

**TOWN OF LYONS, COLORADO
RESOLUTION 2020-88**

**AN EMERGENCY RESOLUTION OF THE TOWN OF LYONS, COLORADO EXTENDING
AND MODIFYING THE MARCH 23, 2020 RESOLUTION EXTENDING AND MODIFYING
THE PROCLAMATION OF A STATE OF LOCAL DISASTER EMERGENCY DUE TO THE
PUBLIC HEALTH EMERGENCY CREATED BY CORONAVIRUS DISEASE 2019**

WHEREAS, pursuant to the Colorado Disaster Emergency Act, C.R.S., Section 24-33.5-701, et seq., and Lyons Municipal Code ("LMC") Section 2-5-10, et seq., the Mayor of the Town of Lyons ("Town") has the Authority to declare a local disaster emergency through a proclamation; and

WHEREAS, pursuant to LMC 2-5-30(5)(b) and C.R.S. § 24-33.5-709(1), the Lyons Board of Trustees (the "Board") is authorized to extend a proclamation of local disaster by resolution; and

WHEREAS, the Town and its citizens continue to face a significant public emergency from Coronavirus disease 2019 ("COVID-19"), a highly infectious disease which can cause severe complications which are potentially fatal; and

WHEREAS, Colorado Governor Jared Polis, by Executive Order D 2020 03, has declared a statewide disaster emergency due to the presence of COVID-19 in the state. The Executive Order identifies the potential for community spread and, among other things, activates disaster response and recovery aspects of applicable state, local, and interjurisdictional disaster emergency plans; and

WHEREAS, on March 13, 2020, the President of the United States declared the ongoing COVID-19 pandemic of sufficient severity and magnitude to warrant an emergency declaration for all states, tribes, territories, and the District of Columbia pursuant to section 501 (b) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121-5207 (the "Stafford Act"); and

WHEREAS, on March 13, 2020, pursuant to C.R.S. § 24-33.5-709 and LMC Section 2-5-30 the Mayor of Lyons proclaimed s a local disaster emergency for the municipal limits of the Town of Lyons, Colorado (the "Proclamation"); and

WHEREAS, on March 16, 2020, the Lyons Board passed Resolution 2020-51 which extended and modified the Proclamation; and

WHEREAS, on March 23, 2020, the Lyons Board passed Resolution 2020-88 which further extended and modified the Proclamation; and

WHEREAS, as of May 18, 2020, there are 22,000 confirmed cases of COVID-19 in Colorado with 1,215 confirmed deaths; and

WHEREAS, as of May 18, 2020, are 1.5 million confirmed cases of COVID-19 nationwide with 90,000 confirmed deaths; and

WHEREAS, due the continued severity of the COVID-19 crisis, it is necessary extend the Proclamation to protect the public health and welfare of the citizens of Lyons; and

WHEREAS, the Board desires to extend and modify the Proclamation as modified by the previous resolutions of the Board as specifically set forth in this Resolution; and

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE TOWN OF LYONS, COLORADO:

Section 1. That there is a local disaster emergency in the Town of Lyons, Colorado, due to the extreme likelihood of danger or destruction of life or property resulting from COVID-19.

Section 2. That the effect of this Proclamation of Local Disaster Emergency ("Proclamation") shall be to activate the response and recovery aspects of any and all applicable local and interjurisdictional disaster emergency plans and to seek and authorize the furnishing of aid and assistance under such plans.

Section 3. All municipal facilities are closed to the public including:

- 1) The Town of Lyons Town Hall
- 2) The Town of Lyons Public Works Building
- 3) The Town of Lyons Visitor Center
- 4) All Town-operated public restrooms.

The Town will continue to provide all essential and non-essential services. Non-essential services shall be conducted by telephone, electronically, or by other means of communication. Upon notice to the public, non-essential services may be suspended by the Town.

Section 4. Public parks shall remain open. Groups of five (5) or more shall not be permitted in public parks and patrons are required to maintain separation of at least six (6) feet. All playground equipment will remain closed. All parking at or adjacent to public parks shall be closed to discourage the congregation of groups, and violations shall be ticketed. Non-residents are highly-discouraged from entering Lyons to use Town Parks due to a lack of parking.

Section 5. Meetings of the Lyons Board of Trustees ("BOT"), the Lyons Planning and Community Development Commission ("PCDC"), and the Lyons Board of Adjustments ("BOA") shall be conducted by telephone, electronically, or by other means of communication in accordance with the provisions of Ordinance 1080, as codified in the LMC.

