

**AN EMERGENCY ORDINANCE AMENDING ORDINANCE 2020-06 CONCERNING  
THE CORONAVIRUS (COVID -19) PUBLIC HEALTH EMERGENCY IMPOSING  
PENALTIES FOR VIOLATIONS OF LAWFULLY ENACTED PUBLIC HEALTH ORDERS**

**ORDINANCE 2020-09**

**RECITALS**

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 and in San Miguel County; 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 2020-03-096 has declared a disaster pursuant to C.R.S. 24-33.3-709.

WHEREAS, The Town Council through Emergency Ordinance Number 2020-06, implemented certain emergency powers and enforcement powers to promote the health, safety and welfare of the public and the suppression of disease; and

WHEREAS, San Miguel County through Public Health Order 2020-06 has allowed for short term lodging to occur within San Miguel County subject to certain limitations, rules and restrictions;

WHEREAS, due to Public Health Order 2020-06 and the reopening of businesses including short term lodging, the Town Council finds it necessary to amend the enforcement powers of Emergency Ordinance Number 2020-06 to provide for specific penalties for business license holders who violate any provisions of a validly enacted public health order.

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 amending Ordinance Number 2020-06 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 “First Amendment to the Town of Mountain Village Coronavirus (COVID-19) Ordinance.”

Section 2. Intent. It is the intent of this Ordinance to amend the Mountain Village Coronavirus (COVID-19) Ordinance to provide for specific penalties for the violation of any validly adopted public health order by any business license holder within the Town of Mountain Village.

Section 3. Amendment to Section 5 of the Mountain Village Coronavirus (COVID-19) Ordinance: Section 5 of the Mountain Village Coronavirus Ordinance is hereby amended in its entirety to read as follows:

“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.

(5) violate any valid public health order issued by the State of Colorado or San Miguel County.

(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.

(d) Any violation of a valid public health order issued by the State of Colorado or San Miguel County shall subject any Town of Mountain Village business license holder to suspension or revocation of such business license after notice and a fair public hearing by the Town Council.”

Section 5. 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 6. 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 7. 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 8. Effective Date. This Ordinance shall take effect and be in full force immediately upon adoption by the Town Council.

Section 9. 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 4<sup>th</sup> day of June 2020.

TOWN OF MOUNTAIN VILLAGE, TOWN  
COUNCIL

By:   
Laila Benitez, Mayor

ATTEST:

  
Susan Johnston, Town Clerk

APPROVED AS TO FORM:

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Jim Mahoney, Town Attorney

I, Susan Johnston, 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. 2020-09 (“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 special meeting held via Zoom webinar, Mountain Village, Colorado, on June 4, 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 4<sup>th</sup> day of June 2020.



*Susan Johnston*  
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 Susan Johnston, Town Clerk