

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

**“Safer at Home”**

**FIFTH ADDENDUM**

**January 12, 2021**

**PURPOSE AND INTENT**

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

On October 1, 2020, the Pitkin County Board of Health decided to adopt the Colorado Department of Public Health and Environment's (CDPHE) COVID-19 Dial and the associated metrics to move between the different dial levels. Based on prior conversations with State officials, Public Health and the Board of Health, the metrics to move into the red level restrictions included: one metric (incidence rate, positivity rate or hospitalization) in the red-level for 14 consecutive days and another metric goes into red for any period of time.

On December 22, Pitkin County implemented Red Level restrictions across many sectors, but officially remained at the Orange level on the State Dial with the caveat that the Board of Health would reconvene after two weeks to evaluate the continued spread of COVID-19 in the community.

Pitkin County has continued to see its incidence exponentially increase - to the highest in the state - but has not seen either of the other metrics reach the red-level thresholds. As the amount of community spread continues to grow, Pitkin County Public Health staff remain concerned of the risk to the community and the ability to effectively contact trace the numbers experienced. As of January 7, 2021, Pitkin County's 14-day COVID-19 incidence rate was 2,421 cases per every 100,000 residents, the highest 14-day incidence rate recorded in the county since the pandemic started in March of 2020. Stated differently, approximately one-in-thirty-five persons in Pitkin County are currently contagious with COVID-19. Across the state, most counties have seen a decline or plateauing of case counts since the middle of December, while Pitkin County has continued to see cases surge.

On January 4, 2021, the Governor of Colorado chose to move all counties in the state that were in the Red level to the Orange level even though many of the counties metrics did not meet the previously stated metric criteria for the move. Given the changing “goal-posts” that continue to be moved by the State, Pitkin County Public Health established recommendations to better reflect the needs of the community and share common expectations with all of the community and business partners.

On January 7, 2021, the Pitkin County Board of Health reconvened to evaluate the current metrics and continued spread of COVID-19 in our community. Public Health staff presented a recommendation to move into red level restrictions - including restaurants - in order to try to gain control of the disease in our community. The Board of Health directed staff to look at additional restrictions and solicit feedback from various community stakeholders and then reconvene on January 11, 2021. This Addendum is the result of the discussions and decisions made among the Pitkin County Board of Health. In addition to the Public Health Order changes, the Board of Health prioritized applying for the 5-Star Program with CDPHE. If accepted, 5-Star certified businesses will be able to operate at an increased capacity after a 2-week sustained decline in incidence rate (per the CDPHE report card). Pitkin County businesses have been working hard since the beginning of the pandemic, and we're hopeful the 5-Star Certification Program will offer some much-needed relief and opportunity.

## ORDER

Pursuant to section 25-1-506 (2)(a)(I), Colorado Revised Statutes, this Fifth Addendum to the Eighth Standing Public Health Order (“Order”) is effective as of 12:01 A.M. MDT January 17, 2021, 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, Third, and Fourth 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.

- b. The single-household limit applies to all lodging stays, including those for which reservations have already been made. Any existing reservations that include guests from two or more households must be changed or canceled to comply with the regulation.

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

- a. Operating capacities for designated sectors and activities in Pitkin County are as follows:
  - i. **Restaurants** are closed for in-person indoor dining but may offer curbside, takeout and delivery services. Restaurants may also use any existing, licensed outdoor space for in-person outdoor dining with tables limited to members of the same household and minimum spacing of 6 feet apart. Restaurants must have or obtain approval from the Pitkin County Public Health Agency's permitting, building and fire code oversight agency for any new outdoor dining space prior to use. All on-premises licensees licensed under Articles 3, 4, and 5 of Title 44 of the Colorado Revised Statutes must cease alcohol beverage sales to end consumers for on-premises consumption between 8:00 P.M. and 7:00 A.M. MDT each day. Takeout may continue until 10:00 PM. Additional requirements for restaurants include:
    - 1. 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.
    - 2. 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.
  - ii. **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.

### **5. Criteria for Moving In/Out of Red Level Restrictions**

- a. Moving into red level restrictions shall occur when one metric (incidence rate, positivity rate or hospitalization) is in the red-level for 14 consecutive days AND

Another metric goes into red for any period of time; OR Incidence Rate is above 700/100,000 for 14 days.

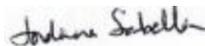
- b. Moving out of Red Level Restrictions shall occur when Pitkin County's incidence rate is below 700/100,000 and has been decreasing for 14 days.

### **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

January 12, 2021

Interim Public Health Director