

**ORDINANCE NO. 9
(SERIES OF 2021)**

AN EMERGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ASPEN, COLORADO, AMENDING ORDINANCE #12, SERIES OF 2020, BY MODIFYING REQUIREMENTS FOR FACE COVERINGS OUTDOORS AND EXTENDING THE EFFECTIVE DATES OF THE PROVISIONS FOR FACE COVERING REGULATIONS.

WHEREAS, the City of Aspen (the "City") is a legally and regularly created, established, organized and existing municipal corporation under the provisions of Article XX of the Constitution of the State of Colorado and the home rule charter of the City (the "Charter"); and

WHEREAS, Section 4.11 of the Charter authorizes the City Council to enact emergency ordinances for the preservation of public property, health, peace, or safety upon the unanimous vote of City Council members present or upon a vote of four (4) Council members, whichever is less; and

WHEREAS, the City of Aspen declared a local disaster emergency on March 12, 2020 pertaining to the occurrence or imminent threat of widespread or severe damage, injury or loss of life or property resulting from COVID-19; and

WHEREAS, the City of Aspen commenced and continues to support crisis response efforts, through both personal and other resources; and

WHEREAS, pursuant to State and Local Public Health Orders, businesses have been allowed to open to the public under strict guidelines for the health and safety of the public; 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 City Council proposes to amend the provisions of Ordinance #12 (Series of 2020) including amending requirements for face coverings outdoors and extending the effective dates for provisions regarding the requirements for face covering beyond the expiration date of May 1, 2021, as set forth in Ordinance #18 (Series of 2020); and

WHEREAS, failure of individuals and businesses to comply with public health guidelines can jeopardize the health of the community as a whole and could require the reinstatement of stay at home orders and the re-closing of all businesses leading to devastating economic impacts; and

WHEREAS, the City 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 City Council to adopt this amendment as an Emergency Ordinance.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASPEN CITY THAT:

Section 1.

The provisions set forth in Section #1 of Ordinance #12, Series of 2020, including that which was amended by Ordinance #18, are hereby amended as follows:

Section 2.1.b., and Section 2.2.b., are hereby deleted.

Section 2.2.c., is hereby amended to read:

In indoor or outdoor public places within the City of Aspen where persons are unable to maintain safe social distancing (six or more feet of separation regardless of duration) from persons not of the same household.

Section 2.6, Effective Date and Time, Limitations and Area, is hereby amended to read as follows:

The Public Health Order and all other provisions set forth in Section 1, of Ordinance #12, Series of 2020, which amended Section 2, of Ordinance #11, Series of 2020, and as amended herein, shall remain in full force and effect until June 7, 2021. This Order is effective within the entirety of the territory of the City of Aspen, Colorado.

Section 2. Emergency Declaration

It is hereby declared that, in the opinion of the City Council, an emergency exists; there is a need for the preservation of public property, health, peace, or safety of the City of Aspen, its residents, and guests; and, this ordinance and public health order adopted as an emergency ordinance provides the protection of the health, peace and safety of the citizens of the City of Aspen.

Section 3. Publication.

The City Clerk is directed that publication of this ordinance shall be made as soon as practical and no later than ten (10) days following final passage.

Section 4. Severability.

If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional in a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and shall not affect the validity of the remaining portions thereof.

Section 5. Effective Date.

Except as otherwise set forth herein, pursuant to Sec.4.11 of the Aspen Municipal Charter, the ordinance shall take effect and be in full force upon adoption of this ordinance by the affirmative votes of at least four (4) members of the Aspen City Council or the unanimous vote of all City Council members present


Section 6. Existing Litigation.

This ordinance shall not have any effect on existing litigation and shall not operate as an abatement of any action or proceeding now pending under or by virtue of the ordinances amended as herein provided, and the same shall be construed and concluded under such prior ordinances.

INTRODUCED AND READ as provided by law as an emergency ordinance by the City Council of the City of Aspen on the 13th day of April 2021.



Torre, Mayor

ATTEST:


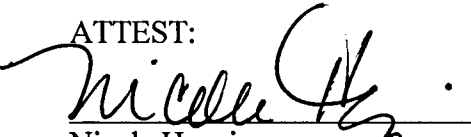
Nicole Henning, City Clerk

FINALLY adopted, passed and approved this 27th day of April 2021, by

- the unanimous vote of all City Council members present; or
- a vote of four (4) council members.

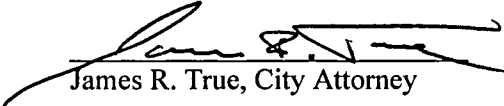


Torre, Mayor

ATTEST:


Nicole Henning

APPROVED AS TO FORM:



James R. True, City Attorney