

CITY OF MANITOU SPRINGS
EMERGENCY ORDER CONCERNING THE USE OF FACE COVERINGS

On March 17, 2020, the City Council declared a local disaster emergency due to the COVID-19 pandemic. Pursuant to Section 6.80.040, upon the issuance of a declaration of local emergency, the City Administrator and/or the Mayor may issue orders "as may be required to protect the health, safety, and welfare of persons or property within the City or to otherwise preserve the public peace or abate, clean up, or mitigate the effects of any local emergency." The emergency conditions caused by the COVID-19 pandemic persist and the City has determined that this emergency requires additional and sustained action by the City.

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. Based on the results of a City-wide survey, a majority of residents of the City have also expressed a desire for the City to mandate the use of face coverings to help prevent the spread of COVID-19 in the community.

Therefore, the City Administrator and the Mayor, after receiving direction and authority from the City Council at its July 14, 2020 City Council meeting, hereby find that the adoption of the following Emergency Order Concerning the Use of face coverings (the "Order") is necessary for the immediate preservation of the public health, safety and welfare of the City:

SECTION 1: Effective Area and Limitations. This Order is effective within the entirety of the territory of the City of Manitou Springs, Colorado. This Order is effective upon signing and shall remain in effect until further notice by the City of Manitou Springs.

SECTION 2: Definitions. As used in this Order:

"Business" shall mean any owner, operator, or person with operational control of a Public Indoor Space subject to this Order.

"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, as further described in Section 6 below.

"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 vehicle or residence, including a room in a motel or hotel or a residential room for students at an educational facility.

SECTION 3: Face Covering Required. Every person shall wear a face covering:

- A. When entering or moving within any public indoor space;
- B. In such other public indoor or outdoor places where such person is unable to maintain safe social distancing (at least six (6) or more feet of separation) from others not of the person's own household; and

C. That covers the nose and mouth at all times and remains 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, and must be replaced when it becomes dirty, wet, or difficult to breathe through.

SECTION 4: Businesses.

A. All businesses shall require face coverings within their public indoor spaces and place a sign that is clearly visible to the public informing the public that face coverings are mandatory while in such public indoor spaces.

B. Businesses that do not comply with Subsection (A), above, shall be subject to suspension or revocation of their business license in addition to any other penalty set forth in Section 8, below.

SECTION 5: Exceptions. Nothing in this Order shall be interpreted or construed to require the wearing of face coverings by the following persons:

- A. Persons under the age of ten (10) years;
- B. Persons who cannot medically tolerate a face covering;
- C. Persons who are receiving a personal service where the temporary removal of the face covering is necessary to perform the service;
- D. Persons eating or drinking at an establishment with food service when seated for dining;
- E. Persons who are exercising alone or with others from the individual's household and a face covering would interfere with the activity;
- F. Persons who enter a business or receive services and are asked to temporarily remove a face covering for identification purposes;
- G. 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;
- H. Individuals who are actively engaged in a public safety role such as law enforcement, firefighters, or emergency medical personnel;
- I. Individuals who are officiating at a religious service; or
- J. Individuals who are giving a speech for broadcast or an audience.

SECTION 6: General Information. Pursuant to guidance issued by the federal Centers for Disease Control, individuals are strongly encouraged to wear a cloth face covering that:

- A. Fits snugly but comfortably against the side of the face;

- B. Includes multiple layers of fabric or is a surgical mask;
- C. Allows for breathing without restriction; and
- D. Is able to be laundered and machine dried without damage or change to shape.

SECTION 7: Trespass. Any person with operational control of a property or area covered by this Order shall 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 Order 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 Order and subject to the penalties set forth herein in addition to being subject to a trespass violation under Chapter 9.36 of the City of Manitou Springs Municipal Code and the penalties set forth for such a violation.

SECTION 8: Violation and Penalty.

A. It shall be unlawful for any person to violate any provision of this Order. Each and every violation shall be deemed a separate offense.

B. The following civil penalties shall be imposed for violations of this Order:

Offense No.	Fine Amount
First Offense	\$25.00
Second Offense and Each Subsequent Offense	\$50.00

C. In addition to the penalties set forth in Subsection (B), above, trespassing violations may be subject to additional penalties set forth in the Manitou Springs Municipal Code described in Section 7, above.

D. In addition to the penalties set forth in Subsection (B), above, violations by businesses of Section 4(A) may be subject to suspension and/or revocation of their business licenses as described in Section 4(B), above.

Effective this 20th day of July, 2020.

City Administrator

Mayor

By: Denise Howell
Denise Howell

By: John Graham
John Graham

Attest: Judy Morgan
City Clerk, Judy Morgan