



IGNACIO TOWN BOARD SPECIAL MEETING AGENDA

Monday, November 30, 2020 – 5:30 PM

Remote Public Meeting

*This remote meeting is hosted by Zoom and requires Attendees to login to the Zoom meeting website at the following address: <https://zoom.us/j/95007663168>, or Attendees wishing to participate by phone shall call: **346-248-7799** and key in Webinar ID Number: **950 0766 3168**. This zoom link is for first portion of the Special Board Meeting. There is a second Zoom meeting for the portion of the Special Town Board Meeting following the Executive Session. That sign-in information is below.*

*There is a Zoom Etiquette file on the Town website that details how Zoom meetings work and what is expected of Attendees. All Attendees will be able to hear and/or see the Town Board meeting. Attendees will be muted until the Mayor takes Attendee comments. Attendees wanting to comment must click on the “Raised Hand” tab at the bottom of the screen, or callers will have to enter *9. The Mayor will acknowledge which Attendee is to speak (by name or phone number) and the meeting host will allow them to speak. The meeting host will unmute the Attendee (or notify the Attendee if they need to unmute themselves by entering *6). The Attendee shall first provide their name and address before they begin their comments. Failure to follow directions or maintain meeting decorum will result in the muting of your connection. Both portions of the Special Board Meeting will be recorded.*

- I. CALL SPECIAL MEETING TO ORDER:
- II. ROLL CALL
- III. EXECUTIVE SESSION: Executive Session for a conference with the Town attorney for the purpose of receiving legal advice on specific legal questions under C.R.S. Section 24-6-402(4)(b) pertaining to the enforcement of Public Health Orders

*The initial remote meeting will end when the Town Board convenes in a remote executive session. The Town Board will resume the special meeting at 6:30 PM using the Zoom meeting login which again requires Attendees to login to the Zoom meeting website at the following address: <https://zoom.us/j/91537283319>, or Attendees wishing to participate by phone shall call: **346-248-7799** and key in Webinar ID Number: **915 3728 3319**.*

- I. **PUBLIC COMMENTS:** *The Town Board values public comment and allows this time for citizens to voice their thoughts and concerns. The Mayor will open the comment period and prior to addressing the Board, state your name and address and limit your comments to five (5) minutes. Meeting decorum will be maintained and failure to maintain composure and respect will result in the closure of your comment period. The Town Board and/or staff may respond to your comments or take your comments under advisement. Please do not comment on items listed on the Agenda as opportunity will be given to comment during these discussions. Thank you.*
- II. **UNFINISHED BUSINESS**
 - A. Ordinance 344 – Modifying Chapter IX, Section 9-1 of the Town of Ignacio Municipal Code Regarding Business Licensing
- III. **NEW BUSINESS**
 - A. Change of date of Board Meetings to second Monday of each month – Action Required
- IV. **ADJOURNMENT**

ORDINANCE NO. 344

AN ORDINANCE OF THE TOWN OF IGNACIO, COLORADO, MODIFYING CHAPTER IX, SECTION 9-1 OF THE TOWN OF IGNACIO MUNICIPAL CODE REGARDING BUSINESS LICENSING

WHEREAS, C.R.S. § 31-15-501 provides that a municipality's governing body has powers to regulate businesses including the power to license and regulate any business place and lawful occupation, to fix the amount, terms and manner of issuing and revoking licenses issued therefore, and to prohibit within the limits of the municipality any offensive or unwholesome business or to prohibit the carrying on of any business or establishment in an offensive and unwholesome manner within the limits of the municipality; and

WHEREAS, the Town Board of Trustees wishes to amend Chapter 9 of the Town of Ignacio Municipal Code concerning business licensing as set forth below; and

NOW, THEREFORE, BE IT ORDAINED by the Board of Trustees of the Town of Ignacio, Colorado, that:

Section 1. Chapter IX, Business Regulations, Section 9-1, Business Licenses is amended by the addition of the following new subsections 9-1-10 and 9-1-11, as follows:

9-1-10 Suspension, Revocation or Nonrenewal

A. Authority; Conditions: Business licenses are a privilege, and not a right. In addition to powers granted under other ordinances of the Town, the Town Board may suspend, revoke or refuse to grant the renewal of a license or permit issued under this chapter if:

1. The licensee fails to meet the qualifications required of an applicant, or;
2. The licensee violates any provision of any ordinance of the Town, or any County regulation, or any State Statute, or any Executive Order, or any Federal Law relating to the location or operation of the business, profession or occupation, or;
3. The licensee obtained the license by fraud or misrepresentation, or;
4. The licensee is finally convicted of an offense and there would be a danger to the public health, safety and welfare if the licensee were to engage in such conduct in the licensed business; or
5. Applicable fees and taxes are not paid when due, or;
6. The licensee operates in a manner that is a nuisance or in a manner that could threaten the life, safety, or health of the citizens of the Town.

B. Town/Licensee Communication: Town staff will initially communicate with businesses on violations of this chapter and communicate and instruct businesses, verbally (initial contact) and in writing (subsequent contacts) on violations and required actions. These actions will be completed before the consideration of further action be taken by the Town Board. ÷

~~Where possible, Town staff will verbally contact the licensee and inform them of their violations prior to bringing the matter to the Town Board. Where possible, Town staff will also make a second written contact to inform licensee of their violations. The aforementioned verbal contact~~

~~and written contact are not required where Town staff deems there to be an imminent threat to the life, safety, or health of the citizens of the Town caused by the alleged violations.~~

CB. Determination Of Action: If the Town ~~has completed communications with the licensee as described in subsection B, and the Town Board~~ finds one of the grounds in subsection A, ~~of this section~~ or any other ground for suspension or revocation, the Town Board shall determine whether to revoke the license for the remainder of its term, to suspend it for any shorter period, or not to allow the renewal, according to the severity of the disqualification, its effect on public health, safety and welfare, and the time during which the disqualification can be remedied, if at all.

