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EMERGENCY RULES AND REGULATIONS

No. 2020-18

To all persons take notice:

That for the protection of life, health, safety and property as affected by reason of the Novel Coronavirus 2019 (COVID-19), which resulted in my declaration of a “local emergency” under the authority of Chapter 2, Article IX of the Code of the City of Fort Collins, (the “City”) and which declaration of local emergency was filed with the City Clerk and with the Colorado Division of Emergency Management on March 13, 2020, and extended by City Council adoption of Resolution 2020-030 on March 20, 2020, I have hereby established, under the authority of Sec. 2-671(a)(6)a, the following rules and regulations:

1. Purpose, Effective Area. This Emergency Regulation is being issued to limit the health impacts of COVID-19. This Regulation sets forth requirements for the public to utilize face coverings inside of public places, to slow the spread of the COVID-19 virus. This Order is effective within the entirety of the territory of the City of Fort Collins, Colorado.

2. Effective Date and Time, Limitations. The Emergency Regulation replaces Emergency Rule and Regulation No. 2020-15A, approved by the City Council on May 5, 2020, and effective until May 30, 2020, and will become effective upon signing and remain in effect until further notice.

3. Definitions.

- a. **Face Covering** shall mean 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. Face Coverings include, but are not limited to, bandanas, medical masks, cloth masks and gaiters.

4. Face Coverings required. All persons shall wear Face Coverings when entering and while inside:

- a. Any enclosed area, including retail and commercial businesses or on-site service providers, to which the public is invited or in which workers, including volunteers, from more than one household are present;
- b. Any City of Fort Collins building or indoor City facility;
- c. Any public transportation, including City Transfort buses and bus shelters;
- d. Any other public indoor place where persons are unable to maintain safe social distancing (six or more feet separation) from others not of their own household;

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- e. Any outdoor seating or patio area of a place that falls within Section 4(a), unless the person is seated for dining or drinking as set forth in Section 6(g); or
- f. Where otherwise required by State or County order.

These requirements shall be in effect within the City regardless of any less restrictive County or State orders or guidance concerning face coverings, including the May 19, 2020, Amended Seventh Public Health Order from Larimer County.

5. Face Coverings for workers. All employers shall require, and make reasonable efforts to provide, Face Coverings to employees, volunteers and other workers in their places of employment that fall within the scope of Section 4 of this Regulation.

6. Exceptions. Nothing herein shall require the wearing of face coverings by the following persons or on the following properties:

- a) Persons under the age of ten years or children within a childcare facility, however, childcare facilities must still follow any applicable State or County guidance on face coverings;
- b) Persons for whom a face covering would cause impairment due to an existing health condition and who present a doctor's note to that effect;
- c) Persons working in a professional office or other workspace who do not have any face-to-face interactions with or share workspace with other persons;
- d) If the person is undergoing a medical or dental procedure, or any other personal service, that requires access to the person's mouth or nose; and
- e) Property owned or operated by the federal, state or county governments.
- f) Persons who are customers of banks, financial institutions, and pawn shops, however, employees of these places must still wear face coverings;
- g) Persons who are eating or drinking at a restaurant when seated for dining or drinking, however, facial coverings must be worn when not seated for eating or drinking, such as waiting for or picking up food or drinks, walking past other tables or going to restroom facilities; or
- h) Individuals participating in indoor gyms, indoor training services or other indoor recreational activities that are complying with applicable State orders, Larimer County directives and a businesses' policy on when to wear a face covering within the business.

7. General Information for all Persons. Pursuant to federal Centers for Disease Control guidance, the public is strongly encouraged to wear cloth Face Coverings that:

- Fit snugly but comfortably against the side of the face;
- Are secured with ties or ear loops;
- Include multiple layers of fabric;
- Allow for breathing without restriction; and
- Are able to be laundered and machine dried without damage or change to shape.



Information on making such masks can be found at: <https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/diy-cloth-face-coverings.html>

THE PUBLIC IS DISCOURAGED FROM ATTEMPTING TO ACQUIRE HEALTH CARE AND INDUSTRIAL FACE COVERINGS THAT ARE NECESSARY TO PROTECT HEALTH CARE WORKERS DURING THE COVID-19 PANDEMIC.

These actions will limit the cascading impacts on critical services by limiting spread of COVID-19. This Regulation and actions will help hospitals, first responders, and other healthcare services continue to provide services for those who need them (along with utilities, human services, and businesses) in the coming weeks and months. Collective action can save lives and is in support of the most vulnerable in our community.

8. Most Restrictive Standard Controls. To the extent any State and/or Federal orders or laws are more restrictive than what is set forth herein, such orders control.

9. Signage Required. Any property that is subject to Section (4) of this emergency rule must display signage in a prominent area of the property that informs members of the public in both the English and Spanish languages about the requirement to wear Face Coverings while entering and within the property. Sample signage can be found at www.fcgov.com/coronavirus.

10. Enforcement Process. Any person with operational control of a property or area covered by this Regulation may notify any person entering that property or area of the requirement to wear a Face Covering and any person who does not comply with such a Face Covering request or with Face Covering signage required under this Regulation must leave the property or area that requires a Face Covering or shall be in violation of this Regulation.

11. Penalties.

Any person who violates this Regulation shall be guilty of a criminal misdemeanor pursuant to Section 1-15 of the City Code. The Fort Collins City Council, in its discretion, may pass an ordinance reducing the penalties for violations of this emergency rule to a civil infraction pursuant to Section 1-15(f) of the City Code. Nothing in this emergency regulation or any related approving ordinance is intended to conflict with penalties for violations under state law, as legally applicable.

12. Reporting Violations. Members of the public can report suspected violations of this emergency rule at www.fcgov.com/accessfortcollins or by calling (970)-416-2200. Please do not call 911 to report violations of this emergency rule.

13. Dissemination. Pursuant to Section 2-671(e) of the City Code, the rules and regulations set forth herein shall be disseminated to local radio and television stations and to a newspaper having a general circulation within the City.

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14. Amendments. The City Manager may make any additional amendments to this emergency regulation as he deems necessary based on federal, state or county guidance or orders promulgated after this emergency regulation goes into effect, or other changed circumstances. The City Manager will present such amendments for consideration by the City Council at the next available regular Council meeting.

DATED this 28 day of May, A.D. 2020.

DocuSigned by:

A handwritten signature in black ink, appearing to read "D. A.", is written over a horizontal line. The signature is enclosed in a blue rounded rectangular box.

Darin A. Atteberry, City Manager