Section 6. As necessary, other Lyons Boards and Commission meetings may be scheduled and held pursuant to the remote meeting provisions of Section 5 above.

Section 7. That Town of Lyons residents, businesses and visitors are encouraged to remain informed, follow the U.S. Center for Disease Control guidance for mitigation strategies for communities with local COVID-19 transmission.

In particular, Town of Lyons Business which are permitted to be open pursuant to Boulder County and Colorado Department of Public Health and Environment (“CDPHE”) health orders are required to:

- 1) Require the use of facial coverings for patrons and employees, except for:
 - a. Persons under the age of three years
 - b. Persons for whom a face covering would cause impairment to an existing medical condition unable to wear a facial covering
 - c. Persons working in a place of public accommodation who do not come into contact with the public and who do not share workspace with other persons not of their household
 - d. Persons who, because of a disability, are unable to wear a face covering
 - e. Persons undergoing a medical or dental procedure that requires access to the person's mouth or nose
 - f. Persons who are customers of banks and financial institutions
 - g. Persons in restaurants that are permitted by State and County regulations to serve food for consumption on the premises, while such person is in the act of eating or drinking, provided, however, that face coverings must be worn while entering and exiting the restaurant, and while ordering, paying, or otherwise interacting with employees or other customers of the restaurant, and once the food and drink have been consumed
 - h. First responders when responding to an immediate threat, provided, however, that this exception does not preempt any provisions of Colorado Department of Public Health and Environment (CDPHE) Order 20-26 requiring first responders to wear face coverings, and
 - i. Persons in a place of public accommodation who are requested to remove or lower their face covering for purposes of verifying their identity to carry out a sale or transaction, provided, however, that face coverings must otherwise be worn while in the establishment ;
- 2) Require the use of hand sanitizer for patrons and employees before and after each transaction ;
- 3) Increasing the frequency of cleaning and disinfection for high-touched surfaces to at least once per hour;
- 3) Maintain a distance of at least six (6) feet among employees and patrons / parties;
- 4) Display at each entrance each business or place of public accommodation an official sign from the Town of Lyons advising all persons of these requirements
- 5) Comply with all public health orders promulgated by the CDPHE and Boulder County.

Subsections 2 and 4 above shall not be in effect until the Town has made signage, PPE, and sanitizer available for use by businesses and other place of public accommodation.

Town Businesses are strongly encouraged to:

- 1) Notify the Town if an employee tests positive for COVID-19

For the purposes of this Section 7 the following definitions shall apply:

Facial covering means a covering made of cloth, fabric, or other soft or permeable material, without holes, that covers only the nose and mouth and surrounding areas of the lower face, and should fit snugly but comfortably against the side of the face and remains in place without the use of one's hands. *Face coverings* include, but are not limited to, bandanas, medical masks, cloth masks, and gaiters. *Face coverings* do not include any mask that incorporates a one-way valve (typically a raised plastic cylinder about the size of a quarter on the front or side of the mask) that is designed to facilitate easy exhaling.

Public accommodation means any place of business that is open to the general public, including any office or building that offers services or facilities to the general public, and any outdoor seating or patio area of any of the foregoing.

Section 8. Gatherings of more than ten (10) people are strongly discouraged (i.e. religious services, parties, business meetings, sporting and entertainment events). Gathering under ten (10) people are required to maintain social distancing, except where the participants are related. The Town reserves the right to cancel and disperse all public gatherings which present a threat to public health and safety upon notice to the organizer or other effective forms of notification.

Section 9. All short-term rentals ("STRs") within the Town shall cease operations. Guests shall be permitted to stay through their contracted term but shall not be permitted to renew. An exception to this order shall be permitted for guests who are under an isolation or quarantine order from Boulder County, or upon waiver by the Town Administrator.

Section 10. Utility shutoffs shall be suspended. The Town Administer is authorized to waive fees for late and/or non-payment of utility charges.

Section 11. Citizens who have traveled outside of the state of Colorado are strongly encouraged to self-isolate for 14 days upon return to Lyons.

Section 12. Except where the provisions of this Proclamation are more restrictive, all other aspects of the public health orders promulgated by Boulder County and CDPHE are in effect in the Town and shall be enforced; and

Section 13. Due to the emerging nature of the COVID-19 pandemic, this Proclamation may be amended as necessary to protect public safety, health, and welfare; and

Section 14. This Proclamation shall be effective from the date of passage and shall continue

to June 15, 2020 or until rescinded by a Resolution of the Board of Trustees.

ADOPTED this 18th day of May, 2020.

TOWN OF LYONS

By: *Nicholas Angelo*
Nicholas Angelo, Mayor

