July 2, 2020

Dear Vail Business Owner:

The state of Colorado’s Department of Health & Environment has not yet mandated the use of face coverings in public. (Source: https://covid19.colorado.gov/mask-guidance)

However, the Black Diamond Phase 3 Public Health Order of Eagle County’s plan was issued today: https://www.eaglecounty.us/PublicHealth/Documents/Public_Health_Order/
This Order requires face coverings to be worn inside all businesses that are open to the public.

Research shows that people who have no symptoms can spread COVID-19. Wearing non-medical face coverings minimizes the spread of the virus. Thus, everyone is encouraged to wear a mask when out in public.

With the County’s new Black Diamond Order, face coverings are required indoors in places open to the public and outdoors in crowded areas when social distancing cannot be maintained over a 15-minute period.

This is a complicated issue which has been difficult to enforce while continuing to respect citizens’ rights and provide appropriate guest services. We are asking for your assistance with enforcement efforts.

Town of Vail Police Department can respond to a call at a place of business or restaurant to assist you with a patron who is not following the mask requirement. We ask you to start the conversation about the need for a face covering: in the same way a store or restaurant can tell a guest "No shoes, no shirt, no service," you can insist "No mask, no service." The argument can be made, based on the County’s Public Health Order and safety regulations, in any store or restaurant.

Displaying a sign mandating the use of a mask in your place of business is the first step. Then, if a member of the public refuses to follow the County mandate, you should ask them to leave. If they refuse to leave, you may call the Vail Police Department and an officer can ask them to leave on your behalf and / or remove them from your place of business or restaurant, should the need arise. This gives the Vail Police Department a legally defensible position to enforce both a trespassing violation and / or a Public Health Order violation.

If you have any questions or comments, please call Commander Ryan Kenney with the Vail Police Department at (970) 477-3433.

Sincerely,

Dwight Henninger
Chief of Police