



MARCH 23, 2020

STANDING PUBLIC HEALTH ORDER

Third Amending Notice of Public Health Order

Stay-At-Home

This Order supersedes the Standing Public Health Order Related to Events dated March 18, 2020. It restates and expands the 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, and the Colorado Governor's recent Public Health Orders closing bars, restaurants, theaters, casinos, nail or hair salons, spas, tattoo and massage parlors statewide and local Public Health Orders limiting event size to no more than 10 people. On March 13, 2020, the President of the United States declared a National Emergency due to COVID-19.

The age and health condition 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. Colorado is experiencing a rapid increase in COVID-19 transmission that threatens the health of residents and risks overwhelming the healthcare system in the state of Colorado. Local medical experts believe that with medical certainty they are treating patients with this COVID-19 and that extreme



medical testing limitations at the local, state and federal level is the reason for the lack of information regarding diagnosis in our community.

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. The Pitkin County Public Health Medical Officer and Public Health Director report that expert, peer-reviewed sources indicate that at this time, the only effective way to combat COVID-19 is with significant travel restrictions and reducing transmission (e.g. quarantine and isolation).

I. PURPOSE AND INTENT

The purpose of this order is to ensure that the maximum number of people self-quarantine (showing no symptoms of sickness) or self-isolate (showing symptoms of sickness) in their places of residence to the maximum extent feasible, while enabling essential services to continue, to slow the spread of COVID-19 to the maximum extent possible. When people need to leave their places of residence, whether to obtain or perform vital services or to otherwise facilitate authorized activities necessary for continuity of social and commercial life, they should at all times and as reasonably as possible comply with Social Distancing Requirements as defined here in. All provisions of this Order should be interpreted to effectuate this intent. Failure to comply with any of the provisions of this Order constitutes an imminent threat and creates an immediate menace to public health.



II. DEFINITIONS

For the purposes of this Order:

- A. 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; restaurants and bars (regardless of capacity); community recreational centers; ice rinks; libraries; child care centers; 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.

- B. "Social Distancing Requirements" is defined as: for all people not of the same household, maintaining a distance of at least six (6) feet between people. You may not be inside of six feet for longer than ten (10) minutes, should wash hands with soap and water for a least twenty seconds as frequently as possible or using hand sanitizer, covering coughs or sneezes (into the sleeve or elbow, not hands), regularly cleaning high-touch surfaces and not shaking hands.
- C. "Minimum Basic Operations" include the following, provided that employees comply with Social Distancing Requirements as defined herein, to the extent possible, while carrying out such operations:
 1. The minimum necessary activities to maintain the value of the business's inventory, ensure security, process payroll and employee benefits, or for related functions.



2. The minimum necessary activities to facilitate employees of the business being able to continue to work remotely from their residences.

III. ORDER

- A. All individuals currently living within Pitkin County ("County") shall limit their movement and gathering with other individuals who are not in their immediate family. Individuals may leave their residence only to perform any of the following determined to be "Essential Activities":
 1. To engage in activities or perform tasks essential to their health and safety, or to the health and safety of their family or household members (including, but not limited to, pets), such as, by way of example only and without limitation, obtaining medical supplies or medication, visiting a healthcare professional, or obtaining supplies they need to work from home.
 2. To obtain necessary services or supplies for themselves and their family or household members, or to deliver those services or supplies to others, such as, by way of example only and without limitation, canned food, dry goods, fresh fruits and vegetables, pet supply, fresh meats, fish and poultry, and any other household consumer products necessary to maintain the safety, sanitation and essential operation of residences.
 3. To engage in outdoor activity, provided the individuals comply with Social Distancing Requirements as defined herein such as, by way of example and without limitation, walking, hiking, or running.
 4. To perform work providing essential products and services at an Essential Business, or to otherwise carry out activities specifically permitted in this Order including Minimum Basic Operations.
 5. To care for a family member or pet in another household.
- B. Visitors to Pitkin County are directed to return home immediately upon the issuance of this Order by the fastest and safest available means, and persons considering visiting Pitkin County should remain home. Although non-resident homeowners are expressly exempt from this paragraph, non-resident



homeowners are strongly encouraged to leave or not travel to Pitkin County.

