



**MARCH 18, 2020**

**STANDING PUBLIC HEALTH ORDER**

**Amended Notice of Public Health Order**

This Order supersedes the Standing Public Health Order Related to Events dated March 13, 2020 and sets forth guidance and requirements for, as well as limitations on, group gatherings to slow the spread of the COVID-19 virus. Pursuant to section 25-1-506 (2)(a)(I), Colorado Revised Statutes, this Order is effective immediately within the entirety of Pitkin County, including city and towns within the County, until April 17, 2020.

On March 12, 2020, Pitkin County declared a Local Disaster Emergency related to COVID-19. On March 10, 2020, the Governor of Colorado declared a state of emergency related to the presence of COVID-19 in the State. The Colorado Department of Public Health and Environment has confirmed that COVID-19 continues to spread throughout the State of Colorado. The spread of the illness continues in Pitkin County despite the Colorado Governor's recent Executive Order closing ski resorts, the Colorado Governor's recent Public Health Order closing bars, restaurants, theaters, and casinos statewide, and local Public Health Orders limiting events. As of March 16, 2020, the federal government is also urging that groups be limited to 10 persons and is urging against visiting restaurants, bars, and food courts (indoor or outdoor).

The age and health conditions of some members of our Pitkin County community places them at risk for serious health complications, including death, from COVID-19. Although most individuals who contract COVID-19 do not become seriously ill, persons with mild symptoms and asymptomatic persons with COVID-19 may place other vulnerable members of the public at significant risk. A large surge in the number of persons with serious infections can compromise the ability of the healthcare system, particularly in the high country counties currently affected by community transmission, to deliver necessary healthcare to the public and save lives.

The limitations on the size of gatherings and the prohibition of events at restaurants and bars, as well as the use of social distancing, decreases the risk of COVID-19 transmission to our most vulnerable populations. This is especially important for people who are over 60 years old and those with chronic health conditions due to their higher risk of severe illness and death from COVID-19. This Order will reduce the likelihood that many individuals will be exposed to COVID-19 at a single event, and will therefore slow the spread of COVID-19 in our communities.

This Order is adopted pursuant to the legal authority set forth in sections 25-1-506 and 25-1-508, Colorado Revised Statutes. Under these laws, the local Public Health Director has the duty to: 1) investigate and control the causes of epidemic or communicable diseases and conditions affecting public health; 2) to establish, maintain, and enforce isolation and quarantine, and in pursuance thereof; and 3) for this purpose only, to exercise physical control over property and over the persons of the people within the jurisdiction of the agency as the agency may find necessary for the protection of the public health. All events, restaurants, and bars within Pitkin County, including in the city and towns within Pitkin County, must follow the requirements stated herein.

## **I. PURPOSE AND INTENT**

The purpose of this order is to limit most activities to 10 or fewer people to achieve adequate social distancing to slow the spread of COVID-19 in the community. This order should not be construed to prohibit business or retail operations, but such activities may be subject to the limits on number of attendees and risk mitigation measures set forth in Section III-C, below.

## **II. DEFINITIONS**

For the purposes of this Order:

An “Event” is a gathering for business, social, or recreational activities, or a location that allows for such activities which takes place either indoors or outdoors; including, but not limited to, community, civic, public, leisure, social, or sporting events, parades, concerts, festivals, assemblies, places of worship, weddings, birthday parties, block parties, playgrounds, conventions, fundraisers; and similar activities or locations.

“Event” does not include activities that are primarily individual or occur in small groups or in non-congregate settings, such as regular employee attendance at places of employment, as long as social distancing occurs.

“Event” does not apply to any of the exempted entities, businesses, or activities set forth in Section III, below.

