreach and get signs and street markings in place. In this regard, Trish Aragon has prepared a preliminary estimate of the cost of implementation of pavement marking. That is attached.

This Ordinance #12 has a proposed sunset consistent with Ordinance #11. That can be revisited at Council’s discretion.

Recommendation: Staff recommends adoption of Ordinance #12, Series of 2020 with an effective date of August 4th.

ORDINANCE NO. 12
(SERIES OF 2020)

AN EMERGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ASPEN, COLORADO, ADOPTING A PUBLIC HEALTH ORDER OF THE CITY OF ASPEN, COLORADO FOR THE PROMOTION OF HEALTH AND SUPPRESSION OF DISEASE AMENDING ORDINANCE #11, SERIES OF 2020 TO, AMONG OTHER AMENDMENTS, CREATE A MANDATORY FACE COVERING ZONE.

WHEREAS, the City of Aspen (the “City”) is a legally and regularly created, established, organized and existing municipal corporation under the provisions of Article XX of the Constitution of the State of Colorado and the home rule charter of the City (the “Charter”); and

WHEREAS, Section 4.11 of the Charter authorizes the City Council to enact emergency ordinances for the preservation of public property, health, peace, or safety upon the unanimous vote of City Council members present or upon a vote of four (4) Council members, whichever is less; and

WHEREAS, the City of Aspen declared a local disaster emergency on March 12, 2020 pertaining to the occurrence or imminent threat of widespread or severe damage, injury or loss of life or property resulting from COVID-19; and

WHEREAS, the City of Aspen commenced and continues to support crisis response efforts, through both personal and other resources; and

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; and

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

WHEREAS, the City of Aspen City Council previously, via Resolution 40 (Series of 2020), amended and renewed via Resolution No. 43 (Series of 2020), and renewed again via Resolution No. 54 (Series of 2020), issued a public health order requiring individuals to wear face coverings in public places, but that many members of the public are not adhering to the requirement of wearing a face covering and businesses have been allowing individuals to enter without face coverings; and

WHEREAS, Ordinance #11 (Series of 2020), adopted the mandatory face covering requirements of Resolution #40 (Series of 2020), approved a mandatory closing time for all businesses with the City of Aspen and amended Title 5 and Title 14 of the City of Aspen Municipal Code, regarding the business and liquor licenses; and

WHEREAS, the City Council proposes to amend the mandatory face covering provisions of Ordinance #11 (Series of 2020) adopting a zone in which face covering shall be mandated in all public outdoor spaces; and

WHEREAS, 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; and

WHEREAS, the City Council has determined that it is necessary to declare an emergency for the preservation of public health, peace, and safety to amend provisions within the City of Aspen Municipal Code that would allow the immediate suspension of a license to conduct business within the City of Aspen if a business has been deemed to have violated any duly issued order, regulation or law of the Federal, State or Local government; and

WHEREAS, the City Council finds that it is appropriate and in the interests of the public health, safety, and welfare and would further protect property and civil order, for the City Council to adopt an Emergency Ordinance and Public Health Order requiring all businesses within the City of Aspen to be closed at a certain, specific time each night, requiring face coverings in public places in the City of Aspen, including mandatory face coverings in certain areas of town, and imposing penalties on businesses who permit individuals to enter without face coverings.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASPEN CITY THAT:

Section 1.

Ordinance #11, Series of 2020 is hereby amended as follows:

Section 2, is hereby deleted and replaced with the following:

The City of Aspen City Council hereby adopts the following public health order requiring face coverings in public places within the City of Aspen:

Section 2.1. Definitions.

- a. 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.
- b. Mandatory Face Covering Zone is any outdoor public place located within the boundaries of that zone depicted on the attached Exhibit "A", which is incorporated herein by this reference.
- c. Outdoor Public Place means an outdoor place to which the public or a substantial number of the public has access, including, but not limited to, any street, sidewalk, public alley, public parking lot, park, playground, and the common areas of any public and private buildings and facilities.

Section 2.2. Face Coverings required.

All persons shall wear Face Coverings:

- a. when entering and while inside of a place of business or mode of transportation open to the public, and
- b. while in an outdoor public place located within the Mandatory Face Covering Zone; and
- c. in such other indoor or outdoor places where persons are unable to maintain safe social distancing (six or more feet of separation regardless of duration).

Section 2.3. Exceptions.

Nothing herein shall require the wearing of face coverings by 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.
- c. Persons who have entered a restaurant or bar open pursuant to Pitkin County or State regulations may remove face covering as allowed by such regulations.
- d. Persons working in a professional office who do not have any face-to-face interactions with the public or co-workers as allowed by Pitkin County or State of Colorado regulations.
- e. Performers as long as twenty-five (25) feet distance from spectators is maintained.

