



TOWN OF
BRECKENRIDGE

Town Council Special Meeting
Thursday, July 9, 2020, 8:00 AM
VIRTUAL Council Chambers

This meeting will be broadcast live, but the public will NOT be permitted to attend the meeting in person due to COVID-19 concerns. If you are interested, please monitor the meeting by joining the live broadcast available online. Log-in information is available in the calendar section of our website: www.townofbreckenridge.com.

Questions and comments can be submitted prior to the meeting to Mayor@townofbreckenridge.com or during the meeting using the Q&A feature in the Online Webinar.

I. CALL TO ORDER, ROLL CALL

II. APPROVAL OF AGENDA

III. NEW BUSINESS

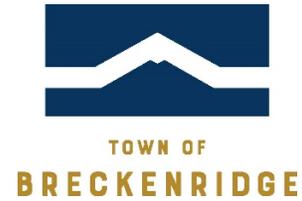
- A. *COUNCIL BILL NO. 26, SERIES 2020 - EMERGENCY ORDINANCE TO AMEND ORDINANCE NO. 14 REQUIRING FACE COVERINGS*
- B. *EMERGENCY ORDINANCE AUTHORIZING THE SUSPENSION OR REVOCATION OF A TOWN OF BRECKENRIDGE BUSINESS AND OCCUPATIONAL TAX LICENSE FOR A VIOLATION OF A SUMMIT COUNTY PUBLIC HEALTH ORDER*

IV. DISCUSSION ITEMS

- A. Additional Discussion Concerning Restaurant Closure Times
- B. Additional COVID Discussion

V. OTHER MATTERS

VI. ADJOURNMENT



Memo

To: Breckenridge Town Council Members
From: Rick Holman, Town Manager
Date: 7/8/2020
Subject: An Emergency Ordinance to amend the current Ordinance requiring face coverings;
An Emergency Ordinance authorizing the suspension of a Town of Breckenridge
Business and Occupational Tax License (BOLT) for violation of a Summit County
Public Health Order

Staff has worked with the Town Attorney to prepare two emergency ordinances for consideration of the Town Council. The first emergency ordinance will amend the current Town ordinance that requires the wearing of face coverings (masks) in certain situations. The new amended ordinance for your consideration creates a "Mandatory Mask Zone" as depicted by a map that is part of the ordinance. Masks are required to be worn while a person is in an "outdoor public place" within that mask zone with a few noted exceptions.

The second emergency ordinance for your consideration will amend the Town Code for our Business and Occupational Tax licenses (BOLT Licenses) and add an additional penalty for violating a Public Health Order issued by the Public Health Director of Summit County. If after a hearing there is determination that cause exists for sanctions against a licensee for the violation of the public health order, the Finance Director shall suspend the licensee's license for 30 days and shall impose an administrative fine of \$2,650 (this is maximum allowable fine under our code).

Staff will be present at the Special Town Council meeting on July 9th to discuss both of these proposed ordinances with Council.

1 ***FOR ADOPTION AS EMERGENCY ORDINANCE –***
2 ***JULY 9***

3
4 Additions To The Current Original Face Mask Ordinance Are
5 Indicated By **Bold + Double Underline**; Deletions By ~~Strikeout~~

6
7 COUNCIL BILL NO. 26

8
9 Series 2020

10
11 **AN REVISED** EMERGENCY ORDINANCE REQUIRING FACE COVERINGS
12 DURING THE CORONAVIRUS (COVID-19) PUBLIC HEALTH EMERGENCY

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14 WHEREAS, by Ordinance No. 13, Series 2020, the Town Council declared that a public
15 health emergency relating to the coronavirus (COVID-19) exists within the Town (the “public
16 health emergency”); and

17
18 WHEREAS, in Ordinance No. 13, Series 2020, the public health emergency shall remain
19 in effect until the Mayor declares that the emergency has passed; and

20
21 WHEREAS, the Mayor has not declared that the public health emergency has passed, and
22 the Town Council’s declaration of the public health emergency is therefore still in full force and
23 effect; and

24
25 WHEREAS, the Town Council reaffirms that protecting public health is the Council’s
26 top priority; and

27
28 WHEREAS, the Town Council is empowered by Section 31-15-401(1)(b), C.R.S., to do
29 all acts and make all regulations which may be necessary or expedient for the promotion of
30 health or the suppression of disease; and