### III. ORDER

- A. All Events of more than ten (10) are prohibited.
- B. All Events at retail stores, bars, taverns, taprooms, tasting rooms, brewpubs, distillery pubs, clubs, cigar bars, coffee houses, restaurants, gymnasiums, movie and performance theaters, concert halls, museums, music halls (collectively “places of public accommodation”), and similar establishments are prohibited, regardless of the number of attendees, except that such establishments may provide takeout and delivery of food, so long as they are otherwise in compliance with this Order.
  - 1. For the avoidance of doubt, this means that such places of public accommodation hereby are closed, except for takeout and delivery food service.
  - 2. Service of alcohol by the drink at places of public accommodation is also prohibited, except that such facilities may sell alcohol on a package basis if not otherwise prohibited by law.
  - 3. A place of public accommodation may allow up to five members of the public at one time in the establishment for the purpose of picking up food or beverage orders, as long as social distancing of at least six feet occurs.
- C. Events not specifically prohibited herein and that have 10 or fewer attendees, which includes both employees and attendees, are nonetheless prohibited unless the following steps are employed to mitigate risks:
  - 1. Older adults (age 60 and older) and individuals with underlying medical conditions that are at increased risk of serious COVID-19 are encouraged not to attend, are offered alternatives, and/or encouraged to take appropriate precautions (including employees).

2. Social distancing recommendations must be met. These include limiting contact of people within 6 feet from each other for 10 minutes or longer, and any other applicable guidance. Guidance is or soon will be available at [www.pitkincounty.com/COVID19](http://www.pitkincounty.com/COVID19).
3. Employees must be screened for COVID-19 symptoms each day and excluded if symptomatic.
4. Proper hand hygiene and sanitation must be readily available to all attendees and employees.
5. Environmental cleaning guidelines from the US Centers for Disease Control and Prevention (CDC) are followed (e.g., clean and disinfect high touch surfaces daily or more frequently).

#### **IV. EXEMPTION FOR ESSENTIAL SERVICES**

Every entity must still adhere to the requirements in Section III-C above to the extent practicable. However, the following are exempt from this Order because they are deemed essential services necessary for the community to continue to function and the closure of which would present health, safety, and welfare concerns for the citizens of Pitkin County:

- A. Public and private transit services, including buses and commercial air travel;
- B. Municipal, County, and District Courts;
- C. Post offices and shipping centers;
- D. Gatherings of federal, state, local, and special district employees; law enforcement, fire, and emergency medical services providers; employees of public utilities or utility service providers (e.g., electric utility providers, internet service providers, water and sewer service providers); medical service providers (e.g., hospitals, doctor's offices, veterinarians, medical clinics, dental offices, physical and occupational therapists, mental health care providers, pharmacies, chiropractors, and the like);
- E. Gatherings of employees at residential or commercial construction sites;
- F. Places of public accommodation that offer food and beverage not for on-premises consumption, including those that offer take-out or delivery service of food, grocery stores, convenience stores, outdoor markets, pharmacies, drug stores, and food pantries;
- G. Gas stations, auto repair service centers, auto parts stores, hardware stores, building supply stores, and pet food stores;

- H. Hotels, motels, employee housing, room service in hotels;
- I. Health care facilities, residential care facilities, congregate care facilities, adult and juvenile justice facilities; crisis shelters or similar institutions; and
- J. Waste removal services;
- K. Any emergency facilities necessary for the response to the COVID-19 pandemic, including childcare facilities as approved by the Public Health Director or her designee for children of essential employees.

**V. EXEMPTION FOR GENERAL RETAIL**

- 1. General retail stores are exempt from this Order if they adhere to the requirements in Section III-C above.

**VI. GENERAL INFORMATION FOR ALL PERSONS AFFECTED BY THIS ORDER**

The Pitkin County Public Health Department is tasked with protecting the health and welfare of the residents and visitors of Pitkin County, Colorado by investigating and controlling the causes of epidemic and communicable disease. This Order is necessary to control any potential transmission of disease to others. *See section 25-1-508, Colorado Revised Statutes.* Immediate issuance of this Order is necessary for the preservation of public health, safety, or welfare.

Any person aggrieved and affected by this Order has the right to request judicial review by filing an action with the Pitkin County District Court within 90 days of the date of this Order, pursuant to section 25-1-515, Colorado Revised Statutes. However, you must continue to obey the terms of this Order while your request for review is pending.

**FAILURE TO COMPLY WITH THIS ORDER IS SUBJECT TO THE PENALTIES CONTAINED IN SECTIONS 25-1-516 AND 18-1.3-501, COLORADO REVISED STATUTES, INCLUDING A FINE OF UP TO FIVE THOUSAND (5,000) DOLLARS AND IMPRISONMENT IN THE COUNTY JAIL FOR UP TO EIGHTEEN MONTHS.**

  
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March 18th, 2020  
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Karen Koeneman  
Public Health Director

Date