

**STANDING PUBLIC HEALTH ORDER**  
**NINTH AMENDED NOTICE OF PUBLIC HEALTH ORDER**

**February 13, 2021**

**PURPOSE AND INTENT**

The purpose and intent of this Ninth Amended Notice of Public Health Order is to supplement the requirements set forth in Colorado's Sixth Amended Public Health Order 20-36.

**HISTORY OF STATE AND PITKIN COUNTY PUBLIC HEALTH ORDERS**

On March 10, 2020, the Governor of Colorado declared a State of Emergency relating to the presence of COVID-19.

On March 25, 2020, the Governor of Colorado issued Executive Order D 2020-017, ordering all Coloradans to Stay-at-Home due to the presence of COVID-19 in the state ("Stay-at-Home Order").

On April 26, the Governor of Colorado issued Executive Order D 2020-091, Safer at Home, through May 27, 2020 ("Safer-at-Home Order").

On June 1, 2020, the Governor of Colorado issued Executive Order D 2020-091, Safer-at-Home and in the Vast, Great Outdoors ("Safer-at-Home and in the Vast, Great Outdoors Order"), which was most recently extended by Executive Order D 2020-213 until November 5, 2020.

On September 16, 2020, the Executive Director of CDPHE issued Public Health Order 20-35, Safer at Home Dial, which implemented the requirements of the Safer at Home and in the Vast, Great Outdoors Order ("PHO 20-35"). PHO 20-35 included three levels in which a county could be placed based on its number of cases, positivity rate, and number of hospitalizations. Pitkin County was placed into Level 2 of the Safer at Home Dial when PHO 20-35 went into effect.

On October 23, 2020, due to a significant increase in the number of cases and a positivity rate of over 5% statewide, the Executive Director of CDPHE issued the Third Amended Public Health Order 20-35, Safer at Home Dial, which limited public and private gatherings in all levels to 10 individuals from no more than 2 households when not otherwise regulated as a specific sector or activity in the Order. This requirement continues to exist in PHO 20-36.

On October 30, 2020, the Governor of Colorado issued Executive Order D 2020-235, Superseding and Replacing Executive Orders Concerning Protect Our Neighbors and Safer at Home and in the Vast, Great Outdoors and Establishing Directives for the COVID-19 Dial Framework (“EO D 2020-235”).

On October 30, 2020, due to a surge of COVID-19 incidences, Pitkin County issued the First Addendum to the Eighth Amended Public Health Order, which limited public and private gatherings in Level 2 and Level 3 on the COVID-19 Dial to no more than 5 individuals from no more than 2 households when not otherwise regulated as a specific sector or activity in CDPHE PHO 20-35.

On November 2, 2020, consistent with EO 2020-235, the Executive Director of CDPHE issued Public Health Order 20-36, COVID-19 Dial, which replaced CDPHE PHO 20-35. In CDPHE PHO 20-36, CDPHE changed its description of levels on the Dial from numbers to colors: Level 1 became Level Blue; Level 2 became Level Yellow; Level 3 became Level Orange; and Level 4 became Level Red. When CDPHE PHO 20-36 was implemented CDPHE placed Pitkin County in Level Orange.

On November 17, 2020, CDPHE once again amended its CDPHE PHO 20-36. In this amendment, CDPHE modified the color levels on the Dial by adding a fifth level - Purple - and modified the level previously identified as Red.

On November 24, 2020, in response to a surge of COVID-19 incidences, Pitkin County issued the Second Addendum to the Eighth Amended Public Health Order, which included additional protective measures such as reducing the restaurant dining party size from 10 people to 8 people, requiring all non-critical businesses as defined by CDPHE PHO 20-36 to close to the public by 10 p.m. MST daily, and reducing the indoor event capacity from a maximum of 50 people to a maximum of 40 people, and outdoor event capacity from a maximum of 75 people to a maximum of 60 people.

On December 14, 2020, after community discussions with the Pitkin County Board of Health, and Task Forces composed of chambers, lodging and hospitality, and marketing and tourism representatives, Pitkin County issued the Third Addendum to the Eighth Amended Public Health Order (“Orange Plus”), which included the implementation of requirements for travelers into Pitkin County.

