

**AN EMERGENCY ORDINANCE CONCERNING
THE CORONAVIRUS (COVID -19) PUBLIC HEALTH EMERGENCY
ORDINANCE 2020-06**

WHEREAS, on March 10, 2020 Jared Polis, the Governor of the State of Colorado, declared a statewide state of emergency in response to COVID-19; and

WHEREAS, the World Health Organization has declared COVID-19 to be a worldwide pandemic; and

WHEREAS, the coronavirus (COVID-19) has been confirmed to exist in the State of Colorado with only recent testing occurring in San Miguel County where it is suspected to exist; and

WHEREAS, the Town Council of the Town of Mountain Village confirms that protecting public health is the Council's top priority; and

WHEREAS, the Town Council through Resolution Number 2020-0319-06 has declared a disaster pursuant to C.R.S. 24-33.3-709.

WHEREAS, the Town Council is empowered by Section 31-15-401(1)(b), C.R.S., to do all acts and make all regulations, which may be necessary or expedient for the promotion of health or the suppression of disease; and

WHEREAS, the Town Council finds and determines that the adoption of this Ordinance is necessary for the promotion of health and the suppression of disease; and

WHEREAS, the Town Council further finds and determines that the adoption of this Ordinance is proper under Section 31-15-401(1)(b), C.R.S., and other applicable law.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF MOUNTAIN VILLAGE, COLORADO:

Section 1. Title. This Ordinance shall be known and may be cited as the "Town of Mountain Village Coronavirus (COVID-19) Ordinance."

Section 2. Intent. It is the intent of this Ordinance to provide the necessary organization, powers, and authority to enable the timely and effective use of all available Town resources to prepare for, respond to, and recover from the declared local public health disaster. This Ordinance is intended to grant as broad a power as is permitted within the letter and spirit of the Town Charter and this Ordinance shall be interpreted in accordance with such intent. The Town Council retains the power to direct the Mayor and Town Manager during the pendency of the current coronavirus (COVID-19) public health disaster.

Section 3. Duration of Declaration of Public Health Emergency. The declaration of the public health disaster as provided in the Covid-19 Resolution shall remain in effect until the Town Council rescinds or repeals such disaster declaration.

Section 4. Powers: While the disaster remains in effect as provided by the Covid-19 Resolution the Mayor

in consultation with the Town Manager and Police Chief has full power and authority to take the following actions and issue the following orders:

- (a) any action necessary for the protection of life and property, including, but not limited to, establishing regulations governing conduct related to the cause of the public health emergency.
- (b) an order establishing a curfew during such hours of the days or nights and affecting such categories of persons as may be designated.
- (c) an order to direct and compel the evacuation of all or a part of the population from any stricken or threatened areas within the Town if the Mayor deems this action is necessary for the preservation of life, property or other public health emergency mitigation, response or recovery activities and to prescribe routes, modes of transportation and destination in connection with an evacuation.
- (d) an order controlling, restricting, allocating or regulating the use, sale, production or distribution of food, water, clothing, and other commodities, materials, goods, services and resources.
- (e) an order requiring the closing of businesses deemed nonessential by the Mayor.
- (f) suspend Town board and commission meetings or modify meeting rules to allow for telephone, teleconferencing or meeting by other electronic means.
- (g) appropriate and expend funds, execute contracts, authorize the obtaining and acquisition of property, equipment, services, supplies and materials without the strict compliance with procurement regulations or procedures.
- (h) transfer the direction, personnel, or functions of Town departments and agencies for the purposes of performing or facilitating public health emergency services.
- (i) utilize all available resources of the Town as may be reasonably necessary to cope with this public health emergency whether in preparation for, response to, or recovery from this public health emergency.
- (j) suspend or modify the provisions of any ordinance if strict compliance with such ordinance would in any way prevent, hinder or delay necessary action in coping with this public health emergency.
- (k) accept services, gifts, grants and loans, equipment, supplies, and materials whether from private, nonprofit or governmental sources.
- (l) make application for local, state or federal assistance.
- (m) terminate or suspend any process, operation, machine, device or event that is or may negatively impact the health, safety and welfare of persons or property within the Town.
- (n) delegate authority to such Town officials as determined to be reasonably necessary or expedient.
- (o) limit the use of any Town-owned building, facility, or property as to time, manner, and permitted activities, including, but not limited to, limiting the permissible number of people that may lawfully occupy such building, facility, or property at any one time.
- (p) close and prohibit the use of any Town-owned building, facility, or property.
- (q) exercise such powers and functions in light of the exigencies of this public health emergency, including, but not limited to, the waiving of compliance with any time consuming procedures and formalities, including notices, as may be prescribed by law pertaining thereto.
- (r) issue any and all other order or undertake such other functions and activities as is reasonably required under the circumstances to protect the health, safety, welfare of persons or property within the Town of Mountain Village, or to otherwise preserve the public peace or abate, clean up, or mitigate the effects of the public health emergency.
- (s) limit, modify or suspend the operation of public transportation within the Town.
- (t) limit the size of any gathering, meeting or event within the Town.