31
32 WHEREAS, the Governor of the State of Colorado, the Colorado Department of Public
33 Health and Environment, the Summit County Public Health Director have all acknowledged that
34 the wearing of face coverings in public settings is beneficial and helps to prevent the spread of
35 COVID-19; and

36
37 WHEREAS, this ordinance is adopted to attempt to limit the health impacts of COVID-
38 19 within the Town of Breckenridge by establishing requirements for the public to utilize face
39 coverings when inside places of business within the Town that are open to the public, or when
40 members of the public are unable to maintain safe social distancing (six or more feet separation)
41 from others not of their own household, and to thereby slow the spread of COVID-19 within the
42 Town, all as more fully set forth in this ordinance; and

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

3
4 WHEREAS, the Town Council further finds and determines that the adoption of this
5 ordinance is proper under Section 31-15-401(1)(b), C.R.S., and other applicable law; and

6
7 **WHEREAS, the Town Council further finds and determines that Ordinance 14,**
8 **Series 2020, adopted May 5, 2020 should be repealed and replaced with this ordinance.**

9
10 NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF
11 BRECKENRIDGE, COLORADO:

12
13 Section 1. Definitions. As used in this ordinance:

14 Face Covering:	means a uniform piece of material that securely covers a person's nose and mouth and remains affixed in place without the use of one's hands.
<u>Mandatory Mask Zone:</u>	<u>means any outdoor public place located within the boundaries of that zone depicted on the attached Exhibit "A", which is incorporated herein by reference.</u>
<u>Outdoor Public Place:</u>	<u>means an outdoor place to which the public or a substantial number of the public has access, including, but not limited to, any street, sidewalk, public alley, public parking lot, park, playground, and the common areas of any public and private buildings and facilities.</u>

15
16 Section 2. Face Covering Required. **Except as provided in Section 3, below,** ~~Every~~
17 person shall wear a face covering:

- 18
19 A. When entering and while inside of a place of business open to the public; ~~and~~
20 B. **While in an Outdoor Public Place located within the Mandatory Mask Zone;**
21 **and.**
22 C. In such other public indoor or outdoor places outside of the Mandatory Mask Zone
23 where such person is unable to maintain safe social distancing (six or more feet
24 separation) from others not of the person's own group.

25 Section 3. Exceptions. Nothing in this ordinance shall be interpreted or construed to
26 require the wearing of face coverings by the following persons:
27

- 1 A. Persons under the age of two (2) years; ~~and~~
- 2 B. Persons for whom a face covering would cause impairment due to an existing health
- 3 condition;
- 4 C. Persons working in a professional office who do not have any face-to-face
- 5 interactions with the public;
- 6 **D. Persons while eating or drinking; and**
- 7 **E. Performers as long as twenty-five (25) feet distance from spectators is**
- 8 **maintained.**

9 Section 4. General Information For All Persons. Pursuant to federal Centers for Disease
 10 Control guidance, the public is strongly encouraged to wear cloth face coverings that:

- 11 A. Fit snugly but comfortably against the side of the face;
- 12 B. Include multiple layers of fabric;
- 13 C. Allow for breathing without restriction; and
- 14 D. Are able to be laundered and machine dried without damage or change to shape.

16 Section 5. Violations; Penalties.

17 A. It is an infraction as defined in Section 1-3-2 of the Breckenridge Town Code for any
 18 person to violate any of the provisions of this ordinance. Each such person shall be
 19 liable for a separate offense for each and every day during any portion of which any
 20 violation of any of the provisions of this ordinance is committed, continued, or
 21 permitted, and shall be punished accordingly.

22 B. Any person found to have violated any provision of this ordinance, or against whom a
 23 default judgment has been entered for any violation of this ordinance shall be
 24 punished by a fine as follows:

Offense No.	Fine Amount
First Offense	\$ 50.00
Second Offense	\$250.00
Third Offense and Each Subsequent Offense	\$500.00

27 Section 6. Findings. The Town Council hereby finds, determines and declares that this
 28 ordinance:

29
 30

1 A. Is necessary and proper to provide for the safety, preserve the health, promote the
2 prosperity, and improve the order, comfort and convenience of the Town of
3 Breckenridge and the inhabitants thereof.