On December 22, 2020, Pitkin County’s two-week cumulative incidence rate was in the Red Severe Risk Level of the COVID-19 dial with 1447 cases per 100,000 people. In response, Pitkin County issued the Fourth Addendum to the Eighth Amended Public Health Order (“Orange Plus Plus”) to minimize contact among individuals and reduce the public’s exposure to COVID-19 in an effort to prevent further restrictions and closures being imposed upon Pitkin County by CDPHE.

On December 31, 2020, CDPHE notified all counties that effective January 4, 2021, at the request of the Governor, it would move all counties that were currently in Level Red to Level Orange even if those counties had not met the metrics otherwise necessary to operate in Level Orange.

On January 12, 2021, Pitkin County had continued to see its incidence exponentially increase - to the highest in the state - but had not seen either the positivity rate or hospitalizations reach the red-level thresholds. As of January 7, 2021, Pitkin County's 14-day incidence rate was 2,421 cases per every 100,000 residents, the highest 14-day incidence rate recorded in the county since the pandemic began in March of 2020. In response, Pitkin County issued the Fifth Addendum to the Eighth Amended Public Health Order which moved the county from Level Orange to Level Red on the COVID-19 Dial.

On Tuesday, February 2, 2021 Pitkin County moved from Level Red to Level Orange on Colorado's COVID-19 Dial and has seen a significant slowing to the incidence rate. As of February 4, 2021, our 7-day incidence rate was 275. But just a week ago, on January 29, 2021 our 7-day incidence rate was 315 (a difference of Level Orange or Level Yellow). The state has indicated the change to the 7-day incidence rate and new dial ranges allow for more responsiveness to local situations and will allow counties to more swiftly move to a level as needed. Locally, we recognize this new metric introduces more elasticity and less consistency in planning.

On February 5, 2021, CDPHE announced an update to Colorado's COVID-19 Dial 2.0. The Dial 2.0 changes the metrics that determine each county's current level on the dial. This includes measuring counties with a 7-day incidence rate rather than a 14-day incidence rate. In addition, Dial 2.0 increases the range of incidence rates for each level. The new dial was effective at 9:00 a.m. on Saturday, February 6, 2021.

As of February 4, 2021, there have been 400,851 known cases of COVID-19 in Colorado, 22,176 Coloradans have been hospitalized and 5,431 Coloradans have died from COVID-19. Multiple sources of data show that COVID-19 transmission and the use of the hospital systems due to COVID-19 have leveled off in Colorado.

As of February 10, 2021, there have been 1881 known cases of COVID-19 among Pitkin County residents, 88 outbreaks, and 4 deaths.

## **ORDER**

This Order Supersedes and replaces all prior Standing Public Health Orders of Pitkin County's Public Health Agency. Pursuant to section 25-1-506 (2)(a)(I), Colorado Revised Statutes, this Ninth Standing Public Health Order ("Order") is effective as of 9:00 A.M. MDT February 13, 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 Ninth 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 in Short-Term Lodging**

- a. 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, (e.g., Airbnb, VRBO, timeshares, RV parks, bed and breakfasts, condo-tels, lodges and retreats) of 30 days or less.
  
- b. Occupancy of any short-term lodging unit in excess of the informal gathering limit established through the State Public Health Order is prohibited.

### **2. Travelers into Pitkin County:**

- a. Unless exempted as defined in Section 4, all travelers 3 years of age and older, traveling into or returning to Pitkin County after 10 days from any location outside of Pitkin County, by any means or mode, and spending one or more nights in Pitkin County shall either:
  - i. receive a negative test result for COVID-19 from a test performed on a sample taken not longer than 72 hours before the person's arrival in Pitkin County and can produce proof of the negative test result upon request; or
  - ii. quarantine for 10 days upon arrival in Pitkin County, or until a negative test result for COVID-19 has been received; or
  - iii. provide proof of a positive COVID-19 test result received within 90 days prior to the date of departure and attest to completion of the isolation requirement.