DC. Temporary Suspension: Before the hearing required by subsection ~~ED~~ of this section, the Town Board may suspend a license for up to thirty (30) days if it determines that the suspension is necessary for the immediate protection of the public health, safety and welfare. The Town Board may include, in the temporary suspension, reasonable orders or conditions with which the licensee shall comply to protect the public health, safety and welfare. Any breach of such conditions or orders is an independent ground for suspension or revocation of the license. Upon request of the licensee, a hearing on a summary suspension shall be scheduled by the Town Board within twenty-one (21) days.

ED. Hearing: Except for such emergency suspension authorized by subsection ~~DE~~ of this section, no such suspension, revocation or nonrenewal is final until the licensee has been given the opportunity for a hearing before the Town Board to contest the suspension, revocation or nonrenewal. Notice of the hearing shall be given in writing by the Town Attorney setting forth specifically the grounds of complaint and the time and place of hearing. Such notice shall be mailed, postage prepaid to the licensee at its local address as set forth on its business license at least ~~five-seven~~ (57) days prior to the date set for the hearing. ~~Such notice shall be personally served upon a licensee, either through the named contact person identified on the license, or else upon licensee's management, clerk or other person in charge, or by leaving it in a conspicuous place at the licensee's local business address within the Town of Ignacio.~~

FE. Orders Or Conditions: If, after a hearing, the suspension, revocation or nonrenewal is upheld, the Town Board may include reasonable orders or conditions with which the licensee whose license has been suspended, revoked or nonrenewed shall comply to protect any work in progress and the public health, safety and welfare.

GF. Refund Disallowed: The licensee whose license is revoked under this chapter will not receive a refund of any part of the license fee paid for the license.

HG. Obtaining License Prohibited: The licensee who has had a license suspended, revoked or nonrenewed under this chapter is not entitled to obtain the same or any similar license under this chapter during the period of suspension or revocation, either in the person's, firm's or corporation's own name or as a principal in another business that applies for a license.

9-1-11 Penalty

Any person or licensee violating any of the provisions of this chapter shall, upon conviction, be punished as set forth in Ordinance 83, Amended by Ordinance 284, Penalties, of the Town of Ignacio Municipal Code now in affect or as may be amended from time to time, for each offense.

Each twenty-four (24) hours during which said violation shall continue shall constitute a separate offense.

Section 2. Effective Date: This Ordinance shall take effect 30 days after publication.

PASSED, APPROVED, ADOPTED AND ORDERED PUBLISHED this ____th day
~~October~~ November, 2020, by the Board of Trustees of the Town of Ignacio, Colorado.

TOWN OF IGNACIO:

Stella Cox, Mayor

ATTEST:

Tuggy Dunton, Town Clerk

ORDINANCE NO. 344

AN ORDINANCE OF THE TOWN OF IGNACIO, COLORADO, MODIFYING CHAPTER IX, SECTION 9-1 OF THE TOWN OF IGNACIO MUNICIPAL CODE REGARDING BUSINESS LICENSING

WHEREAS, C.R.S. § 31-15-501 provides that a municipality's governing body has powers to regulate businesses including the power to license and regulate any business place and lawful occupation, to fix the amount, terms and manner of issuing and revoking licenses issued therefore, and to prohibit within the limits of the municipality any offensive or unwholesome business or to prohibit the carrying on of any business or establishment in an offensive and unwholesome manner within the limits of the municipality; and

WHEREAS, the Town Board of Trustees wishes to amend Chapter 9 of the Town of Ignacio Municipal Code concerning business licensing as set forth below; and

NOW, THEREFORE, BE IT ORDAINED by the Board of Trustees of the Town of Ignacio, Colorado, that:

Section 1. Chapter IX, Business Regulations, Section 9-1, Business Licenses is amended by the addition of the following new subsections 9-1-10 and 9-1-11, as follows:

9-1-10 Suspension, Revocation or Nonrenewal

A. Authority; Conditions: Business licenses are a privilege, and not a right. In addition to powers granted under other ordinances of the Town, the Town Board may suspend, revoke or refuse to grant the renewal of a license or permit issued under this chapter if:

1. The licensee fails to meet the qualifications required of an applicant, or;
2. The licensee violates any provision of any ordinance of the Town, or any County regulation, or any State Statute, or any Executive Order, or any Federal Law relating to the location or operation of the business, profession or occupation, or;
3. The licensee obtained the license by fraud or misrepresentation, or;
4. The licensee is finally convicted of an offense and there would be a danger to the public health, safety and welfare if the licensee were to engage in such conduct in the licensed business; or
5. Applicable fees and taxes are not paid when due, or;
6. The licensee operates in a manner that is a nuisance or in a manner that could threaten the life, safety, or health of the citizens of the Town.

B. Town/Licensee Communication: Town staff will initially communicate with businesses on violations of this chapter and communicate and instruct businesses, verbally (initial contact) and in writing (subsequent contacts) on violations and required actions. These actions will be completed before the consideration of further action be taken by the Town Board.

C. Determination Of Action: If the Town has completed communications with the licensee as described in subsection B, and the Town Board finds one of the grounds in subsection A, or any other ground for suspension or revocation, the Town Board shall determine whether to revoke the license for the remainder of its term, to suspend it for any shorter period, or not to allow the renewal, according to the severity of the disqualification, its effect on public health, safety and welfare, and the time during which the disqualification can be remedied, if at all.

D. Temporary Suspension: Before the hearing required by subsection E of this section, the Town Board may suspend a license for up to thirty (30) days if it determines that the suspension is necessary for the immediate protection of the public health, safety and welfare. The Town Board may include, in the temporary suspension, reasonable orders or conditions with which the licensee shall comply to protect the public health, safety and welfare. Any breach of such conditions or orders is an independent ground for suspension or revocation of the license. Upon request of the licensee, a hearing on a summary suspension shall be scheduled by the Town Board within twenty-one (21) days.

E. Hearing: Except for such emergency suspension authorized by subsection D of this section, no such suspension, revocation or nonrenewal is final until the licensee has been given the opportunity for a hearing before the Town Board to contest the suspension, revocation or nonrenewal. Notice of the hearing shall be given in writing by the Town Attorney setting forth specifically the grounds of complaint and the time and place of hearing. Such notice shall be mailed, postage prepaid to the licensee at its local address as set forth on its business license at least seven (7) days prior to the date set for the hearing. Such notice shall be personally served upon a licensee, either through the named contact person identified on the license, or else upon licensee's management, clerk or other person in charge, or by leaving it in a conspicuous place at the licensee's local business address within the Town of Ignacio.