4 B. Is necessary for the promotion of health and the suppression of disease.

5 Section 7. Direction to Enforce Ordinance: **Authority of Community Service Officers**
6 **to Enforce Ordinance.**
7

8 A. The Police Chief of the Town of Breckenridge, and all officers of the Town’s Police
9 Department, are authorized to enforce this ordinance until the Mayor has declared
10 that the public health emergency as defined above has passed. Nothing in this Section
11 7 shall prevent the Police Chief or any officer of the Town’s Police Department from
12 testifying in court with respect to an alleged violation of this ordinance that occurred
13 prior to the Mayor’s declaration that the public health emergency in the Town has
14 passed.

15 **B. Any duly appointed community service officer of the Town’s police department**
16 **is authorized, as part of his or her duties, to issue a penalty assessment notice for**
17 **any alleged violation of this ordinance. Any penalty assessment notice issued by**
18 **a community service officer shall comply with the requirements of Section 1-8-**
19 **12K of the Breckenridge Town Code. The applicable fine for a penalty**
20 **assessment notice issued by a community service officer shall be as set forth in**
21 **Section 5B of this ordinance.**

22 Section 8. Authority. The Town Council hereby finds, determines and declares that it has
23 the power to adopt this ordinance pursuant to the provisions of Section 31-15-401(1)(b) C.R.S.,
24 and the powers possessed by home rule municipalities in Colorado, including, but not limited to,
25 Section 15.7 of the Breckenridge Town Charter entitled “Emergency Powers.”
26

27 **Section 9. Repeal of Previous Ordinance. Ordinance No. 14, Series 2020, adopted as**
28 **an emergency ordinance by the Town Council on May 5, 2020 is repealed.**
29

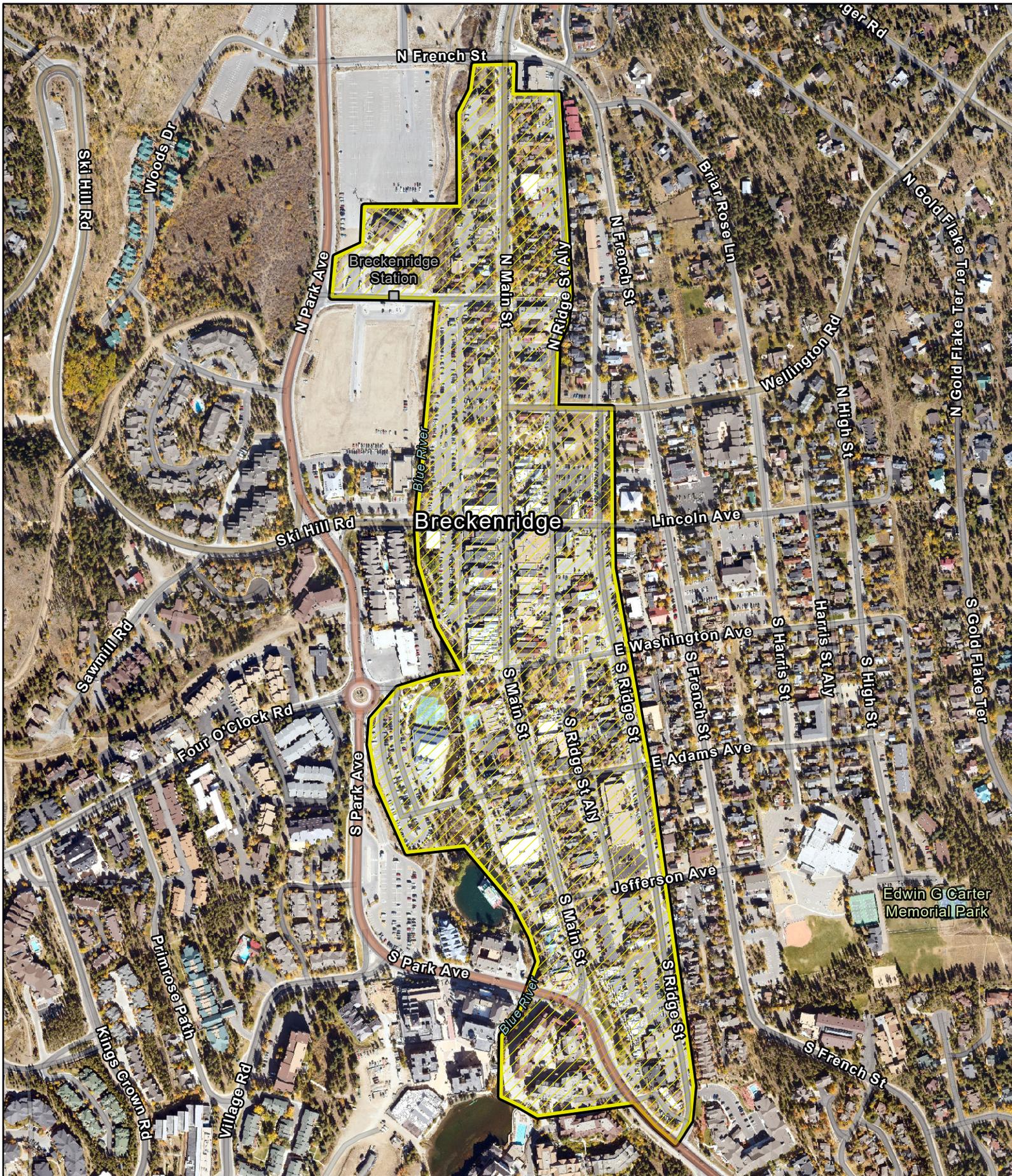
30 Section 10. Emergency Declaration. The Town Council of the Town of Breckenridge
31 hereby finds, determines and declares that an emergency exists and that this ordinance is
32 necessary for the immediate preservation of public property, health, welfare, peace or safety for
33 the reasons enumerated in the introductory paragraphs of this ordinance, which are incorporated
34 into this Section ~~9~~10 by reference. The Town Council further determines that the adoption of this
35 ordinance as an emergency ordinance is in the best interest of the citizens of the Town of
36 Breckenridge.
37