- iv. have been fully vaccinated (i.e.,  $\geq 2$  weeks following receipt of the second dose in a 2-dose series, or  $\geq 2$  weeks following receipt of one dose of a single-dose vaccine).
- b. Travelers to Pitkin County who are required to quarantine or isolate are required to do so even if it prolongs their stay at the traveler's expense.

### **3. Traveler Affidavit**

- a. A person required to quarantine pursuant to Section 2(b) of this Order or a person who is not subject to the quarantine requirement because the person can produce proof of a negative test result as provided in Section 2(a), or a person who is not subject to quarantine pursuant to Section 2(c) or Section 2(d), shall complete and submit a Pitkin County Travel Affidavit Form acknowledging their obligations under this Order and certifying the means by which they will comply with those obligations. Pitkin County Public Health shall post the Travel Affidavit Form and instructions for submitting the form on the Pitkin County COVID-19 website.
- b. Circumstance-Specific Exceptions: The Traveler Affidavit requirements established in this Order shall not apply to persons arriving in Pitkin County in the following limited circumstances:
  - i. *Patients Receiving Medical Treatment*: any patient who must travel to Pitkin County in order to seek or receive specialized medical care from a physician located in Pitkin County and persons accompanying and providing needed support to the patient
  - ii. *Military Personnel*: any person who is required to travel to Pitkin County at the order or directive of a Federal or State military authority
  - iii. *Persons Performing Critical Infrastructure Services*: any person who enters Pitkin County to perform a critical infrastructure function, provided that this exception shall apply only when such person is actively engaged in performing that function and at all other times a person entering under this exception shall be required to comply with the requirements pursuant to Section 1 of this Order, unless some other exemption applies. For purposes of this Order, the term "critical infrastructure function" shall mean work performed by Critical Infrastructure Workers as specified in CDPHE PHO 20-36 Appendix A.
  - iv. *Persons with Disabilities*: any persons with disabilities, [defined](#) as a person with a physical or mental impairment that substantially limits one or more of the major life activities; a record of such an impairment; or being regarded as having such an impairment. Major life activities include: caring for one's self, walking, seeing, hearing, speaking, breathing, working, and learning.

## **6. Quarantine & Isolation Requirements**

- a. *Mandatory Isolation for Individuals:* Individuals experiencing symptoms of COVID-19 shall self-isolate and seek testing immediately by contacting a healthcare provider or visiting the [Pitkin County COVID-19 website for local testing sites](#). If an individual has tested positive for COVID-19 and/or has developed symptoms of COVID-19, including early or mild symptoms (such as cough and shortness of breath), or they have received an isolation letter from Pitkin County Public Health, they must isolate (stay away from others) in accordance with the Pitkin County Public Health isolation requirements as defined on the [Pitkin County COVID-19 website](#).
- b. *Mandatory Quarantine for Individuals:* Individuals who have a household member or close contact that has a positive COVID-19 test or has symptoms of COVID-19, or they have received a quarantine letter from Pitkin County Public Health, must quarantine (stay at home or stay put in the same location) and monitor their health for COVID-19 like symptoms in accordance with the Pitkin County Public Health quarantine requirements as defined on the [Pitkin County COVID-19 website](#).

## **7. Inform Non-resident visitors and Guest to Pitkin County**

- a. All open businesses that take reservations from or otherwise serve non-Local Residents (including hotels, short-term rentals, other lodging, outdoor recreational guides, and the like) must inform the non-Local Resident customers, guests, or attendees about the restrictions in this Order, including by:
  - i. Providing all guests with information about the Five Commitments of Containment.
  - i. Explaining the Special Provisions for Non-resident Visitors and Guests to Pitkin County.
  - ii. Providing notice of the Special Provisions for Non-resident Visitors to non-Local guests in advance of their visit to Pitkin County where possible to do so.
  - iii. Limitations on Public and private gatherings, and how this applies to lodging.