Section 2.4: 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 2.3, above. Businesses that choose to offer masks to customers prior to entering must provide new, clean or otherwise previously unworn masks.
- b. Restaurants may allow individuals to remove their face coverings once the individual is seated at a table for dining. The individual must wear the face covering any time he or she is 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 Sec. 5.04.065 and Sec. 14.08.140 of the City of Aspen Municipal Code as well as the penalty provisions contained in section 2.8 of this public health order.

Section 2.5: 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 2.6. Effective Date and Time, Limitations and Area.

The Public Health Order set forth in this Section 2, will become effective at 6:00 a.m., August 4, 2020, and will remain in effect until August 25, 2020. Until such time as this amended Section 2 becomes effective, Section 2 of Ordinance #11, shall remain in full force and effect. This Order is effective within the entirety of the territory of the City of Aspen, Colorado.

Section 2.7. Most Restrictive Standard Controls.

To the extent any State and/or Federal orders or laws are more restrictive than what is set forth herein, such orders control.

Section 2.8. Penalties.

Failure to comply with this Section 2 is subject to a penalty of \$50 for the first offense, \$250 for the second offense and a mandatory court appearance for any subsequent offense with the penalties contained in Section 1.04.080, of the City of Aspen Municipal Code, including up to a \$2,650 fine and one-year imprisonment or both per day for each violation.

Section 2.9. Previous Resolutions.

This Section 2 shall supersede Resolution No. 40, Series of 2020, as well as Resolutions No. 43 and 54, Series of 2020, upon the effective date set forth in Section 2.6, above.

Section 2. Emergency Declaration

It is hereby declared that, in the opinion of the City Council, an emergency exists; there is a need for the preservation of public property, health, peace, or safety of the City of Aspen, its

residents, and guests; and, this ordinance and public health order adopted as an emergency ordinance provides the protection of the health, peace and safety of the citizens of the City of Aspen.

Section 3. Publication.

The City Clerk is directed that publication of this ordinance shall be made as soon as practical and no later than ten (10) days following final passage.

Section 4. Severability.

If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional in a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and shall not affect the validity of the remaining portions thereof.

Section 5. Effective Date.

Except as otherwise set forth herein, pursuant to Sec.4.11 of the Aspen Municipal Charter, the ordinance shall take effect and be in full force upon adoption of this ordinance by the affirmative votes of at least four (4) members of the Aspen City Council or the unanimous vote of all City Council members present

Section 6. Existing 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 amended as herein provided, and the same shall be construed and concluded under such prior ordinances.

INTRODUCED AND READ as provided by law as an emergency ordinance by the City Council of the City of Aspen on the 27th day of July 2020.

Torre, Mayor

ATTEST:

Nicole Henning, City Clerk

FINALLY adopted, passed and approved this 28th day of July 2020, by

- ☒ the unanimous vote of all City Council members present; or
- ☐ a vote of four (4) council members.

Torre, Mayor

ATTEST:

Nicole Henning



MEMORANDUM

TO: Mayor and City Council
FROM: Richard Pryor, Alissa Farrell, Sara Ott & Jim True
DATE OF MEMO: 7/16/2020
MEETING DATE: 7/20/2020
RE: Creation of a mandatory face covering zone

REQUEST OF COUNCIL:

At the July 14, 2020 City Council meeting, members of Council expressed a desire to discuss creating a geographical zone to mandate the use of face coverings indoors and outdoors, with minor exceptions. This work session is scheduled to provide Council an opportunity to discuss the pros and cons of creating a face covering mandatory zone, identify any additional information needs, and if desired, for Council consensus building and general direction of whether staff should proceed with an ordinance for formal consideration. There will be limited staff presentation during the work session.

PREVIOUS COUNCIL ACTION:

City Council passed Resolution #20-2020 on March 13th extending the local Aspen emergency declaration related to the COVID-19 disaster. Adoption of Ordinance #11, Series of 2020, including the codifying of face covering requirements within the City of Aspen. This ordinance has been extended multiple times, with the next expiration date of August 21, 2020.

BACKGROUND:

Some communities are transitioning to mandatory face covering zones to simplify communicating face covering expectations. Recent examples include Nantucket, Massachusetts and Breckenridge, Colorado. Additionally, Governor Polis issued an executive order mandating face coverings in public areas within Colorado on July 16, 2020. (Attachment F)

DISCUSSION:

Six areas of consideration have been identified to aid City Council's discussion:

1. What is a mandatory face covering zone?

A mandatory face covering zone is intended to aid in communicating expectations for the use of face coverings in typical experiences in the zone, including when indoors and outdoors, with minor exceptions such as for age, medical condition, inside a private residence, or while seated at a restaurant dining table. Further, it removes exemptions such as being with household members, that that are applicable elsewhere in the City. Through simplifying the rules, it is easier for locals and visitors to understand the Council's expectation to wear face coverings and more clearly provide staff discretion for education and, if necessary, officer enforcement. Council should consider if this description is accurate as a basis of further discussion.

