

**STANDING PUBLIC HEALTH ORDER**  
**EIGHTH AMENDED NOTICE OF PUBLIC HEALTH ORDER**  
**ADOPTING COLORADO'S STATEWIDE COVID-19 DIAL**

**“Safer at Home”**

**FOURTH ADDENDUM**

**December 22, 2020**

**PURPOSE AND INTENT**

The purpose and intent of this Fourth Addendum is to respond to the surge of COVID-19 incidences within Pitkin County.

As of December 18, 2020, there are 304,107 known cases of COVID-19 in Colorado; 17,020 Coloradans have been hospitalized and 3,427 Coloradans have died from COVID-19.

As of December 21, 2020, the Pitkin County Two-Week Cumulative Incidence is in the Red Severe Risk level on the Colorado Department of Public Health & Environment (CDPHE) dial with 1447 cases per 100,000 people. About 28% of all known cases of COVID-19 among Pitkin County residents since the beginning of the COVID-19 pandemic in March, have been infected in the past two weeks. Pitkin County reported a 5.8 percent rolling 14-day average positivity rate.

There is clear evidence that some individuals who contract COVID-19 have no symptoms or have very mild symptoms, which means they are likely unaware they carry the virus. Asymptomatic individuals can transmit the disease, and evidence shows the disease is easily spread, so gatherings of people facilitate transmission of COVID-19.

The Pitkin County Interim Public Health Director and Board of Health find that, in the absence of widely available vaccine and/or treatment, we must use other tools, such as physical distancing, face coverings, and limiting gatherings, to mitigate the spread of COVID-19 to protect health and save lives.

Pitkin County continues to see a growing trend in incidence rate in its resident population. The intent of this Order is to minimize contact among individuals and reduce the public's exposure to the novel coronavirus in an effort to prevent further restrictions and closures being imposed upon the county by the State. The State maintains the authority to move counties quickly to other dial levels as defined in the State Public Health Order 20-36 and to move a county more

than one level at a time. The State continues to recommend that counties like Pitkin remain diligent in taking steps to lessen the spread of COVID-19.

## **ORDER**

Pursuant to section 25-1-506 (2)(a)(I), Colorado Revised Statutes, this Fourth Addendum to the Eighth Standing Public Health Order (“Order”) is effective as of December 22, 2020, within the entirety of Pitkin County, including all municipalities within the County, until further modified or rescinded by future order. Where the terms of this Addendum differ from the Eighth Standing Public Health Order, and the First, Second, and Third Addendums, the terms of this Addendum shall control. Where the terms of this Addendum and the Eighth Standing Public Health Order differ from any State Public Health Orders, the more strict shall control. This Addendum adopts the definitions used in the State Public Health Orders and in particular Order 20-36 unless otherwise defined.

### **1. Limitations on Public and Private Gatherings**

- a. Pursuant to section II.F. of the CDPHE PHO 20-36, public and private gatherings involving two or more people are prohibited, except for the limited purposes expressly authorized in the CDPHE PHO 20-36 and for the purpose of accessing or engaging in Necessary Activities. Nothing in this Order prohibits the gathering of members living in the same residence. By way of example, this means you are prohibited from gathering with people that you do not live with, even if those people are your family.
- b. The prohibition applies to short term lodging. For purposes of this Order, “short-term lodging” shall include but is not limited to campgrounds (whether private or government operated), reserved camping sites, hotels, motels, and short term lodging accommodation rentals of 30 days or less (e.g., Airbnb, VRBO, timeshares, RV parks, bed and breakfasts, condo-tels, lodges and retreats). By way of example, people who do not live in the same residence are prohibited from sharing a short term lodging unit.
- c. Due to the state prohibition on gatherings, the rental of individual rooms in a residence as a short-term lodging unit where other occupants are present is prohibited.

### **2. Requirements for Short-Term Lodging Operations**

- a. Owners and/or entities responsible for the booking and renting of short-term lodging units must confirm the identity of all renters upon arrival to ensure all

individuals are arriving from the same residence, as required by CDPHE PHO 20-36.

### **3. Limitations on Designated Sectors and Activities**

- a. Operating capacities for designated sectors and activities in Pitkin County are as follows:
  - i. **Non-critical Office-based businesses** may allow in-person work up to 10% of their posted occupancy limit, and are strongly encouraged to implement remote work to the greatest extent possible.
  - ii. **Critical and Non-critical Retail** may operate at 50% of the posted occupancy limit, and should offer enhanced options for curbside pickup, delivery, and dedicated service hours for senior and at-risk individuals.
  - iii. **Non-critical Manufacturing** may operate at 25% of the posted occupancy limit not to exceed 50 people, whichever is less, per room.
  - iv. **Field Services** that are not necessary to maintain the safety, sanitation, and critical operation of residences and other Critical Businesses or Critical Government Functions are closed. Individual real estate showings are authorized and open houses may operate with only one household in the property at a time.
  - v. **Personal Services** may operate at 25% of the posted occupancy limit, not to exceed 25 people, whichever is less, per room.
  - vi. **Limited Healthcare Settings** may operate at 25% of the posted occupancy limit, not to exceed 25 people, per room to provide those Services.
  - vii. **Indoor Events** are closed; except that educational institutions like museums and aquariums may operate at 25% of the posted occupancy limit not to exceed 25 people using the Distancing Space Calculator per room.
    1. Indoor Events with a Pitkin County Event Safety Plan submitted as of December 20, 2020 are permitted. Permitted indoor events must adhere to the table size requirements which include that tables are limited to members of the same household and must be spaced a minimum of 6 feet apart.
  - viii. **Outdoor Events** may operate at 25% of the posted occupancy or capacity limit not to exceed 60 people excluding staff, whichever is less, within their usable space calculated using the Distancing Space Calculator per designated activity or area. If the event is a seated event as described in Appendix I of CDPHE PHO 20-36, the usable space may be calculated using 6 feet distancing between non-household contacts instead of using the calculator. Two or more individuals attending an outdoor event together must be members of the same household and shall maintain 6 feet distancing from attendees who are not household members.
  - ix. **Smoking Lounges** are closed for indoor services, but can remain open