F. Orders Or Conditions: If, after a hearing, the suspension, revocation or nonrenewal is upheld, the Town Board may include reasonable orders or conditions with which the licensee whose license has been suspended, revoked or nonrenewed shall comply to protect any work in progress and the public health, safety and welfare.

G. Refund Disallowed: The licensee whose license is revoked under this chapter will not receive a refund of any part of the license fee paid for the license.

H. Obtaining License Prohibited: The licensee who has had a license suspended, revoked or nonrenewed under this chapter is not entitled to obtain the same or any similar license under this chapter during the period of suspension or revocation, either in the person's, firm's or corporation's own name or as a principal in another business that applies for a license.

9-1-11 Penalty

Any person or licensee violating any of the provisions of this chapter shall, upon conviction, be punished as set forth in Ordinance 83, Amended by Ordinance 284, Penalties, of the Town of Ignacio Municipal Code now in affect or as may be amended from time to time, for each offense. Each twenty-four (24) hours during which said violation shall continue shall constitute a separate offense.

Section 2. Effective Date: This Ordinance shall take effect 30 days after publication.

PASSED, APPROVED, ADOPTED AND ORDERED PUBLISHED this ____th day
November, 2020, by the Board of Trustees of the Town of Ignacio, Colorado.

TOWN OF IGNACIO:

Stella Cox, Mayor

ATTEST:

Tuggy Dunton, Town Clerk

ORDINANCE NO. 344

AN ORDINANCE OF THE TOWN OF IGNACIO, COLORADO, MODIFYING CHAPTER IX, SECTION 9-1 OF THE TOWN OF IGNACIO MUNICIPAL CODE REGARDING BUSINESS LICENSING AND DECLARING AN EMERGENCY THEREFORE

WHEREAS, C.R.S. § 31-15-501 provides that a municipality's governing body has powers to regulate businesses including the power to license and regulate any business place and lawful occupation, to fix the amount, terms and manner of issuing and revoking licenses issued therefore, and to prohibit within the limits of the municipality any offensive or unwholesome business or to prohibit the carrying on of any business or establishment in an offensive and unwholesome manner within the limits of the municipality; and

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1. The licensee fails to meet the qualifications required of an applicant, or;
2. The licensee violates any provision of any ordinance of the Town, or any County regulation, or any State Statute, or any Executive Order, or any Federal Law relating to the location or operation of the business, profession or occupation, or;
3. The licensee obtained the license by fraud or misrepresentation, or;
4. The licensee is finally convicted of an offense and there would be a danger to the public health, safety and welfare if the licensee were to engage in such conduct in the licensed business; or
5. Applicable fees and taxes are not paid when due, or;
6. The licensee operates in a manner that is a nuisance or in a manner that could threaten the life, safety, or health of the citizens of the Town.

B. Town/Licensee Communication: Town staff will initially communicate with businesses on violations of this chapter and communicate and instruct businesses, verbally (initial contact) and in writing (subsequent contacts) on violations and required actions. These actions will be completed before the consideration of further action be taken by the Town Board.

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ground for suspension or revocation, the Town Board shall determine whether to revoke the license for the remainder of its term, to suspend it for any shorter period, or not to allow the renewal, according to the severity of the disqualification, its effect on public health, safety and welfare, and the time during which the disqualification can be remedied, if at all.

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G. Refund Disallowed: The licensee whose license is revoked under this chapter will not receive a refund of any part of the license fee paid for the license.

H. Obtaining License Prohibited: The licensee who has had a license suspended, revoked or non-renewed under this chapter is not entitled to obtain the same or any similar license under this chapter during the period of suspension or revocation, either in the person's, firm's or corporation's own name or as a principal in another business that applies for a license.

9-1-11 Penalty

Any person or licensee violating any of the provisions of this chapter shall, upon conviction, be punished as set forth in Ordinance 83, Amended by Ordinance 284, Penalties, of the Town of Ignacio Municipal Code now in affect or as may be amended from time to time, for each offense. Each twenty-four (24) hours during which said violation shall continue shall constitute a separate offense.

Section 2. Effective Date: This Ordinance shall take effect immediately after adoption by the Board of Trustees.

PASSED, APPROVED, ADOPTED AND ORDERED PUBLISHED this ____th day October, 2020,
by an affirmative vote of not less than 6 members of the Board of Trustees of the Town of Ignacio,
Colorado.

TOWN OF IGNACIO:

Stella Cox, Mayor

ATTEST:

Tuggy Dunton, Town Clerk

Dear Town Trustee's and Staff

At the November 16th, 2020 regular meeting a motion was approved to gather information from local businesses regarding Ord 344. Below are the response's received.

Clark Craig

President – Ignacio Chamber of Commerce

I am assuming A. 4 and 6 are directly relating to Farmers Fresh Market.

What it does not address is what will the town physically do if they suspend a license. Will they literally padlock the doors? Also it does not address recourse, mediation processes to try and find a mutually agreeable solution.

In addition, what does the current mask ordinance state? "Non-compliance can result in....."

I understand what they are trying to reach but have all avenues been exhausted?

I don't know Ezra or anyone at Farmers Fresh. We shopped there in March, April and part of May and then my wife said "they aren't wearing masks, we need to order online at Albertsons."

Does FFM offer curb side pick up? Might be something they could look into. Then only the person taking out the order would mask up.

My Friday afternoon thoughts.

Jack Llewellyn

Executive Director

Durango Chamber of Commerce

Jack@durangobusiness.org

Hi wow ok here are my thoughts.

Who gets to decide the business is not in compliance?

I don't see any appeal process at all. Business should have an opportunity to explain their perception of the rule.

No warning with time such as you have 5 days to comply or then we take action to pull your license.

Also, it does not state that the business cannot operate without a business license. Can they operate without a business License?

Personally, I feel this is a bit of an overreach but I understand why it is being done. Sure hope this covid thing ends soon.

Hope this helps.