2. Why consider creating a mandatory face covering zone?

Face coverings are increasingly being recommended as a means for slowing the spread of COVID-19. Attachment "A" provides current resources on the rationale for face coverings as an effective public health measure during the current pandemic. Most of these resources were provided by Pitkin County Public Health.

As expressed by Council, community sentiment may be at a point where an increase in compliance with the City's face covering ordinance is warranted. Regular contacts with community members via email, telephone, and in-person suggest that many community members are not aware of the details of the ordinance around face coverings. Many express the desire for ordinances that are clearer and enforceable for residents and visitors. Given the short timeline for feedback on this subject there is limited data. Aspen Community Voice is activated now to seek initial feedback before this meeting and will remain up for at least one week to gain community views.

3. How would a mandatory face covering zone be communicated to residents and visitors?

Success will depend on very apparent changes to the physical environment as well as marketing in print, on social media, and in the zone itself. The physical environment would include making semi-permanent street pavement painting and sidewalk markings, installation of several dozen signs, temporary bollards, and other changes to serve as visual clues to individuals.

Further, the campaign would include but not be limited to:

- Newsletter information through all City of Aspen newsletters and coordination with ACRA to distribute information to members.
- Zone area map highlighting mandatory mask zone and informational flyer to be provided to all hotels.
- Signs and information to be provided to the Airport for display.
- Partner outreach and information with ACRA, APCHA and other community organizations.

- Updated postcards as a tool for education information for the City health protection team and ACRA ambassadors to pass out as needed.
- Creation of a FAQ for the city website and as needed.
- Downloadable flyer and materials from City of Aspen website.
- Social media campaign to include engaging and fun photographs and short stories about individuals in Aspen wearing face coverings.
- Education about where masks can be purchased from local retailers or obtained for free through the city and community partners

4. What are realistic expectations around compliance?

While 100% compliance is desirable, it is unlikely to be achieved due to the emotive and controversial nature of face covering mandates around the country. In this environment, the removal of the uncertainty of when to wear the face covering will help identify when and where there is a lack of compliance more quickly. This will allow for targeted education efforts with individuals to seek voluntary agreement to wear face coverings and to be more responsive in providing face coverings to those that need them.

Further, the educational approach leverages multiple community resources – individuals, businesses, lodging, restaurants, ACRA, local government staff and officials in a less confrontational manner and in partnership for compliance. The notion that educational efforts should be left only to law enforcement is flawed when seeking compliance due to other service needs in the community that need to be provided at the same time.

- a. It is reasonable to accept that we will not achieve 100% compliance. So how does the community manage those not in compliance?
 - i. Creation of a zone provides for clearer communication to the public about the expectation that a face covering be worn within the zone. There is far less “grey” area. It is easier to identify a person out of compliance by sight.
 - ii. Maintain an educational approach. Buy-in from community members, lodges, restaurants, businesses, Pitkin County & ACRA is critical to providing support to tourists, commuters, and locals to understand the requirements. These partnerships are crucial to a zone being successful and to minimizing the need for enforcement.
- b. The existing City Health Protection Team (HPT) & ACRA ambassadors continue to play a major role in educating and mask handouts. The HPT may need to be expanded to increase its ability to have educational conversations and hand out masks.
- c. The police role:
 - i. Background – The police department has 18 police officers and 5 Community Response Officers (CRO’s) available to manage all calls for service. This equates to 3-4 officers generally available per shift and 2-3 CRO’s available per day (although 2 CRO’s are temporarily assigned to the City’s HPT while new HPT staff are brought onboard.) Current call for service levels are around 60/day. Pitkin County currently estimates about 40,000 people in the Upper Valley at the moment.

- ii. Maintain the 2 CRO commitment to the HPT after new staff are onboarded to increase the outreach capacity of that team by 2.
 - iii. Patrol officers (with ability to write tickets) would continue routine foot and bike patrols when time is available (currently ~20%) to educate and enforce if necessary, maintaining a similar approach to the current policing style. Much as an officer contacts and uses discretion to manage a speeding driver on Main Street with either a warning or a ticket depending on the circumstances, the same would occur relative to face coverings while an officer is on foot patrol. Capacity to increase or dedicate further patrols does not exist without sacrifice to other service areas (e.g. traffic & crosswalk safety, bear education & enforcement, slower response to some calls for service such as frauds or thefts.) Response to mental health related calls would remain a top priority.
 - iv. A consistent approach beginning to be seen around the State and Country follows the educate, warning, ticket model that we are suggesting.
- d. Managing complaints from the public:
- i. The public generally expects immediate response to complaints, i.e. an officer showing up to “the scene”, and a conversation and some reconciliation of the issue. In the case of face covering complaints this is not likely to occur unless there is a behavioral problem occurring as well as the face covering violation, i.e. someone not wearing a face covering being aggressive with another. If a member of the public calls in with a complaint about a face covering, the ship will have sailed by the time an officer is able to respond. It would be a disproportionate response to go “chasing down the street” after someone who is out of compliance.
 - ii. If a zone is enacted, we would continue to use the existing Pitkin County [Public Health complaint form](#) as the method for the public to report compliance issues. This will enable consistent tracking of all public health order complaints and will ensure, at a minimum, a response to the complainant from HPT members. City of Aspen related complaints entered on this form are already routed to the City HPT for follow up.
 - iii. Impacts on Dispatch as a result of increased complaints are difficult to predict, however Director Brett Loeb’s comments are as follows:
 1. *Currently, we are receiving 5-10 complaints each day, almost all regarding individuals or employees not wearing masks. Public health has set up a 'complaint hotline' and online form which we try to defer the callers to, however, the majority of the callers demand an immediate response, so we create a call for service most of the time. (this is then dispatched to an officer)*
 2. *With a 'mask zone' program implemented, I would expect an increase in calls for two reasons: 1) People within the zone reporting violations and 2) People calling from anywhere in town who are confused or misunderstanding of the change (similar to what's happening today).*

