WHEREAS, COVID-19 is a highly contagious virus that has spread around the world, including the United States; and

WHEREAS, on January 30, 2020, the World Health Organization declared the worldwide outbreak of COVID-19 a public health emergency of international concern, and on January 31, 2020, the United States Department of Health and Human Services declared the virus a public health emergency; and

WHEREAS, on March 10, 2020, the Governor of Colorado declared a State of Emergency for the State of Colorado due to COVID-19; and

WHEREAS, on March 11, 2020, the World Health Organization declared the outbreak of COVID-19 a pandemic; and

WHEREAS, pursuant to the Colorado Disaster Emergency Act, C.R.S., Section 24-33.5-701, et seq., the Town of Crested Butte (“Town”) has identified a local disaster currently present in the Town, 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 to avert danger or damage and to protect public health; and

WHEREAS, pursuant to C.R.S. Section 24-33.5-709, Crested Butte Municipal Code Chapter 2, Section 9, and the emergency management and operations plans and resolutions of Crested Butte, Colorado, on March 13, 2020 the Town Council declared a local disaster emergency; and

WHEREAS, the Tenth Amended Public Health Order issued by Gunnison County on June 8, 2020, finds that the use of face coverings is scientifically proven to reduce the spread of COVID-19, and imposes minimal burdens on persons within Gunnison County; and

WHEREAS, that same Tenth Amended Public Health Order defines “Face Covering” as 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.

WHEREAS, that same Tenth Amended Public Health Order, Section I.1 requires that all persons in Gunnison County shall wear Face Coverings:
  a. When entering and while inside a place of business or mode of transportation open to the public; and
  b. In such other indoor or outdoor locations where persons are unable to maintain safe social distancing (six feet or more separation) from other persons who do not live in the
same Residence; and

WHEREAS, that same Tenth Amended Public Health Order, Section I.2 provides that the Face Covering requirements do not require the following persons to wear Face Coverings:
   a. Children under the age of two years;
   b. Persons for whom a Face Covering would cause specific and demonstrable injury or impairment due to an existing health condition or disability;
   c. Persons eating or drinking in a Bar or Restaurant only during the period of time such persons are actually eating or drinking (e.g., persons must wear Face Coverings while making or waiting for their orders);
   d. Persons working in a professional office when such persons are not having any face-to-face interactions with others or otherwise not in common areas; and
   e. Persons for whom wearing a Face Covering while engaged in a particular Event or activity would cause specific and demonstrable injury to that person (e.g., the use of Face Coverings in restaurant kitchens may need to be limited to avoid heat-related illness); and

WHEREAS, portions of Elk Avenue and adjacent side streets are routinely congested with pedestrians conducting business in the commercial area and it is often impossible to maintain safe social distancing; and

WHEREAS, this Public Health Order is being issued to limit the health impacts of COVID-19. This Order sets forth requirements for pedestrians to wear face coverings on portions of Elk Avenue and adjacent side streets to slow the spread of the COVID-19 virus; and

WHEREAS, this Public Health Order is intended to extend beyond and in no way diminish the requirements of the Tenth Amended Public Health Order issued by Gunnison County on June 8, 2020; and

WHEREAS, this Order is adopted pursuant to the legal authority set forth in C.R.S. Section 31-15-401(b), and Crested Butte Municipal Code Chapter 2, Section 9, as well as all other applicable laws, rules, regulations, orders, and declarations. Under this authority, the Town Manager of Crested Butte is empowered to “exercise emergency powers permitted by state and local law… [and] may promulgate regulations or issue orders as he or she deems necessary to protect life and property, preserve critical resources, or otherwise implement the Town’s Emergency Response Plan”; and

WHEREAS, the Town’s authority to issue this Order is in addition to those exercised by the Governor of Colorado, State of Colorado Department of Public Health and Environment, and Gunnison County Department of Public Health; 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 Town finds that these actions will limit the cascading impacts on critical services by limiting spread of COVID-19. This Order and actions will help hospitals, first responders, and other healthcare services continue to provide services for those who need them
(along with utilities, human services, and businesses) in the coming weeks and months. Collective action can save lives and is in support of the most vulnerable in our community; and

WHEREAS, the Town 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 Town Manager to issue this Public Health Order.

Section 1.   Face Coverings Required on a Portion of Elk Avenue and Adjacent Side Streets.

    All pedestrians/persons shall wear Face Coverings when on the Elk Avenue Corridor bound by First Street to the west; Sixth Street to the east; and, the alleys serving Elk Avenue to the north and south. A depiction of the area where persons must wear Face Coverings is attached as Exhibit 1.

Section 2.  Exceptions.

    Persons meeting the exception requirements of the Gunnison County Tenth Amended Public Health Order, Section I.2 are not required to wear Face Coverings as mandated under this Order.

Section 3.  Effective Date and Time, Limitations and Area.

    The Public Health Order will become effective at 6:00 a.m. on Friday, July 10, 2020, unless otherwise specifically provided for herein, and will remain in effect until September 30, 2020. This Order is effective within the entirety of the territory of the Town of Crested Butte, Colorado.

Section 4.  Most Restrictive Standard Controls.

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

Section 5.  Penalties.

    Failure to comply with this Order 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 1-4-20, of the Town of Crested Butte Municipal Code, including up to a $1,000 fine and one-year imprisonment or both per day for each violation.

ADOPTED by the Town Manager of the Town of Crested Butte on this 8th day of July, 2020.

[Signature]
Dara T. MacDonald, Town Manager