The restrictions may be changed from time to time during the time frame of the declaration based upon the discretion of the Mayor. The Mayor may by order delegate the powers granted in this Section 4 in whole or in part to the Town Manager.

Section 5. Enforcement Of Orders:

(a) The members of the Town's Police Department, code enforcement, and such other law enforcement and peace officers as may be authorized by the Mayor are hereby authorized and directed to enforce the orders, rules, and regulations made or issued pursuant to this Ordinance. All members of the public shall be deemed to have been given notice of all orders, rules, and regulations made or issued pursuant to this Ordinance upon their dissemination to the news media or publication on the Town website or other means of publicity.

(b) Until the Town Council has declared that the public health emergency has passed, no person shall:

- (1) enter or remain upon the premises of any establishment not open for business to the general public, unless such person is the owner or authorized agent of the establishment.
- (2) violate the provisions of this Ordinance.
- (3) violate any of the orders duly issued by the Mayor or designee pursuant to Section 4 of this Ordinance.
- (4) willfully obstruct, hinder, or delay any duly authorized Town officer, employee or volunteer in the enforcement or exercise of the provisions of this Ordinance, or of the undertaking of any activity pursuant to this Ordinance.

(c) It is unlawful and a misdemeanor offense for any person to violate any provision of this Ordinance. Any person convicted of a violation of this section shall be subject to a three hundred dollar (\$300.00) fine.

Section 6. Authority To Enter Property: During the period of the public health disaster, a Town employee or authorized agent may enter onto or upon private property if the employee or authorized agent has reasonable grounds to believe that there is a true emergency and an immediate need for assistance for the protection of life or property, and that entering onto the private land will allow the person to take such steps to alleviate or minimize the emergency or disaster or to prevent or minimize danger to lives or property from the declared public health emergency.

Section 7. Conflict With Other Laws: If any provision of this Ordinance conflicts with the Town Charter, the Town Charter shall control. If any provision of this Ordinance conflicts with any provision of the Mountain Village Municipal Code, this Ordinance shall control.

Section 8. Police Power Finding. The Town Council hereby finds, determines and declares that this Ordinance is necessary and proper to provide for the safety, preserve the health, promote the prosperity, and improve the order, comfort and convenience of the Town of Mountain Village and the inhabitants thereof.

Section 9. Authority. The Town Council hereby finds, determines and declares that it has the power to adopt this Ordinance pursuant to the provisions of Section 31-15-401(1)(b) C.R.S., and the powers possessed by home rule municipalities in Colorado, and the Town Charter.

Section 10. Effective Date. This Ordinance shall take effect and be in full force immediately upon adoption by the Town Council.

Section 11. Severability. The provisions of this Ordinance are severable and the invalidity of any section, phrase, clause or portion of this Ordinance as determined by a court of competent jurisdiction shall not affect the validity or effectiveness of the remainder of the Ordinance.

ADOPTED AND APPROVED as an Emergency Ordinance this 19th day of March 2020.

TOWN OF MOUNTAIN VILLAGE, TOWN
COUNCIL

By: 

Laila Benitez, Mayor

ATTEST:



Kim Montgomery, Acting Town Clerk

APPROVED AS TO FORM:



Jim Mahoney, Assistant Town Attorney

I, Kim Montgomery, the duly qualified and acting Town Clerk of the Town of Mountain Village, Colorado ("Town") do hereby certify that:

1. The attached copy of Ordinance No.2020-06 ("Ordinance") is a true, correct and complete copy thereof.
2. The Ordinance was introduced, read by title, approved as an Emergency Ordinance with minor amendments by the Town Council the Town ("Council") at a regular meeting held at Town Hall, 455 Mountain Village Blvd., Mountain Village, Colorado, on March 19th, 2020, by the affirmative vote of a quorum of the Town Council as follows:

Council Member Name	"Yes"	"No"	Absent	Abstain
Laila Benitez, Mayor	X			
Dan Caton	X			
Patrick Berry	X			
Natalie Binder	X			
Peter Duprey	X			
Jack Gilbride	X			
Marti Prohaska	X			

3. 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.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Town this 19th day of March, 2020.





 Kim Montgomery, Acting Town Clerk