

**CITY OF WHEAT RIDGE, COLORADO
RESOLUTION NO. 26
SERIES OF 2020**

**TITLE: A RESOLUTION OF THE WHEAT RIDGE CITY COUNCIL
REPEALING THE ORDER OF THE CITY MANAGER
REQUIRING THE WEARING OF FACE COVERINGS AND
AMENDING AND REISSUING THE SAME AS THIS
RESOLUTION OF THE CITY COUNCIL**

WHEREAS, on March 10, 2020, the Governor of the State of Colorado declared a statewide state of emergency in response to coronavirus (COVID-19) virus and disease; and

WHEREAS, the Governor has issued a series of executive orders imposing stay at home requirements to slow the spread of the disease, and which orders currently extend until several dates in May, under revised protocols; and

WHEREAS, the Governor's executive orders have been implemented by public health orders of the Colorado Department of Public Health and Environment CDPHE); and

WHEREAS, on April 9, 2020, the CDPHE issued its Fourth Updated Public Health Order 20-24 implementing stay at home requirements; and

WHEREAS, on April 17, 2020, the Governor issued Executive Order D 2020 039, ordering workers in Critical Businesses and Critical Government functions to wear non-medical face coverings while working, except where doing so would inhibit the individual's health, and to also wear gloves, to the extent possible when in contact with customers or goods if gloves are provided to workers by the employer; and

WHEREAS, On April 26, 2020, the Governor issued Executive Order D 2020 044, introducing the "Safer at Home" phase of slightly relaxed state regulation. That Order, while permitting certain non-critical businesses to open as of May 1, including personal services (salons, dog grooming, personal training, etc.), directs the CDPHE to issue restrictions for such businesses similar to the requirements for Critical Retail, and which will include requiring customers to wear face coverings in such personal service establishments; and

WHEREAS, on April 24, 2020, the Jefferson County Department of Public Health issued its order extending stay at home requirements within the county (permitted to be more restrictive than the state requirements) to and including May 8, 2020; and

WHEREAS, on March 20, 2020, the Wheat Ridge City Council adopted Resolution No. 16, series 2020 declaring an emergency as a result of the Covid-19 virus pandemic and granting authority to the City Manager to take necessary enumerated actions to address that pandemic within the City; and

WHEREAS, in the exercise of that authority and at the direction of the City Council, the City Manager has exercised the authority granted by Resolution No. 16 series 2020 by, among other things, issuing orders of March 31, 2020 (restricting short term rentals within the City to rental terms of no less than 14 days), and April 21, 2020 (requiring face coverings when entering critical businesses within the City); and

WHEREAS, The City Manager's order of April 21, regarding face coverings, does not take effect until April 27, which is a scheduled regular meeting date of the City Council; and

WHEREAS, the City Council is mindful of concerns expressed by citizens of the potential for municipal court enforcement of the City Manager's April 21 order on face coverings, and while the Council supports the requirements of that order, the Council wishes to repeal it in order to readopt the same, with amendments and requesting voluntary compliance only, as a Resolution of the Council; and

WHEREAS, the City Council confirms that protecting the public health is the Council's top priority; and

WHEREAS, the City Council is empowered by Chapter 6 of the Wheat Ridge Code of Laws 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 City Council finds and determines that the adoption of this Resolution is necessary for the promotion of health and the suppression of disease; and

WHEREAS, the City Council further finds and determines that the adoption of this Resolution is proper under Sections 31-15-401(1)(b), 24-33.5-703(3), and 24-33.5-709, C.R.S., and other applicable law.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF WHEAT RIDGE, COLORADO:

Section 1. Order of April 21, 2020 repealed. The City Council hereby repeals the order of the City Manager dated April 21, 2020, requiring face coverings when entering a critical business within the City.

Section 2. Face Covering Order Amended and Reissued. The City Council hereby enters the following amended order:

- A. All persons entering a "Critical Business" as defined by the Fourth Updated Health Order 20-24 of the Colorado Department of Health and Environment, are hereby ordered to wear medical or non-medical cloth face coverings, such as to cover their nose and mouth, when entering any such business and in conducting any interactions within such business.
- B. This Order is necessary to reduce the spread of COVID-19 and protect the health of essential workers and the residents and visitors of the City. The Order shall go

into effect as of April 27, 2020, and shall expire at midnight on May 30, 2020, unless it is earlier terminated or extended.

C. This Order is permitted to be more restrictive than any state-issued stay at home order or other public health order, as permitted by the Governor's stay at home orders and associated orders of the Colorado Department of Public Health and Environment.

D. The Council strongly urges all citizens, for your own health and safety, and for that of the brave citizens who are staffing the grocery stores, pharmacies and other businesses that are so critical to our daily needs, to comply with this Order. It is only through our collective efforts that we can protect those persons, ourselves and our families. The Council genuinely appreciates your voluntary cooperation.

Section 3. Effective date. This Resolution shall take effect immediately upon adoption.

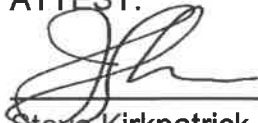
DONE AND RESOLVED this 27th day of April 2020.

CITY OF WHEAT RIDGE



Bud Starker, Mayor

ATTEST:



Steve Kirkpatrick, City Clerk

