

ORDINANCE NO. 20-\_\_\_\_\_

AN EMERGENCY ORDINANCE REQUIRING THE PUBLIC TO UTILIZE FACE COVERINGS IN PUBLIC PLACES WITHIN THE CITY OF COLORADO SPRINGS DUE TO THE PUBLIC HEALTH EMERGENCY CAUSED BY THE 2019 NOVEL CORONAVIRUS AND PROVIDING PENALTIES FOR THE VIOLATION THEREOF

WHEREAS, in accordance with City Charter § 4-10 and Section 8.7.103 of the Code of the City of Colorado Springs 2001, as amended, a public health emergency caused by confirmed cases in the City of Colorado Springs of the contagious 2019 Novel Coronavirus ("COVID-19") was proclaimed and declared by the Mayor to be in effect since March 10, 2020, and continues to exist as of July 14, 2020, and will continue to exist until terminated; and

WHEREAS; confirmed cases of COVID-19 are rapidly escalating within the City of Colorado Springs and El Paso County; and

WHEREAS, due to the continuing and escalating COVID-19 cases occurring in Colorado Springs, which cause detriment to the life, health, property and the public peace, the Council declares an emergency exists in accord with City Charter § 3-90; and

WHEREAS, to address this emergency, the City Council finds and determines, in accordance with the recommendations of responsible health officials, that immediate action is necessary and pursuant to this Emergency Ordinance, will require face coverings in public places within the City of Colorado Springs.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF COLORADO SPRINGS:

Section 1. City Council hereby finds and declares that a public emergency affecting life, health, property, and public peace exists due to the continuing and escalating cases of COVID-19 occurring within the City of Colorado Springs. The immediate adoption of this Emergency Ordinance is necessary to mitigate the ongoing and continuing threat to life, health, property and the public peace.

Section 2. This Emergency Ordinance is being issued to limit the health impacts of COVID-19. This Emergency Ordinance sets forth requirements for all persons within the City of Colorado Springs to utilize face coverings when in public places, to slow the spread of the COVID-19 virus. This Emergency Ordinance is effective within the entirety of the City of Colorado Springs, Colorado.

Section 3. For purposes of this Emergency Ordinance, the term "Face Covering" shall mean: a covering made of cloth, fabric, or other soft or permeable material, without holes, that covers the nose and mouth and surrounding areas of the lower face. A Face Covering may be factory-made, or may be handmade and improvised from household materials, including but not limited to, bandanas, medical masks, cloth masks and gaiters. The Face Covering should fit snugly but comfortably against the side of the face, include multiple layers of fabric or suitable paper, allow for breathing without restriction, and be able to be laundered and machine-dried without damage or change to shape. Face Coverings need to cover the nose and mouth at all times and should remain in place until taken off safely. If a worker's Face Covering moves during work, it needs to be replaced with one that does not need to be frequently adjusted to reduce touching of the face. Face Coverings should be replaced when they become dirty, wet, and/or difficult to breathe through.

Section 4. Face Coverings required. All persons shall wear Face Coverings when entering, while inside, or present in:

- A. Any enclosed area, including retail and commercial businesses or on-site service providers, to which the public is invited or in which workers, including volunteers, from more than one (1) household are present;

- B. Any City of Colorado Springs building or indoor City facility;
- C. Any public transportation, including City Transit buses and bus shelters and while riding in a taxi, private car service, or ride-sharing vehicle;
- D. Any other public indoor or outdoor place where persons are unable to maintain safe social distancing (minimum of six feet (6') separation) from others not of their own household;
- E. Any outdoor seating or patio area of a place that falls within Section 4(A), unless the person is seated for dining or drinking as set forth in Section 6(G);
- F. When in a common area of an apartment building, condominium, or similar residential building, including lobbies, pool areas, elevators, common recreation areas, and in offices or other spaces used by the public; or
- G. Where otherwise required by State of Colorado or El Paso County Health Department order.