3. *When the current mask restrictions went into effect, we saw about a doubled increase in calls so I would expect that same result here, bringing our volume up to 10-20 calls per day - a number we can absorb with our current staffing and volume.*
- iv. An unknown quantity that should be noted is that the County is entering a higher degree of fire danger, as well as the period in which there are often more mountain rescue incidents which may add to the dispatch call load.

5. Incentives to support a face covering culture

Staff are already moving to implement incentives for face covering use. Vouchers for cookies, and an expansion of the City gift card program are two methods to reward some of those for “doing the right thing.” While the inherent health benefits of face coverings are a good incentive, additional recognition and positive messaging can help support the desired culture. Staff are currently researching ideas and methods to provide a positive message that is connected to keeping Aspen open and safe by keeping COVID-19 cases down. Staff will finalize the positive incentive plan upon receipt of direction from Council.

6. What are the boundaries of a zone?

- a. Considerations might include:
 - i. The ability to clearly and simply communicate an area to tourists and commuters. A zone would likely be better understood by locals.
 - ii. What kinds of activities, businesses or areas does Council wish to include in a zone, i.e. the busier shopping areas and stores, parks, the core, trails etc.
 - iii. Do more remote residential neighborhoods want the same kind of guidelines? E.g. Truscott, Burlingame, Highlands, Centennial etc.
- b. Staff have defined 4 areas shown as attachments as guidelines for discussion:
 - i. Attachment “B” - The entire City jurisdiction for reference
 - ii. Attachment “C” - “Zone 1” - A “wider” zone bounded by the Castle Creek river, Roaring Fork river and Aspen Mountain – essentially town within the bridges -covering all downtown, the post office and Clarks area, Rio Grande & the skatepark, and some residential areas along Main Street
 - iii. Attachment “D” – “Zone 2” - A “central” zone bounded by Original/Neal St, Aspen St, Aspen Mtn & the Roaring Fork River – Encompasses the busiest areas of town, all the core, main downtown parks, Clarks & Post Office areas.
 - iv. Attachment “E” - “Zone 3” - An “inner” zone bounded by Main St, Durant St, Monarch St, Hunter Av – covering downtown mall, restaurant and shopping areas.
- c. A brief (not exhaustive) list of pro’s and con’s are listed on each zone map.

With the Governor’s executive order issued on 7/16/2020 staff make the following observations:

- Staff have not yet received guidance from Pitkin County Public Health related to the impacts of the Order to the local public health order.

- Messaging around mask usage may become more consistent, especially for visitors to Aspen.
- It will not have a significant impact on enforcement as the local ordinance would be preferential to issuing summonses to County Court.
- It appears to generally mimic some of the existing County and City requirements.

Please see the Executive Order below as Attachment “F”

Questions for Council

- Does a face covering mandate zone match the will of the community?
- Can Council and the community accept that there will be less than 100% compliance?
- What is our threshold or tolerance as a Council and community, for non-compliance?
- Is the community – business, hotels, restaurants, individuals – willing to set the example for tourists?
- Is the community willing to step up and use it’s world renowned hospitality to educate together and normalize the use of face coverings?

FINANCIAL/BUDGET IMPACTS:

It is necessary to understand the size and length of time a zone would be in place to adequately prepare a cost estimate. Staff would utilize funding from the COVID response and recovery funds to implement the zone.

CITY MANAGER COMMENTS:

No additional comments - SGO

RECOMMENDATION:

Staff is providing this information for Council discussion. Additional community input and Council discussion is needed before a staff recommendation will be ready.

