

ORDINANCE 544 SERIES 2020

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

WHEREAS, the Board of Trustees 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.

WHEREAS, the Board of Trustees finds that this ordinance is necessary and proper for the health, safety, and welfare of the Town of Dolores and the inhabitants thereof.

WHEREAS, this ordinance is not inconsistent with the laws of the State of Colorado.

WHEREAS there exists a public health crisis with the spread of the COVID-19 virus in the state of Colorado. The Governor of the State of Colorado has declared an emergency and has issued a series of orders intended to reduce the spread of the virus. The Centers for Disease Control and World Health Organization consider COVID-19 to be a pandemic and have issued guidelines to contain its spread.

WHEREAS, given the current circumstances and pursuant to C.R.S. § 31- 16-105, it is hereby declared that an emergency exists and that this ordinance is necessary for the immediate preservation of the public health, safety, and welfare.

WHEREAS, the Board of Trustees finds and determines that the adoption of this ordinance is necessary for the promotion of health and the suppression of disease.

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 BOARD OF TRUSTEES OF THE TOWN OF DOLORES, COLORADO:

Section 1. 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 emergency. This ordinance is intended to grant as broad a power as is permitted within the letter and spirit of the Town Charter and form of government, and this ordinance shall be interpreted in accordance with such intent. The Board of Trustees retains the power to direct the Town Manager during the pendency of the current coronavirus (COVID-19) public health emergency. **All powers exercised under this emergency ordinance shall be consistent with and in in furtherance of the laws, orders, directives, rules and recommendations issued by federal, state and county authorities intended to contain the COVID-19 pandemic. In no case shall the Town Manager or any other officer or person empowered to act under this ordinance act contrary to such federal, state and county laws, orders, directive, rules and recommendations.**

Section 2. Public Health Emergency Declared. The Town Board of Trustees hereby declares that a public health emergency relating to the coronavirus (COVID-19) exists within the Town. Such circumstance is referred to in this ordinance as the “public health emergency.” The public shall be notified of this declaration through general dissemination to the news media, posting on the Town website, or other means of publicity intended to advise the general public.

Section 3. Duration of Declaration of Public Health Emergency. The declaration of the public health emergency as provided in this ordinance shall remain in effect until the Town Board or Town Manager declares that the emergency has passed.

Section 4. Coronavirus (COVID-19) Response Plan. The Board of Trustees adopts the Coronavirus (COVID-19) Response Plan, attached hereto and incorporated herein by reference as Exhibit A.

Section 5. Powers: Until the Town Board or Town Manager declares that the public health emergency has passed, the Town Manager 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 controlling, restricting, allocating or regulating the use, sale, production or distribution of food, water, clothing, and other commodities, materials, goods, services and resources.
- (c) an order requiring the closing of businesses deemed nonessential by the Town Manager.
- (d) suspend Town commission and committee meetings to include, but not be limited the meetings of the Planning Commission and Parks and Recreation Committee; or modify meeting rules to allow for telephone, teleconferencing or meeting by other electronic means.
- (e) 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.
- (f) transfer the direction, personnel, or functions of Town departments and agencies for the purposes of performing or facilitating public health emergency services.
- (g) 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.
- (h) 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.
- (i) accept services, gifts, grants and loans, equipment, supplies, and materials whether from private, nonprofit or governmental sources.
- (j) make application for local, state or federal assistance.

- (k) 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.
- (l) delegate authority to such Town officials as the Town Manager determines reasonably necessary or expedient.
- (m) limit the use of any Town-owned building, facility, or property as to time, manner,
- (n) 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.
- (o) Direct town employees to work from home.
- (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 the Town Manager reasonably believes is required under the circumstances to protect the health, safety, welfare of persons or property within the Town of Dolores, or to otherwise preserve the public peace or abate, clean up, or mitigate the effects of the public health emergency.
- (s) The restrictions may be changed from time to time during the time frame of the declaration based upon the discretion of the Town Manager.

Section 6. In exercising the forgoing powers, the Town Manager is directed cooperate with and follow the recommendations of the federal, state and county agencies regarding the public health crisis.

Section 7. Enforcement of Orders:

- (a) The Town Marshal, and such other law enforcement and peace officers as may be authorized by the Town Manager 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 Board or Town Manager declares 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 Town Manager or designee pursuant to Section 5 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 Section 7. Any person convicted of a violation of this section shall be subject to the penalties set forth in section 1.01.090 of the Town of Dolores Municipal Code.

Section 8:

In accordance with C.R.S. § 31-16-105, the Board of Trustees hereby determines that this Ordinance is necessary for the immediate preservation of the public peace, health or safety. As an emergency ordinance, this Ordinance shall take effect upon adoption, shall be authenticated and shall be numbered and recorded in the official records of the Town as required by C.R.S. § 31-16-105.

Section 9:

If any provision of this ordinance or the application of it to any person or circumstance is held invalid by a court of competent jurisdiction, such invalidity shall not affect other provisions or applications of this ordinance which can be given effect without the invalid provisions or applications. The provisions of this ordinance are expressly declared to be severable.

INTRODUCED AND ADOPTED by the Board of Trustees of the Town of Dolores, Colorado, this 23rd day of March, 2020.

DOLORS BOARD OF TRUSTEES:

By: _____
Chad Wheelus, Mayor

Attest:

By: _____
Tammy Neely, Town Clerk