These requirements shall be in effect within the City regardless of any less restrictive State of Colorado or El Paso County Health Department orders or guidance concerning Face Coverings.

Section 5. Face Coverings for workers. All employers shall require, and make reasonable efforts to provide, Face Coverings to employees, volunteers, and other workers in their places of employment that fall within the scope of Section 4 of this Emergency Ordinance.

Section 6. Nothing herein shall require the wearing of Face Coverings by the following persons or on the following properties:

- A. Persons under the age of ten (10) years or children within a childcare facility, however, childcare facilities must still follow any applicable State or El Paso County Health Department guidance on Face Coverings for persons over the age of ten (10) years;
- B. Persons for whom a Face Covering would cause impairment due to an existing health condition and who present a doctor's note to that effect;

C. Persons working in a professional office or other workspace who do not have any face-to-face interactions with or share workspace with other persons;

D. A person undergoing a medical or dental procedure or any other personal service that requires access to the person's mouth or nose;

E. Property owned or operated by the United States or State of Colorado governments, unless required under other regulation, law or order;

F. Persons who are customers of banks, financial institutions, and pawn shops while within the facility, however, employees of these places must still wear Face Coverings;

G. Persons who are eating or drinking at an establishment with food service when seated for dining or drinking; however, Face Coverings must be worn when not seated for eating or drinking, such as waiting for a table(s), or picking up food or drinks, walking past other tables, or going to restroom facilities;

H. Persons swimming or exercising outdoors; or

I. Persons exercising in or using indoor gyms, indoor training services, or other indoor recreational activities that are complying with applicable State of Colorado orders, El Paso County Health Department directives and a businesses' policy on when to wear a Face Covering within the business as long as in compliance with all other directives contained in this Emergency Ordinance.

Section 7. Any indoor property that is subject to Section (4) of this Emergency Ordinance must display signage in a prominent area of the property that informs members of the public about the requirement to wear Face Coverings while entering and within the property.

Section 8. Any person with operational control of a property or area covered by this Emergency Ordinance may notify any person entering that property or area of the requirement to wear a Face Covering and any person who does not comply with such a Face Covering request or comply with Face

Covering signage required under this Emergency Ordinance must leave the property or area that requires a Face Covering. Persons who fail to comply with a Face Covering request or Face Covering signage and fail to leave the property or area that requires a Face Covering shall be in violation of this Emergency Ordinance.

Section 9. Any person violating this Emergency Ordinance shall be subject to the penalties provided in Section 201 (General Penalty) and 202 (Minor Offenders), of Part 2 (General Penalty), of Article 1 (Administration), of Chapter 1 (Administration, Personnel, and Finance) of the Code of the City of Colorado Springs 2001, as amended.

Section 10. In accordance with City Charter § 3-90, this emergency ordinance shall be in full force and effect upon its adoption and shall be effective through August 14, 2020, unless extended by majority vote of the City Council.

Section 11. Council deems it appropriate that this ordinance be published by title and summary prepared by the City Clerk and that this ordinance be available for inspection and acquisition in the office of the City Clerk.

Introduced, read, passed on first reading and ordered published this \_\_\_\_ day of \_\_\_\_\_, 2020.

**Finally passed:** \_\_\_\_\_  
Council President

**Mayor's Action:**

- Approved on \_\_\_\_\_.
- Disapproved on \_\_\_\_\_, based on the following objections:

---



---



---



---

\_\_\_\_\_  
Mayor

**Council Action After Disapproval:**

- Council did not act to override the Mayor's veto.
- Finally adopted on a vote of \_\_\_\_\_, on \_\_\_\_\_.
- Council action on \_\_\_\_\_ failed to override the Mayor's veto.

\_\_\_\_\_  
Council President

ATTEST:

\_\_\_\_\_  
Sarah B. Johnson, City Clerk

COS: \_\_\_\_  
CAO: \_\_\_\_