- outdoors with tables limited to members of the same household.
- x. **Gyms, recreation centers and indoor pools** may operate at 10% capacity, not to exceed 10 people, whichever is less, excluding staff per room indoors. Gyms and recreation centers may operate with 10 or fewer individuals outdoors. Reservations are required for all indoor and outdoor services.
  - xi. **Outdoor recreational** activities in groups of 10 people or fewer may occur, maintaining 6 feet Distancing Requirements between non-household contacts.
  - xii. **Organized recreational youth or adult league sports** are not authorized for indoor settings. Virtual services may be provided, or outdoor recreational sports in groups of 10 people or fewer may occur, maintaining 6 feet Distancing Requirements between non-household contacts.
  - xiii. **Outdoor Guided Activities** may be conducted at 25% capacity not to exceed 10 people, whichever is less.
  - xiv. **Children's Day Camps, Residential Camps, Youth Sports Day Camps and Exempt Single Skill-Building Youth Camps** may be conducted with no more than 10 participants outdoors only.
  - xv. **Children's Day Camps, Residential Camps, Youth Sports Day Camps and Exempt Single Skill-Building Youth Camps** may be conducted with no more than 10 participants outdoors only.
  - xvi. **Critical Businesses and Critical Government Functions** may continue to operate without capacity limitations, except that Critical Retail must adhere to 50% of the posted occupancy limit, but must follow the requirements in Section III.B and C of CDPHE PHO 20-36.
  - xvii. **Critical Businesses and Critical Government Functions** may continue to operate without capacity limitations, except that Critical Retail must adhere to 50% of the posted occupancy limit, but must follow the requirements in Section III.B and C of CDPHE PHO 20-36.
  - xviii. **Restaurants** may operate at 25% of the posted occupancy limit indoors not to exceed 50 people, excluding staff, whichever is less, per room. Restaurants may also use any existing, licensed outdoor space for in-person dining. Additional requirements for restaurants include:
    - 1. Tables are limited to members of the same household and must be spaced at least 6 feet apart.
    - 2. All types of alcoholic beverage sales must cease between 9:30 P.M and 7:00 A.M. MDT each day.
    - 3. Restaurants and other places of public accommodation permitted to offer food and beverages for on-site consumption that require reservations for dine-in services must: Maintain a record of current contact information of all individuals for the purposes of contact tracing activities in the event of a suspected or confirmed outbreak of COVID-19; Screen patrons at entrance and refuse entry to those displaying symptoms.
    - 4. Require individuals to wear face coverings indoors and outdoors whenever they are not actively eating or drinking, including when interacting with restaurant employees regardless of the ability to maintain 6 ft. of physical distance from others not of the same household.
  - xix. **Bars** that do not serve food remain closed.

#### **4. Non-critical Business Closure**

- a. All non-critical businesses as defined by CDPHE PHO 20-36 must close to the public by 10:00 P.M. MDT daily.

Furthermore, Pitkin County strongly urges residents to remain vigilant in efforts to reduce the spread of COVID-19 by maintaining social distancing and strictly complying to face covering requirements. If case numbers continue to rise, CDPHE may require Pitkin County to move into the Level Red of CDPHE PHO 20-36, which would limit the flexibility of when Pitkin County can move out of the Level Red. These actions are some of the most readily available and effective tools to help slow the spread of the virus in our community – and, importantly, to reduce the number of potential deaths caused by COVID-19. By slowing the spread, we protect our family, friends, and neighbors. In particular, this includes all adults over age 65 and anyone with an underlying health condition. These actions will limit the cascading impacts on critical services due to high absenteeism if large numbers of workers become ill. This Order and the actions required or recommended herein will help hospitals, first responders, and other health care services continue to provide services for those who need them (along with utilities, human services, and businesses) in the coming months. Collective action can save lives and is in support of the most vulnerable in our community. The more united we can be in preventing the spread, the greater the benefit for the whole community.

#### **Public Health Agency Authority**

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 Addendum 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 Addendum or any action taken by Public Health to enforce the 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 ADDENDUM 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.**

*Jordana Sabella*

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December 22, 2020

Interim Public Health Director