ATTACHMENT A

Face Covering information:

Research based resources

- July 14 2020 - [Absence of Apparent Transmission of SARS-CoV-2 from Two Stylists After Exposure at a Hair Salon with a Universal Face Covering Policy — Springfield, Missouri, May 2020](#)
- July 6 2020 - UC Davis video - [Your Mask Cuts Own Risk by 65 Percent](#)
- June 29 2020 - [Face Masks and GDP](#) – Includes video
- June 16 2020 - [Community Use Of Face Masks And COVID-19: Evidence From A Natural Experiment Of State Mandates In The US](#)
- April 10 2020 - [Face Masks Against COVID-19: An Evidence Review](#)
- The Colorado Association of Public Health Officials provides a monthly newsletter to it's members. The following is a link from their situational update to a section on mask wearing and face covering. (You may need to log in to a Google account to access): <https://drive.google.com/drive/folders/1p8exCkOjvQgTD46Vo1VHQ6vB3FXOjxr6>

Examples of compliance approaches

Breckenridge – Mandatory Mask Zone

<https://www.townofbreckenridge.com/live/covid-19/-fsiteid-1>

Highlights:

- Breckenridge PD Community Service Officers are actively seeking compliance, and town is hiring \$20 temporary “mask ambassadors” to do this as well. They have 2 CSOs, working 10 am to 8 pm 7 days per week. Public Works has put up big signs for mask zone on every block on Main Street. More signage to come on paths and back streets. Asking people to put on mask or giving them one. No tickets being issued. Council has expressly said this is not enforcement driven, unless absolutely necessary. Broadcast on social media platforms and local newspapers doing articles.
- Sworn officers are still expected to do foot patrol downtown whether with CSO or on their own every day. No issues like people becoming combative, though sometimes they verbally push back. Mostly CSOs doing this so they don't have to enter this as an SB20-217 contact.

- Business community is saying this has made it easier for them, so they don't have to fight with them to have the mask on in the store.
- Sgt is down there between noon and 3 pm daily. Seen huge jump in compliance.

Santa Monica

Face Covering Guidelines:

<https://www.santamonica.gov/blog/frequently-asked-questions-about-covid-19-face-coverings>

Highlights:

- Enforcement – “While the City of Santa Monica’s emergency orders are enforceable by the Santa Monica Police Department and Code Enforcement, Santa Monica’s primary focus is to gain community compliance through education. There are two areas the City is focusing resources to enforce cloth face coverings: 1) groups of more than 10 people and 2) individuals not wearing face coverings inside businesses.”
- They issue warnings during first offense and possible fine for repeated offenses.
- Request individuals to report to an email if they see large gatherings or mask offenses. Call only in emergency.
- This is the sign the post - https://www.santamonica.gov/Media/Default/COVID-19/City%20of%20Santa%20Monica_Face%20Covering%20Required_Poster_8.5x11_Final.pdf

West Hollywood

Administers an Administrative Citation of \$250 with \$50 process fee = \$300 for first offense – Administrative Citation is a program of enforcement for violations of nuisance laws that are a part of the Municipal Code. They are not handled by the courts as they are non-criminal. They are administrative notices issued in the name of the City, similar to parking citations. The City assesses fines, collects fines through third party and funding goes into a special code enforcement account. Details:

<http://www.councilmemberpaulkoretz.com/policies/administrative-citation-enforcement-ace>

Napa County

Fines from \$25-\$500 for individuals and up to \$5000 for businesses, but only for repeat offenses – I could not find the law as it looks like it is still on the council desk.

https://napavalleyregister.com/news/local/napa-county-adopts-new-covid-19-enforcement-powers/article_fa88705f-bea5-5256-b798-858d43784c38.html

Napa Valley public health order to close certain businesses – stay at home:

<https://www.countyofnapa.org/DocumentCenter/View/17112/Shelter-at-Home-Order-7-8-2020--?bidId=>

City of Napa –

Task force Coalition - <https://www.cityofnapa.org/CivicAlerts.aspx?AID=244>

San Diego County – Enforcement of Public Health Orders, including masks:

<https://www.sdsheriff.net/newsroom/links/le-response-coronavirus.pdf>

Charleston South Carolina:

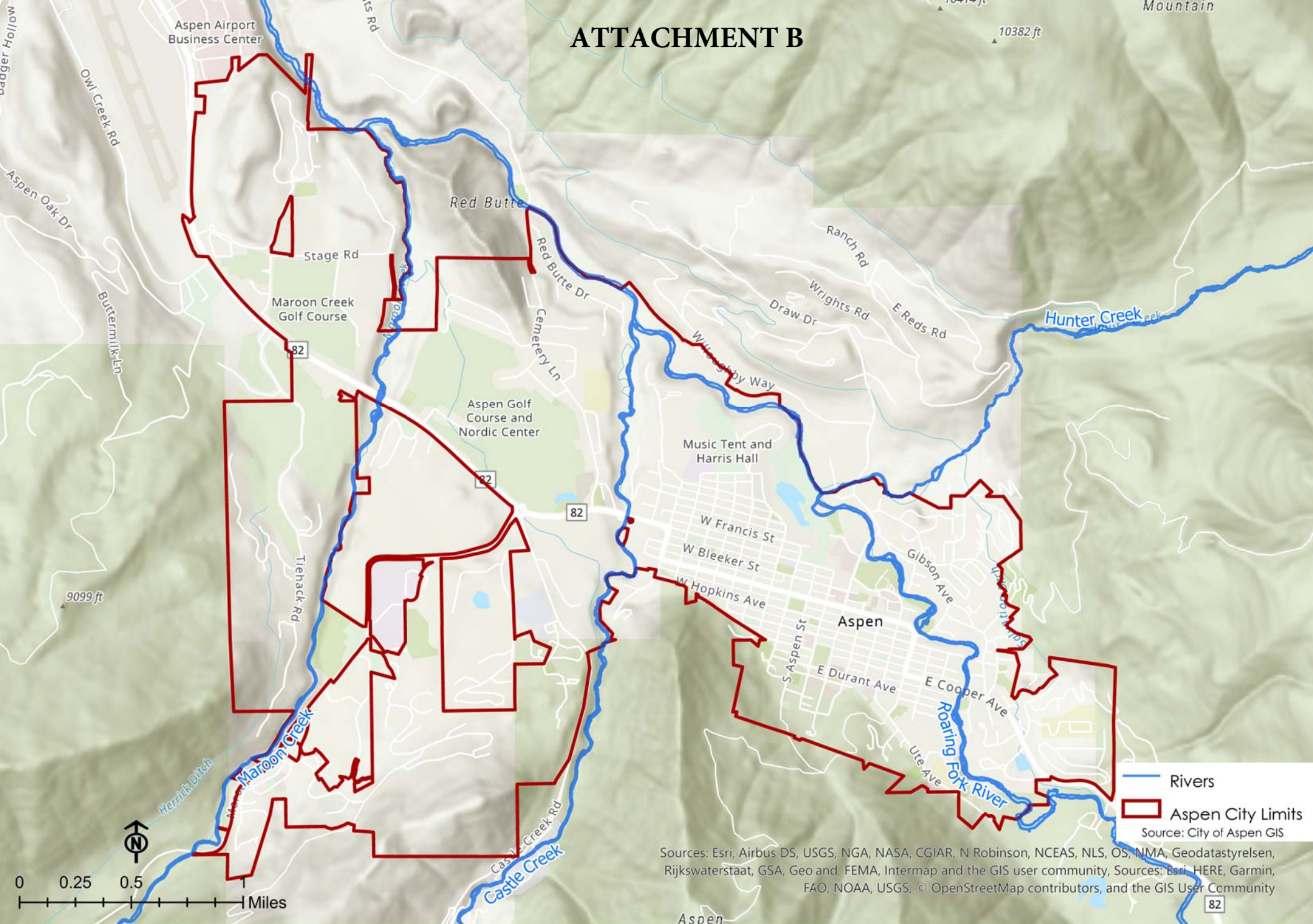
PDF of Face Covering Ordinance with consequences noted – 1) education 2) warning 3) citation of \$50 <https://www.charleston-sc.gov/DocumentCenter/View/26970/City-of-Charleston-Face-Covering-Ordinance-FAQ>

Manhattan Beach

“no more warnings” ...fines \$100 for 1st offense, \$200 for second \$500 for repeat -

<https://patch.com/california/manhattanbeach/city-council-votes-fine-non-mask-wearers-manhattan-beach>

ATTACHMENT B



— Rivers
 ■ Aspen City Limits
 Source: City of Aspen GIS

Sources: Esri, Airbus DS, USGS, NGA, NASA, CGIAR, N Robinson, NCEAS, NLS, OS, NMA, Geodatastyrelsen, Rijkswaterstaat, GSA, Geoland, FEMA, Intermap and the GIS user community, Sources: Esri, HERE, Garmin, FAO, NOAA, USGS, © OpenStreetMap contributors, and the GIS User Community



ATTACHMENT C



Pro's:

- Natural boundaries - Aspen Mountain, rivers
- Reduces number of "entry" points to the zone for signage
- Encompasses the "busiest" areas of town
- "Fairer"

Con's:

- Large area
- Excludes some dense areas of City jurisdiction
- Significant signage requirements
- Likely to achieve lower compliance rates

— Rivers
— Aspen City Limits

Source: City of Aspen GIS

Sources: Esri, Airbus DS, USGS, NGA, NASA, CGIAR, N Robinson, NCEAS, NLS, OS, NMA, Geodastystrelsen, Rijkswaterstaat, GSA, Geoland, FEMA, Intermap and the GIS user community, Sources: Esri, HERE, Garmin, FAO, NOAA, USGS, © OpenStreetMap contributors, and the GIS User Community

ATTACHMENT D

Pro's

- Includes majority of business district areas from Post Office/Clarks to City Market, as well as Gondola Plaza and busiest Parks and Skatepark
- Slightly more accessible to provide education and outreach on foot by ambassadors & patrol by police
- Excludes much of Rio Grande ped/bikeway (could be a con)
- Will help with perception of mask wearing compliance

Con's

- Significant signage required as well as definition around what side of a street the zone begins
- Excludes some busy City trails
- Will need more staff to help with education and monitoring zone



0 0.07 0.15 0.3 Miles

Zone 2

— Rivers
 — Aspen City Limits
 Source: City of Aspen GIS

Sources: Esri, Airbus DS, USGS, NASA, CGIAR, N Robinson, NCEAS, NLS, OS, NMA, Geodatastyrelsen, Rijkswaterstaat, GSA, Geoland, FEMA, Intermap and the GIS user community, Sources: Esri, HERE, Garmin, FAO, NOAA, USGS, © OpenStreetMap contributors, and the GIS User Community

Bounded by Original/Neal St, Aspen St, Aspen Mtn & the Roaring Fork River – Encompasses the busiest areas of town, all the core, main downtown parks, Clarks & Post Office areas.