## **8. Business Safety Plans**

- a. All businesses (this includes, but is not limited to postsecondary education institutions, childcare facilities, day and residential camps, theaters, places of worship, museums, libraries, lodging, restaurants and food services, limited health care settings, office-based businesses, gyms, fitness centers, recreation centers, bowling alleys, indoor/outdoor pools, hot springs, organized recreational sports, outdoor guides/tours/outfitters, golf courses, personal services, field services and real estate) must submit and adhere to a COVID-19 Business Safety Plan using sector-specific guidance to address capacity, physical/social distancing, masks, and cleaning practices.

Critical government functions, as defined in Public Health Order 20-36 Safer at Home Dial Section IV. Definitions (D) are recommended to develop an internal COVID-19 Safety Operational Plan and submit it to Pitkin County Public Health for review and guidance.

## **9. Event Safety Plans**

- a. Businesses holding gatherings must submit and adhere to a COVID-19 Business Safety Plan using event specific guidance. Events that require a city, town or county permit must submit an Event Safety Plan and permit application. Events that do not require a city, town or county permit and are hosted in a commercial space with an Event Safety Plan on file must adhere to the facility Event Safety Plan. Events that have a professional Event Coordinator (a professional with a Business Safety Plan on file who will be responsible for Event Safety Plan compliance as their primary role during the event) with a Business Safety Plan on file must submit an Event Safety Plan. Events without a professional Event Coordinator with a Business Safety Plan on file are not permitted. Businesses holding gatherings must submit and adhere to a COVID-19 Business Safety Plan using event specific guidance.

## **10. Individual Compliance with Business or Event Safety Plans:**

- a. Individuals shall adhere to any additional social distance or disease prevention requirements imposed by businesses as a condition of entering their premises or attending gatherings they organize as set forth in the applicable COVID-19 Event Safety Plan submitted to Pitkin County by the business in question by which the business is permitted to operate.

## **11. Public Health Investigations and Contact Tracing for Individuals:**

- a. Individuals shall comply with Pitkin County Public Health case investigation and contact tracing program, including, without limitation, providing names and contact information for other persons that have COVID-19 or were a close contact of someone with COVID-19, or any other information necessary to investigate and control the spread of COVID-19. Failure to reasonably comply with contract tracing may result in criminal or civil sanctions as set forth below.

## **12. Face Coverings**

- a. Face coverings are required to be worn outside whenever there is a risk of being within 6 feet of another person who is not of the same household.

- b. Face coverings are required to be worn while using or waiting to use public (buses, light-rail) or non-personal (taxis, car services, ride-shares) transportation services.
- c. Face coverings are required in Pitkin County for indoor public spaces such as grocery stores, retail, and restaurants while not actively eating or drinking, mask requirements will include the following: All Offices, Lobbies, Elevators, Indoor Businesses, Common Areas and Gyms (except while using an indoor pool), and when receiving a personal service (massage, hair salon, etc.).
- d. Businesses must post signs at entrances that instruct customers they must wear a mask when entering or moving around inside the business and must refuse service to individuals not wearing masks.
- e. Outdoor teams and recreational sports must follow Public Health guidance on facial coverings.
- f. The following individuals are exempt from face covering requirement:
  - i. Individuals two (2) years old and younger; or
  - ii. Individuals who cannot medically tolerate a face covering.
- g. Individuals performing the following activities are exempt from the face covering requirements while the activity is being performed:
  - i. Individuals who are hearing impaired or otherwise disabled or who are communicating with someone who is hearing impaired or otherwise disabled and where the ability to see the mouth is essential to communication;
  - ii. Individuals who are seated at a food service establishment;
  - iii. Individuals who are exercising alone or with others from the individual's household and a face covering would interfere with the activity;
  - iv. Individuals who are receiving a personal service where the temporary removal of the face covering is necessary to perform the service;
  - v. Individuals who enter a business or receive services and are asked to temporarily remove a face covering for identification purposes;
  - vi. Individuals who are actively engaged in a public safety role such as law enforcement, firefighters, or emergency medical personnel;
  - vii. Individuals who are officiating at a life rite or religious service; or
  - viii. Individuals who are giving a speech for broadcast or an audience.

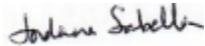
### **Public Health Agency Authority**

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

February 12, 2021

Interim Public Health Director