Thanks

Emily Meisner

Dear Tom and Clark (and Whoever Else This May Concern):

After reading the DRAFT Ordinance 344, I was surprised that the new language was needed. Can the Town really not revoke business licenses for cause? It seems to me that the act of granting the license implies that it can be revoked. Otherwise, licenses are granted in perpetuity, which defeats the whole purpose of the license: to promote good behavior. But lawyers are lawyers. In any case, the Town should have this revocation ability, particularly since the exercise of a business license often relates to the health and safety of Town residents and visitors.

By the way, asking town businesses whether the Town should be able to grant or revoke business licenses is like asking a mountain lion whether predator control should be allowed.

We all know that the impetus for this change is the fact that one of the major businesses in town, Farmer's Fresh, has repeatedly and publicly refused to comply with health orders and guidelines from the State of Colorado and San Juan Basin Public Health. While I do not want the Town to shut Farmer's Fresh down, I do want the Town to be able to enforce health orders for the good of all of us, when businesses or others foolishly refuse to comply.

What I really want is for the people who run Farmer's Fresh to think about their customers and "wear a damn mask." Sadly, perhaps shutting them down might be the only way to eventually achieve compliance.

While I am not a resident of the Town, I do own property and pay taxes there. I do not get to vote in town, but if I did I would certainly support Town Board members who oppose the blatant violation of current Colorado COVID-19 executive orders by Farmer's Fresh management.

If a food store will violate COVID-19 health orders, which other health regulations will they ignore because they disagree? Their behavior is inconsiderate and reckless.

Sincerely,

Craig E. Young
Ignacio, Colorado

Clark,
I was reading over the Ordinance No. 344.

It seems to me that most of the provisions to have a business license make sense and are concrete.

The one that I have a problem with would be #6.

Who is going to make the call that someone is threatening the life, safety and health of the citizens? I think this is something that could open up the Town to lawsuits. What some people believe to be safe may not be what others feel is safe. We also have to realize that people in the town are capable of making those decisions for themselves. Business has many regulations that they follow with the county, State and Federal government. Could we argue that a liquor store is harming people? A pot store? Gambling? If we shut down every business that could harm people then we will probably be in a world with no business. I just do not see where a person could draw the line.

Just some of our thoughts....We love Ignacio and all the people that live here....Anything we can do to contribute.

Chris and Becky Cugnini

To Whom it May Concern,

We have been doing business in Ignacio for 9+ years and I must say it has been a delight to be able to work with the town of Ignacio when questions or issues may arise. It has always had the small town feel where I am able to walk into town hall and speak with someone who is going to let me know right away whether I can do something or not do something and get back to me in an expeditious manner. I have always felt like Ignacio is "Pro-Business" and the town has typically tried to work with businesses to try to keep them in Ignacio.

I feel this new draft is a step in the wrong direction in creating more red tape. The board needs to ask the question if they want to keep the small town feel or move more towards a municipality like Durango.

Since we also have KP Pawn in Durango I want to give two examples/instances where more red tape discourages business:

1. At our first location on College Drive I proposed 3 signs, (all 3 that met the conditions of the sign code) along with the proposal of moving the entrance from street side to entering from our parking lot. It took 4 permits and 6 weeks to get the approval for this. It was a 15 minute decision...

2. At our current location, we moved 1.5 blocks down on College Drive into the old Auto Parts Palace building, the city took over 1 year to give final approval. The only changes were new signs and we changed the front entrance to how the entrance was 60 years ago, nothing structural. This decision could have been made in one meeting with a planner and the building inspector who would have verified that the changes were not structural.

Every city and town needs guidelines on how the businesses will operate as well as the businesses needing guidelines on how they are allowed to operate. It is the job of the board to help establish those guidelines. The decision on whether the guidelines are being met should fall on the town manager. My main concern is that is this draft being done to assist the town manager and town employees in their jobs or is this draft a tool for the town board to make decisions thereby creating businesses to continually go before town board meetings to get approval on everything?

Travis Kirkpatrick
Owner/President
KP Pawn, Inc

Hello,

My thoughts are that I thought this was already in place so it won't affect my business per say. But I must acknowledge that I do not want the change just because it eases my mind that I can run my business however I want and nothing will be done if I color outside the lines a little. Nothing illegal but still. The ordinance is the same as any other municipality would have and I believe Ignacio should have it as well. Business licenses should not be given without the ability to revoke for misconduct, such as polluting, endangering citizens, not following noise ordinance, etc. Thank you for listening to my ramblings.

Ignacio Business Owner

There is a sentence that states "business license is a privilege not a right", we feel that a business is a right in this country, not a privilege. So, in our opinion, that sentence needs to be either removed or reversed so it reads "business licenses are a right, not a privilege".

The remainder of the new ordinance we are able to stand behind.

Brook E. Lee

Ignacio Town Board,

I received an email and then a personal visit from Clark Craig in reference to Ordinance No. 344 on 11-20-20 which; I was grateful for after reading the draft of the proposed ordinance. After reading the draft, I went back and watched the last several board meetings only to realize that this was purposed and drafted without hardly any input from the public or small business owners. This process has been rushed and needs to slow down. Small business owners are NOT getting rich in Ignacio, we stay to provide a service to the area and because we love our small town. The overreach in this proposed ordinance is stunning and will give the town board too much control over our businesses and as a result our livelihoods.

The proposed ordinance draft will allow the town board to do several things but the most egregious in my mind is to temporarily suspend a business license for 30 days (which would put many of us out of business). We should all feel better about that because the board will schedule a hearing within 21 days...while not indicating whether the business can operate until the hearing. The draft is purposefully vague and does not leave the business any options except to comply or sue! The term 'public health, safety and welfare' is used 6 times in the draft when the original used it once and obviously the board is in charge of the interpretation of the term.....

Most business owners understand the serious threat that Covid-19 poses and do everything they can to mitigate the risk, but the extra financial stress of doing so is draining, and will put some permanently out of business. Now, instead of solving problems through communication and reason as a small town can do, we will have an anvil held over our heads, and surrender even more control of our lives and businesses to a handful of people. All of this because the Governor has put the financial and confrontational responsibility of his executive order on the business owner. Corporations can absorb the extra cost but most small business owners can not! I choose to believe that everyone wants to keep people safe, but as with most things happening in today's society, OVERREACH seems to be the order of the day.