CITY OF ASPEN

CITY OF ASPEN Mask Zone 2

Pro's:

- Downtown core businesses and restaurants included.
- Smaller area to manage
- Able to provide better presence and education

Con's:

- Excludes some high use areas, Clarks area, City market area, gondola, rio Grande park etc
- Will continue to cause confusion and calls for service of people mistakenly believed to be not complying

ATTACHMENT E

Zone 3



**D 2020 138****EXECUTIVE ORDER****Amending and Extending Executive Orders D 2020 039, D 2020 067, D 2020 092, and D 2020 110 Ordering Individuals in Colorado to Wear Non-Medical Face Coverings**

Pursuant to the authority vested in the Governor of the State of Colorado and, in particular, pursuant to Article IV, Section 2 of the Colorado Constitution and the relevant portions of the Colorado Disaster Emergency Act, C.R.S. § 24-33.5-701 *et seq.* (Act), I, Jared Polis, Governor of the State of Colorado, hereby issue this Executive Order amending and extending Executive Orders D 2020 039, D 2020 067, D 2020 092, and D 2020 110 ordering individuals in Colorado to wear a medical or non-medical face covering due to the presence of coronavirus-2019 (COVID-19) in Colorado.

I. Background and Purpose

On March 5, 2020, the Colorado Department of Public Health and Environment's (CDPHE) public health laboratory confirmed the first presumptive positive COVID-19 test result in Colorado. Since then, the number of confirmed cases has continued to climb, and there is community spread throughout the State. We have seen over 37,000 infections and lost over 1,700 Coloradans. I verbally declared a disaster emergency on March 10, 2020, and on March 11, 2020, I issued the corresponding Executive Order D 2020 003, as amended by Executive Orders D 2020 018, D 2020 032, D 2020 058, D 2020 076, D 2020 109, and D 2020 125. On March 25, 2020, I requested that the President of the United States declare a Major Disaster for the State of Colorado, pursuant to the Stafford Act. The President approved that request on March 28, 2020.

My administration, along with other State, local, and federal authorities, has taken a wide array of actions to mitigate the effects of the pandemic, prevent further spread, and protect against overwhelming our health care resources. While we have seen indications that our efforts to "flatten the curve" are working, transmission of the virus continues to threaten Coloradans' way of life and livelihoods and current data shows a recent increase in COVID infections. As we take steps to return Coloradans to work, we must continue to take measures to facilitate reopening the economy while protecting public health by taking steps to incorporate best practices to protect individuals from infection.

We have learned that widespread mask use is a low cost and highly effective way to reduce the spread of COVID-19 infections by as much as 65%. Broad adoption of mask wearing in Colorado may have significant economic benefits by allowing the State to prevent re-closures of businesses and schools and, ultimately, return to our normal lives more quickly. A recent study from Goldman Sachs concluded that a federal mask mandate could save the U.S. economy

from taking a 5% hit to the Gross Domestic Product (GDP). At this time, thirty-nine Colorado counties and municipalities already have mandatory mask orders in place.

Under Executive Order D 2020 110, mask wearing is mandatory for employees, contractors, and others providing services for Mass Transportation Operations and Critical Businesses as well as for State and county employees and the individuals they serve at Government Offices and Facilities. These requirements remain intact with this Executive Order.

This Executive Order amends and extends Executive Orders D 2020 039, D 2020 067, D 2020 092, and D 2020 110 to protect Coloradans by requiring individuals in Colorado to wear a non-medical face covering over their nose and mouth, subject to several exceptions.

II. Amendments

Executive Order D 2020 110 is amended as follows:

1. Strike the words “have discretion to” in Paragraph II.D.
2. After Paragraph F, add the following new Paragraphs G through R:
 - G. Except as permitted by Paragraphs L, M, and N, below, all individuals over ten (10) years old must wear a face covering over their nose and mouth when entering or moving within any Public Indoor Space, as such term is defined in Paragraph R of this Executive Order, or while using or waiting to use the services of any taxi, bus, light rail, train, car service, ride-sharing or similar service, or Mass Transportation Operations.
 - H. Any individual who endangers the health of others by knowingly entering or remaining in a Public Indoor Space, as such term is defined in Paragraph R of this Executive Order, in violation of the terms of this Executive Order may be subject to civil or criminal penalties, including but not limited to prosecution for trespass.
 - I. Except as permitted by Paragraphs L, M, and N, below, to protect workers, customers, and the community, no owner, operator, or manager of a Public Indoor Space, as such term is defined in Paragraph R of this Executive Order, may provide service to individuals or allow an individual to enter or move within that Public Indoor Space, unless the individual is wearing a face covering as required by this Executive Order.
 - J. Owners, operators, or managers of Public Indoor Spaces, as such term is defined in Paragraph R of this Executive Order, must post signs at entrance(s) instructing individuals of their legal obligation under this Executive Order to wear a face covering when entering or moving within a Public Indoor Space.