38 Section 11. Effective Date. Pursuant to Section 5.11 of the Breckenridge Town Charter
39 this ordinance shall take effect and be in full force upon adoption of this ordinance by the
40 affirmative votes of at least five (5) members of the Town Council.
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900-214/Revised Facemask Ordinance_2 (07-07-20)

Exhibit A



Town of Breckenridge Mandatory Mask Zone

 Mandatory Mask Zone



TOWN OF
BRECKENRIDGE



1 ***FOR ADOPTION AS EMERGENCY ORDINANCE –***
2 ***JULY 9***

3
4 COUNCIL BILL NO. 27

5
6 Series 2020

7
8 AN EMERGENCY ORDINANCE AUTHORIZING THE SUSPENSION OR
9 REVOCATION OF A TOWN OF BRECKENRIDGE BUSINESS AND OCCUPATIONAL
10 TAX LICENSE FOR A VIOLATION OF A SUMMIT COUNTY PUBLIC HEALTH ORDER;
11 AND PROVIDING ADMINISTRATIVE PENALTIES AND OTHER SANCTIONS FOR
12 SUCH VIOLATION
13

14 WHEREAS, pursuant to Chapter 1 of Title 4 of the Breckenridge Town Code the Town’s
15 Finance Director is authorized to issue Business and Occupational Tax licenses (“**BOLT**
16 **Licenses**”); and
17

18 WHEREAS, pursuant to Section 4-1-10-1 of the Breckenridge Town Code the Finance
19 Director is further authorized to conduct hearings and to impose administrative penalties and
20 other sanctions against holders of BOLT Licenses for certain enumerated violations; and
21

22 WHEREAS, from time to time the Summit County Public Health Director issues Public
23 Health Orders deemed necessary to protect the public health; and
24

25 WHEREAS, the Public Health Orders issued by the Summit County Public Health
26 Director apply within the corporate limits of the Town of Breckenridge; and
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28 WHEREAS, the Town Council finds and determines that a violation of a Public Health
29 Order issued by the Summit County Public Health Director should be deemed to be sufficient
30 grounds for the imposition of appropriate administrative penalties and other sanctions against the
31 holder of a BOLT License; and
32

33 NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF
34 BRECKENRIDGE, COLORADO:
35

36 Section 1. Section 4-1-10-1A of the Breckenridge Town Code is amended the addition of
37 a new item 5 which shall read as follows:
38

39 **5. Any violation by the licensee of a Public Health Order issued by the Public**
40 **Health Director of Summit County, Colorado.**
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42 Section 2. Section 4-1-10-1 of the Breckenridge Town Code is amended by the addition
43 of a new Section D3, which shall read as follows:
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ATTEST:

Helen Cospolich, CMC,
Town Clerk

900-214/BOLT Ordinance (07-07-20)