Heather Velasquez, Manager
Auto Parts Inc & Chris May Rentals
970-759-4091

Good morning,

Thanks for reaching out we sure appreciate the opportunity to respond.

Tom as you heard from Melody her at Ignacio Floral and Blackhawk Trading she has no problem with this ordinance . I represent Correia / Hedin Rentals and Dancing Spirit Community Arts Center and in reviewing agree to this ordinance.

It's important if businesses are not following good practices that we help guide them and if they still do not change the Town must have the ability to correct it.

With the loss if a community member this past Saturday to COVID we have a empty seat at a table , loss of a valued member in our community. Is that enough or do we continue to not wear masks and take precautions that are recommended by State and Federal agencies. For me one life in our small community is enough. Please let's all help it will shorten the spread. Life doesn't equal Money .

Warmest Regards ,
Kasey Correia

Dancing Spirit Community Arts Center supporting Arts

I agree with A.1/ A.3/ A.5

In regards to A.2/ A.4/ A.6 - I do not agree with. There are already qualified agencies that oversee all these issues. Who on the Town Board is qualified to make these decisions? If no one is then I would think your setting yourselves up for a lawsuit.

Dayson Goetz

I've thought a lot about this and think it has too much potential for abuse or miss use. It sounds good but there has to be a better way to force compliance.

Glen Walker

Dear Ignacio Chamber,

As a member of the Ignacio Chamber and as an Ignacio Town Citizen, I appreciate the opportunity to share my thoughts, concerns, and opinion on this critical matter.

In reviewing the proposed Ordinance, I found that it overlaps the current Municipal Code with the same meaning:

Chapter IX, Business Regulations,

9-2-9 Revocation of Permit.

- e. Conducting the business of soliciting or of peddling in an unlawful manner or in such a manner as to constitute a breach of the peace, or to constitute a menace to the health, safety, or general welfare of the public.

My understanding of the purpose of the new Ordinance is for the general welfare of the public. As you can see above, there is the language currently in the Municipal Code that covers this purpose.

Why re-create? Why not work with the current Municipal Code and update where needed? Why is this board continuously stripping and rewriting Ignacio's identity and copying and pasting from other municipalities? This proposed Ordinance is copied from Morrison County according to the Towns Attorney. We (Ignacio) have prided ourselves on being a unique Town. When you have people making rules and regulations that they don't have to abide by, they will sprinkle the bull dung with sparkles.

Regarding the Draft:

Unwholesome is a broad brushstroke that could be abused and is unnecessary for this Ordinance's purpose.

9-1-10 Suspension, Revocation, or Nonrenewal:

- A. The language "Business licenses are a privilege and not a right" is **off-putting** and unnecessary language; it feels like "ego," a chest-pounding type to insert dominance by the Town. My suggestion is to omit the language.

- 2. (Executive Order) Not a law, and is not a one-size-fits-all. This language should be omitted, as it is unnecessary.

Under 9-2 Vendors and Solicitors. Town Board could add "Business License." The addition of a Business License to the current code (9-2) would eliminate redundancy language and make it easier for businesses/vendors/ town staff/citizens to understand the sale or service code by not placing similar language in several locations in the code. Permits for temporary use vs. full-time use should not be different from each other regarding the Suspension, Revocation, or Nonrenewal.

- B. Town/Licensee Communication: What constitutes the first step? Is this complaint driven? Is this investigation of the alleged?

Concerning me is the lack of examples when discussing how this Ordinance would affect business and the public. The two examples by the Interim Town Manager; "a building is coming down and a building on fire." Both instances are in the Building code, and the Fire marshal has the authority to shut down unsafe buildings.

It's been said the current mask mandate is for the reasoning of this Ordinance, and the timing of it appears to be the driving factor. The Mayor, Town Trustees, and Interim Town Manager have eluded to it. We are a small community, and it is suspect that this isn't the real purpose. It appears to be a "knee jerk" reaction to impose control on citizens. How does it affect other businesses in Town and the future? The brewing hardship is heart-wrenching for those that rely on businesses in our community—paying higher prices at times because of the need. What about the people they employ and the job loss it would cause "as you flex your muscle". What is the Town doing for the citizens and companies during this Pandemic? Helpful or harmful, it is a fine line. *No pun intended.*

It also concerns some members of the current town staff and town board only adhere to a selected portion of the mandate created by Colorado Governor Jared Polis. Governor Polis implemented "stay at home" orders, and now we are currently in "safer at home" orders. Still, some staff and board members have traveled, attended, encouraged gatherings/festivities, frequented others' homes, and invited others in their own homes; All the while we've been under the "safer at home" orders. How can this board or staff enforce a selective portion of the mandate? "Rules for thee, but not for me."

This is a San Juan Public Health issue, and the Town should not be enforcing what is already regulated by the Department of Public Health.

The Town needs businesses to help lower the cost and upkeep of the Town. As you are aware, approximately 53% of the Town is tax-exempt. This is a significant number and places more burden on taxpayers. I encourage the Town to work with Businesses and our neighbors and "punt" this mask mandate enforcement to the San Juan Department of Health. The Ordinance's timing makes it hard to see it for good but as a hardship to its patrons and a strain to local businesses.

Respectfully,

Mandy Brown

November 21, 2020

RE: Town of Ignacio Proposed Municipal Code Change

After having read the proposed code changes - Ordinance No.344, it is rather disconcerting to me as a business owner that one's business, according to my interpretation of this code change, must be micromanaged by the Town of Ignacio. We are a small community, with limited business, and to add one more provision, such as the one suggested, is superfluous in my opinion.

Further, each business would suffer under this broad spectrum of suspension, revocation, and nonrenewal, for **any means** deemed necessary by the Board. This specific language gives too much latitude to the Board to make decisions on their own. If we allow a code such as this, the way it is currently drafted, to pass, businesses would be under the proverbial thumb! Here's what I'm thinking. A business such as the trailer court could suddenly be under the permanent closure from the Town if there are leaks during the winter season to their trailers. After all, it "could" be that business owners were not careful enough to fill the old swamp, before leasing their lots. What happens if the barbeque place suddenly has issues with their flooring, and it turns out that since it was once an old gas station the gas pumps were never correctly covered? These may be extreme examples, but my point is that we are a small community and business owners are under Colorado law to keep a certain standard. I don't believe that there isn't one business owner who doesn't want to be in compliance with the current codes, for the welfare and benefit of their customers, family, and friends.