- K. A State or local department or agency that learns that a business licensee is in violation of this Executive Order will consider whether the public health, safety or welfare requires summary, temporary suspension of the business's license to operate (including but not limited to a liquor license).
- L. The following individuals are exempt from the requirements of this Executive Order:
- Individuals ten (10) years old and younger; or
- Individuals who cannot medically tolerate a face covering.
- M. Individuals performing the following activities are exempt from the requirements of this Executive Order while the activity is being performed:
1. Individuals who are hearing impaired or otherwise disabled or who are communicating with someone who is hearing impaired or otherwise disabled and where the ability to see the mouth is essential to communication;
 2. Individuals who are seated at a food service establishment;
 3. Individuals who are exercising alone or with others from the individual's household and a face covering would interfere with the activity;
 4. Individuals who are receiving a personal service where the temporary removal of the face covering is necessary to perform the service;
 5. Individuals who enter a business or receive services and are asked to temporarily remove a face covering for identification purposes;
 6. Individuals who are actively engaged in a public safety role such as law enforcement, firefighters, or emergency medical personnel;
 7. Individuals who are officiating at a religious service; or
 8. Individuals who are giving a speech for broadcast or an audience.
- N. Counties that complete certification for Protect Our Neighbors may choose to be exempt from Paragraphs G through N, and R of this Executive Order.
- O. Nothing in this Executive Order should be construed to prevent individuals from wearing a surgical-grade mask or other, more protective face covering to cover the nose and mouth if that type of mask or more protective face covering is appropriate under industry standards.

- P. Nothing in this Executive Order prevents a county or municipality from adopting more protective standards than those contained in this Executive Order.
- Q. Except as modified by this Executive Order, all Executive Orders or Public Health Orders, including Public Health Order 20-31, issued due to COVID-19 and that are currently in effect shall remain in full force and effect as originally promulgated.
- R. For the purposes of this Executive Order, Public Indoor Space means any enclosed indoor area that is publicly or privately owned, managed, or operated to which individuals have access by right or by invitation, expressed or implied, and that is accessible to the public, serves as a place of employment, or is an entity providing services. Public Indoor Space does not mean a person's residence, including a room in a motel or hotel or a residential room for students at an educational facility.

III. Duration

Executive Order D 2020 039, as extended by Executive Order D 2020 067, and as amended and extended by Executive Orders D 2020 092, D 2020 110, and this Executive Order, shall expire thirty (30) days from July 16, 2020, unless extended further by Executive Order. In all other respects, Executive Order D 2020 039, as amended and extended by Executive Orders D 2020 067, D 2020 092, and D 2020 110, shall remain in full force and effect as originally promulgated.



GIVEN under my hand and
the Executive Seal of the
State of Colorado, this
sixteenth day of July, 2020

A handwritten signature in blue ink, appearing to read "Jared Polis".

Jared Polis
Governor

Mask Zone (Pavement Marking Implementation Estimate)

	Timeframe	Cost Estimate
Zone 1	1 – 2 weeks	\$5,000 - \$10,000
Zone 2	2- 3 weeks	\$20,000 - \$30,000
Zone 3	2-3 weeks	\$10,000 – \$15,000

Zone 1

1. Short term (ie 1 week)
 - Install two variable message board on each end of town giving notification of a mask zone
2. Long term (2 weeks)
 - Install sidewalk “stickers” that indicate mask zone in Core area (25 locations 4 per location)

Zone 2

1. Short term (ie 1 -2 weeks)
 - Install two variable message board on each end of town giving notification of a mask zone
 - Paint “Mask Zone” within the zone at various locations. (50 intersections 4 per intersection = 250)(Additional in core 25 locations 4 per location = 100) total 350
2. Long term (2-3 weeks)
 - Install sidewalk “stickers” that indicate mask zone in Core area (25 locations 4 per location)
 - Remove painted “Mask Zone” (25 locations above)

Zone 3

1. Short term (ie 1 -2 weeks)
 - Install two variable message board on each end of town giving notification of a mask zone
 - Paint “Mask Zone” within the core 25 locations 4 per location = 100
2. Long term (2-3 weeks)
 - Install sidewalk “stickers” that indicate mask zone in Core area (25 locations 4 per location)
 - Remove painted “Mask Zone” (25 locations above)



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