- C. All Events of more than ten (10) or more are prohibited.
- D. 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 must have social distancing of at least six feet occurs can only allow a maximum of five members of the public at one time in the establishment for the purpose of picking up food or beverage orders.
- E. 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. For all people not of the same household, a distance of at least six (6) feet must be maintained between people maintaining a distance of at least six (6) feet between people. You may not be inside of six feet for longer than ten (10) minutes, and any other applicable guidance. Guidance is or soon will be available at 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).
- F. All businesses with a facility in the County, except Essential Businesses as defined herein, are required to cease all activities at facilities located within the County except for Minimum Basic Operations as further defined herein. For clarity, businesses not listed as an Essential Business may also continue operations consisting exclusively of employees or contractors performing activities remotely or can provide pick-up or delivery service as long as such businesses are otherwise in compliance with this Order. All Essential Businesses are strongly encouraged to remain open. To the greatest extent feasible, Essential Businesses shall comply with Social Distancing Requirements as defined herein, including by maintaining six-foot social distancing for both employees and members of the public, including, but not limited to, when any customers are standing in line.
- G. For purposes of this Order, individuals may leave their residence to work for or obtain services at any "Healthcare Operations" including hospitals, clinics, dentists (for emergency care only), pharmacies, pharmaceutical and biotechnology companies, other healthcare facilities, healthcare suppliers, home healthcare services providers, mental health providers, or any related and/or ancillary healthcare services. "Healthcare Operations" also includes veterinary care and all healthcare services provided to animals. This exemption shall be construed broadly to avoid any impacts to the delivery of healthcare, broadly defined. "Healthcare Operations" does not include fitness and exercise gyms and similar facilities.
- H. For purposes of this Order, individuals may leave their residence to provide any services or perform any work necessary to the operations and maintenance of "Essential Infrastructure," including, but not limited to, public works construction, airport operations, water, sewer, gas, electrical, oil refining, roads and highways, public transportation, solid waste collection and removal, internet, and telecommunications systems (including the provision of essential global, national, and local infrastructure for computing services, business infrastructure, communications, and web-based services), provided that they carry out those services or that work in compliance with Social Distancing Requirements as defined this Section, to the extent possible.



- I. For purposes of this Order, all first responders, emergency management personnel, emergency dispatchers, court personnel, and law enforcement personnel, and others working for or to support Essential Businesses are categorically exempt from this Order. Further, nothing in this Order shall prohibit any individual from performing or accessing "Essential Governmental Functions." Essential Government Functions means all services needed to ensure the continuing operation of the government agencies and provide for the health, safety and welfare of the public. All Essential Governmental Functions shall be performed in compliance with Social Distancing Requirements as defined in this Section, to the extent possible.
- J. For the purposes of this Order, covered businesses include any for-profit, non-profit, or educational entities, regardless of the nature of the service, the function they perform, or its corporate or entity structure.
- K. All Events at the following locations are prohibited, regardless of the number of attendees: Day care centers, child care centers, home child care centers, private schools (including pre-schools) and private day schools unless they provide services that enable employees exempted in this order to work as permitted.
- L. There shall be no new bookings or reservations during the pendency of this Order. Furthermore, current reservations for the timeframe anticipated in this Order shall be cancelled for all short term lodging, including but not limited to hotels, motels, short term rentals (30 days or less), bed and breakfast establishments, lodges and retreats.

EXEMPTION FOR ESSENTIAL SERVICES

The following are exempt from this Order because they are deemed Essential Businesses 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. Unless otherwise addressed, the following are considered "Essential Businesses":



1. Healthcare Operations, Essential Governmental Functions and Essential Infrastructure (courts of law, medical providers for urgent care, public utilities, critical county, town and special district operations, and critical school operations such as nutrition programs).
2. Grocery stores, certified farmers' markets, farm and produce stands, supermarkets, food banks, convenience stores, and other establishments engaged in the retail sale of canned food, dry goods, fresh fruits and vegetables, pet supply, fresh meats, fish, and poultry, and any other household consumer products (such as cleaning and personal care products). This includes stores that sell groceries and also sell other non-grocery products, wholesale and products necessary to maintaining the safety, sanitation, and essential operation of residences.
3. Food cultivation, including farming, livestock, and fishing; Businesses that provide food, shelter, and social services, and other necessities of life for economically disadvantaged or otherwise needy individuals.
4. Newspapers, television, radio, and other media services.
5. Gas stations and auto-supply, auto-repair, and related facilities.
6. Banks and related financial institutions.
7. Hardware stores.
8. Plumbers, electricians, exterminators, internet or broadband providers and other service providers who provide services that are necessary to maintaining the safety, sanitation, and essential operation of residences, Essential Activities, and Essential Businesses.
9. Businesses providing mailing and shipping services, including post office boxes.
10. Educational institutions-including public and private K-12 schools, colleges, and universities-**for purposes of facilitating distance learning or performing essential functions**, provided that social distancing of six-feet per person is maintained to the greatest extent possible.



11. Laundromats and laundry service providers.
12. Restaurants and other facilities that prepare and serve food, but only for delivery or carry out.
Schools and other entities that typically provide free food services to students or members of the public may continue to do so under this Order on the condition that the food is provided to students or members of the public on a pick-up and takeaway basis only. Schools and other entities that provide food services under this exemption shall not permit the food to be eaten at the site where it is provided, or at any other gathering site.
13. Businesses that ship or deliver groceries, food, goods or services directly to residences or other businesses.
14. Airlines, taxis, and buses providing transportation services necessary for Essential Activities and other purposes expressly authorized in this Order.
15. Home-based care for seniors, adults, or children.
16. Residential facilities and shelters for seniors, adults, and children.
17. Professional services, such as legal or accounting services, when necessary to assist in compliance with legally mandated activities.
18. For clarity, residential and commercial construction is a business not listed as an Essential Business above. Residential and commercial construction sites may continue Minimum Basic Operations until March 31, 2020 for the purpose of safely securing and closure of their construction site.
EXCEPTION: Essential Infrastructure will be considered an Essential Business and may continue operations so long as they are in compliance with Social Distancing Requirements and otherwise in compliance with this Order.
19. Licensed marijuana and liquor stores.

V. 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.

March 23, 2020

Karen Koeneman

Date

Public Health Director