It is not necessary to spend time, effort, and money with this type of code revision. I think your time could be better spent on more important issues. Anyway, in whose opinion can something be deemed offensive or unwholesome? Even today's government accepts ripping up letters (the January State of the Union Address), calling one stupid during a presidential "debate", etc. as common protocol, something my parents would have deemed offensive and unwholesome! Apparently not so for some. It should be the type of clientele each business owner welcomes into their establishments, and the code of conduct **they** allow in their businesses that govern the health, safety, and welfare of their business. If there is an issue of someone or something being a nuisance, the town has a wonderful police department willing to handle concerns. If it is something that is life threatening, a safety issue, or health issues, the state of Colorado has procedures set in place for businesses to follow. After all is said and done, each person has a right to do what he/she believes is in their best interest. As an example, if a business doesn't require masks, and I

disagree, then I shouldn't patronize that store. If a person drinks too much in a bar, then the bartender should be cited, fined, and/or dismissed. If a pedestrian falls on our sidewalks because they are cracked and uneven, then should the Town be required to fix them or should the person watch where they are walking?

Again, as your Code is written, it is just too open for interpretation. It seems like it is just one more regulation we can do without. After all, we want businesses in Ignacio, we don't want to drive them out, right? If you have issues with one's business, take the time to address them personally with the business owner. Don't just visit when there are problems, but frequent their stores to support their efforts to support the town! We're a small enough community that you should have a pulse on the owners, their way of thinking, and building a rapport with each. In my opinion you'll accomplish more taking a simpler approach.

Warm regards,

Lillian Mestas

Mom's Hidden Closet dlmestas@msn.com

To The Hon. Mayor Cox. and the Ignacio Board of Trustees

I am writing this letter in response to your request for feedback on ordinance number 344.

The first thing that strikes me is how in the world did we get by for over 107 years in this town without the ability to throw people out of business? I think to any fair-minded observer that the answer to this question is quite clear, we have never needed to. The desire to control people who don't agree with us has become insatiable in some quarters. I think we as a community should reject this desire. Let's be candid this ordinance is being drafted as a reprisal and a threat towards Farmers Fresh Market, and I guess any of the other of we businesses owners who don't feel that we have the authority nor the inclination to enforce ordinances, laws or edicts. That is the job of government and law enforcement. Trying to mandate that business owners should insist that their customers adhere to this or that law or ordinance is to put them into a position of alienating their customers, of which we have far too few in this township. Don't get me wrong I wear a mask at all times when I am in public and when in our business this is the choice we have made. I am not however in a position to alienate customers who will of course hold it against me. People are free to do business with whoever they choose, if they don't like the way a business conducts themselves they are free to go elsewhere.

If the town wishes to enforce their ordinances, they should do just that. Assign duties to the police or appoint an ordinance officer to this task. I doubt however that your police officers would relish this duty anymore than we business people do. So maybe those trustees that are the most concerned about this could volunteer their time to stand outside our businesses and inform the citizens of their ordinance.

In your ordinance number 344 9 – 1 – 10 suspension, revocation or nonrenewal

You admit that you already have powers granted under other ordinances to accomplish said suspensions, revocations or renewals. So I have to ask, what is the purpose of the redundancy? It isn't just so we can dig the knife in a little deeper is it? In this ordinance under A 2. You state the licensee violates any provision of any ordinance of the town, or any county regulation, or any state statute, or any executive order, or any federal law relating to the location or operation of the businesses, professional or occupation, the most chilling of these is "Executive Order". We know from recent experience that many executive orders are deemed by the courts unconstitutional. The problem is it takes sometimes years for a court to rule such orders unconstitutional. Meanwhile some unelected bureaucrats would have the power to act by fiat and deprive a business owner of the means of his livelihood. You might say we don't employ those kinds of people however you don't know who's coming in the door behind you. One last thing you use the words "offensive or unwholesome businesses". I would ask who determines this offensive or unwholesome there could be thousands nay tens of thousands of ideas about that.

I do want to thank the trustees who voted to let the businesses weigh in on this. I tried to attend the meeting online but was not able to get through so I appreciate this gesture.

Sincerely

Mel Silva

Wac-i-ci Trading Company

November 25, 2020

To: Ignacio Chamber of Commerce FROM: Chris May
POB 1223 POB 844
Ignacio CO 81137-1223 Ignacio CO 81137-0844

I am a former member who re-founded the Chamber long ago, when Tom Wiseman gave me the historical records of the first chamber. I have been in various businesses since 1968. I have operated several in Ignacio since 1983. I am retired and not involved in managing them. I am only interested in preserving my investments and wish that they be allowed to serve their customers and provide jobs.

The Ignacio Town Board has asked you to collect opinions regarding proposed Ordinance 344. They modified the initial one, which wanted to punish Farmer's Fresh. Now it offers the opportunity for unspecified employees of the Town to close a business for violating, among other things, the Governor's Executive Orders. These are not laws. San Juan Basin Health and others have wisely stepped aside on the quagmire of enforcement.

I urge you to take a stand against this Ordinance, no matter how well-meaning it seems. It could not be more anti-business and is based on one false principle after another. In my opinion, it will be disastrous when invoked, both on businesses and patrons alike.

For starters, it claims that business is a privilege given by a town. This could not be more wrong. Business is an acceptance of risk; its operation is based on service to its customers. Without business, a town is nothing. Look only as far as Oxford or Tiffany to see.

It's a simple concept: the customer is always right, and the marketplace always solves what the customer wants. When the customer wants something that the authorities prohibit or tax excessively, competition from elsewhere steps in, or a black market arises. One national example was Prohibition. A local one is the current state of illicit drugs. Anyone who wants them finds no difficulty in getting them in Ignacio.

It creates a law and a punishment system, to be enforced by unspecified, uneducated and unqualified accusers arbitrarily. It features unwarranted delays before the accused may make a defense. How long can a business remain closed, awaiting its day in court? What could possibly go wrong?

Durango, as a home-rule city, recently enacted a new "law with teeth". It only allows law officers to cite individuals on the street for a minor offense, but not if on state or federal roads or property. It otherwise does not expand on the Governor's "mandate". They were careful in doing this, I believe.

The modifications added some rot to include a crumbling building about to fall on a customer's head. The Municipal Code already fully covers all of this: it's in Chapters 6, 7, 9 and Exhibit A. They have been tested throughout the country, as they are based on the Building, Fire and Safety Codes. All of the regulations are in place in Ignacio. They need no duplicative and conflicting language.

The only viable way for Ignacio to escape the maze is obvious: to abandon all work on this unnecessary Ordinance. Leave health and safety issues to the professionals and enforcement to recognized authorities, in accordance with existing Codes. The Chamber is in the unique position of being asked to contribute, unlike citizens and residents from outside the Town.

The Chamber should encourage the Town to make Ignacio's businesses successful. The Town can become the friendly place it once was known for, instead of a laughingstock made up of bureaucratic bunglers.

Respectfully offered,

Chris May

To whom it may concern:

I am a business owner in Ignacio and have a few concerns with ordinance no. 344

While I agree that there should be an ordinance put in place to deal with the suspension and or revoking of a business license, if needed. There has to be a better protocol than what is being proposed. While reading the document I noticed a trend of very broad descriptions.

In the first paragraph the wording: offensive or unwholesome, appear twice. What exactly does that mean, how can a business be offensive or unwholesome? I feel that those descriptions are more of a character description; each person has a different idea as to what is or is not offensive or unwholesome.

It would be helpful if examples were given, when asking a business to adhere to certain rules or criteria, so that we know exactly how to be wholesome and not offensive.

The same goes for #4 and #6a. What is considered a nuisance and what is the situation that would deem someone's life, someone's safety, and or the health of the citizens of the town as a nuisance or threat?

Each business has rules and guidelines in place to conduct business, if any of these things were happening in the town such as safety, are there not already agency's that deal with those things: Department of Labor, San Juan Basin Public Health, OSHA, lawyers?

In section b. The town staff would communicate first verbally by coming into one's business, then after that everything else is in writing, is that correct? If so, then in section e. It states that a notice would be mailed at the businesses local address as it appears on the business license. Our licenses' have our physical address on them and there is no mail delivered to our physical address only our po box.

In section c. It states that the town board could revoke a license for "any other ground for suspension or revocation" so not only can it be revoked for unwholesomeness, being offensive, risking safety and health of others but also for anything else? I do not understand what I am to do or not to do and if we don't understand what is asked of us then how can we comply?

Section d. Says that the town can shut down a business for 30 days, if it is an emergency, with no prior warning. Then as soon as we are closed within 21 days we are to have a hearing on whether or not we can open if we have resolved our reason to be shut down, but in section e. It says that the town only has to mail out the notice of hearing 7 days prior to a hearing.

So, what if we don't get that in the mail until 2 days before our hearing? We have to be prepared to protect our business but only within the hopeful 7 days.

In section f. The town has added that it could add reasonable orders or conditions that the business has to comply with. It seems like everyone would have a different idea as to what reasonable orders and conditions would be. If we could have a list of what the conquests would be, then people would know how to prepare.

9-1-11 penalty says that we could be punished as set forth in ordinance 83, which I could not find online and then is amended by ordinance 284, which doesn't specify any penalty? But that a business could be penalized every 24 hours for a separate offense, but am not sure what the penalty is?

It would be better stated to say if you do this then this will happen or if it happens twice this will happen. That way everyone is on the same page. After all are, we not all in aggrievance that we want the best for the town, to do that we all have to work together.

Honestly, we are a very small town, we know most everyone here. Businesses try their very best to stay open and provide a service. It is not easy, it comes with worry, debt, long hours, and to

many other burdens to include. The businesses in this town have had a really hard year and to still be open is really a miracle. We have employees that depend on us and every time we turn around it feels like another door is trying to shut on us. Covid restrictions and worried customers have made it a challenge to keep the peace and safety while respecting what people find as an intrusion of personal decision. Some customers wouldn't even come in if you asked them to put a mask on while others were upset if others in town weren't wearing them. As a business, it feels like a catch 22. I don't think that businesses want to be the ones trying to regulate whether someone is wearing a mask or not, we are just trying to pay our bills and keep food on the table for all involved. If there is another shut down or if a business is forced to close for 30 days, I don't think they will make it through it. It's a scary time right now for everyone. Hopefully an ordinance can be put in place that could work for all involved.

Local Ignacio Business Owner

Dear Town of Ignacio Board:

In response to the proposed change to the municipal code, I would like to state that the proposal is completely unnecessary. I, as a business owner and license holder for a physical therapy practice, must comply with regulations regarding my business on state and professional levels. I feel businesses who already must comply with state and professional regulations should be trusted to run their businesses in such a manner as to keep licensed in their capacities, adhering to mandated practices regarding their businesses. If a business is holding a state license in good standing, the Town of Ignacio can be sure that the business is keeping up to date and upholding standards set forth by the state and their respective professional entities. Furthermore, the Town of Ignacio Board would have the right decide what exactly is a "danger to public health, safety and welfare" and what is a "nuisance" to the citizens of the Town. More meetings, time, and monies will be needed to make these kinds of unnecessary judgements. The proposed change would possibly turn away businesses, which is not in the best interest of the Town.

We are NOT in support of this proposed change to the municipal code. Please vote down this change.

Sincerely,
Andre Sarnow
Owner/Operator
Bayfield Physical Therapy



Tuggy Dunton <tdunton@townofignacio.com>

Please enforce the Mask Requirement

Downs-Glass, Lovvis
To: "tdunton@townofignacio.com"
Cc:

Mon, Nov 23, 2020 at 8:06 AM

Good morning,

I am writing to request the Town of Ignacio enforce the face mask requirement. I am not sure why people that refuse to wear masks think it is OK to endanger the lives of others. If you watch any video of the projectile area of the saliva from a person's mouth when we talk (or when a person sneezes), you see how important it is for everyone to wear a mask. In a lot of cases our saliva projects more than 6 feet. People are losing their lives, jobs, and small businesses. This is not an issue of freedom; this is an issue of moral obligation to us and others. I will not do business with the Ignacio grocery store, liquor store, or restaurants that do not have their staff wear masks. I have lived in this community for over 40 years, and I have always shopped local. I will say the Bayfield grocery and Elmore's Coroner liquor store are thrilled to have my business. I always knew it cost more to shop in Ignacio, but I had no idea how much money I would save by going to Walmart. When this is over, I will continue to shop where people cared about my wellbeing (and continue to save money), during this pandemic. This illness is not a hoax!!

I am not the only one in the Ignacio area that feels this way. We may not be as vocal as some, but we use our dollars to shop outside downtown Ignacio. This also effects the Ignacio sales tax.

I hope others will email their opinion on this topic. Please feel free to share this email.

Please do the right thing and enforce the mask requirement for the sake of us all. It is a proven fact that masks save lives, just look at the numbers in La Plata County and the Country. And you must believe this at some level because it is my understanding your office is closed to walk in patrons.

Thank you,

Lovvis Downs-Glass



Tuggy Dunton <tdunton@townofignacio.com>

Please enforce the Mask Requirement

Sandy Grey

To: "Downs-Glass, Lovvis"

Cc: tdunton@townofignacio.com

Mon, Nov 23, 2020 at 10:43 AM

I agree with you.

[Quoted text hidden]

2 attachments

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Tuggy Dunton <tdunton@townofignacio.com>

Please enforce the Mask Requirement

david grey

To: "Downs-Glass, Lovvis"

Cc: "tdunton@townofignacio.com"

Mon, Nov 23, 2020 at 9:46 PM

To the town of Ignacio,

I would like to both agree as well as add emphasis to Ms. Lovvis Glass's email. I have also lived in the neighboring community for 37 years. I have been active with the schools and many generations of the children here know me for the roles I have taken. I concur with Lovvis's statements and I also will not trade with either Farm Fresh or the local liquor stores again regardless of any enforcement action until they display a banner of new management. When they chose to not accommodate the local senior and mobility challenged community for even a few hours a week rather than inconvenience someone without the simple respect for others to wear a mask, they lost all respect from me.

The primary thing I have noticed that she failed to mention are the effects of not enforcing the mask order. Now when I go to other local businesses and offices such as the post office, The Dollar Store, Walkers Hardware, Seven Eleven and others they are constantly being challenged by people not wearing masks. All the facilities have a mask required at the entrance and the stores are no longer to enforce the requirement as it has been ignored for so long. Let this serve as notice that to me the protection of me and my family's health is of paramount importance. At some point this will come to a head and some will consider not wearing a mask to be a threat to life and family. The consequences of protecting life and family are still on the horizon, but if freedom means you have nothing left to lose, some of us still have much to cherish and we will not give it up!

David Grey



Tuggy Dunton <tdunton@townofignacio.com>

Please enforce the Mask Requirement

Downs-Glass, Lovvis
To: david grey
Cc: "tdunton@townofignacio.com"

Tue, Nov 24, 2020 at 7:53 AM

Thank you, Dave. Very well said and I most adamantly agree.

Lovvis Downs-Glass



Tuggy Dunton <tdunton@townofignacio.com>

Enforcement

Anne Kernan
To: tdunton@townofignacio.com

Tue, Nov 24, 2020 at 8:19 AM

To: Ignacio Town Council
From: Anne Kernan
November 23, 2020
Re: Enforcing mask mandate

I understand the town is considering enacting changes that would enable it to enforce the mask mandate, which is being ignored without penalty by Farmers Fresh Market and some other businesses in town. On general principles I believe that enforceability is important to all regulations, so that they are taken seriously. Otherwise, it's as if they didn't really matter.

On the pressing health and safety issue of covid-19, I have communicated my dismay at Farmers Fresh ignoring the issue and not even requiring employees, who are in the store for many hours, to wear masks. Some of their employees do wear them, and I have thanked them for their consideration. One of these workers expressed concern about contracting the virus herself, possibly spreading it to family members before she knew she had it—a real possibility. On another occasion I asked a checker who was not wearing a mask why not. She replied, "Because we don't have to." (I would hope someone in her position would want to. If there are folks here who still think covid is a hoax or that masks aren't important, they need to call their own doctors or any health care professional and ask about it.)

In spite of my elevated risk due to age and impending surgery, I have dashed into the store early in the morning or just before closing when it is almost empty to get a few items. But I no longer shop there at all, even though it is very inconvenient to drive to Durango or Bayfield.

If ever there was a "health and safety" issue that needs enforcement, this is it. Suspension of a business license to enforce compliance seems appropriate.

Anne Kernan

Now I'm wondering what other regulations Farmers Fresh is ignoring. Is the meat handled safely?



Tuggy Dunton <tdunton@townofignacio.com>

Enforcement

Downs-Glass, Lovvis

To: Anne Kernan <

Cc:

"tdunton@townofignacio.com"

Tue, Nov 24, 2020 at 8:28 AM

Thank you, Anne for your support on this issue.

I also wonder what other health regulations Farmers Fresh think they don't have to observe.
How is the meat processed before it is put on the shelves for sale?

LOVVIS DOWNS-GLASS

Moore Concrete

November 23, 2020

970 Goddard Ave
Ignacio, CO 81137

RE: Proposed Change Ordinance 344 regarding business licensing

Ignacio Town Board of Trustees,

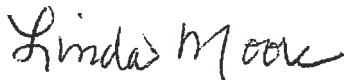
Due to COVID-19 many businesses have suffered and there is no exception to our rural community.

It is unfortunate we don't all agree in following public health orders but I don't think we should rush to implement changes to the business code without pursuing first law enforcement and/or the health agencies authority to administer and enforce civil or criminal action which may be requested by the public health director in violating orders.

Possibly utilize current code as in Chapter VIII Criminal offenses 8-3-7 Nuisances existing code that prohibits the endangerment of health and safety of the public.

Thank you for giving us the opportunity to comment on this proposed change and taking steps necessary in protecting the health and welfare of the citizens.

Sincerely,

A handwritten signature in cursive script that reads "Linda Moore".

Jack & Linda Moore