



## **STANDING PUBLIC HEALTH ORDER**

### **TENTH AMENDED NOTICE OF PUBLIC HEALTH ORDER**

#### **COVID-19 DIAL 3.0**

**April 14, 2021**

#### **PURPOSE AND INTENT**

The purpose and intent of this Tenth Amended Notice of Public Health Order is to clarify that Pitkin County will continue to follow Colorado's statewide COVID-19 Dial 3.0 and supplement the requirements set forth in Colorado's Tenth Amended Public Health Order 20-36.

#### **FINDINGS AND NECESSITY OF ORDER**

On April 16, 2021, Public Health Order 20-36 issued by CDPHE, as amended and extended, is expected to expire and the COVID-19 Dial will become non-mandatory guidance at the State level.

While Colorado has opened COVID-19 vaccine eligibility to everyone 16 and older, estimates indicate that as of April 12, 2021, only about 30% of the population is fully immunized; this is far short of the percentage of the population needed to reach herd immunity. Additionally, new variants that are more transmissible are circulating in Colorado. These factors, coupled with a loosening of restrictions, could result in an increase in cases. While we work as a community to reach herd immunity through vaccination, it is important that the protective measures of the COVID-19 Dial remain in place to help reduce the risk of transmission until we reach that critical threshold.

While Pitkin County's one-week incident rates have dropped from the peaks of January, case counts vary from week to week. Elimination of the COVID-19 Dial measures will likely lead to increased case counts in Pitkin County until enough people have been vaccinated to reach the threshold to achieve herd immunity. As of April 12, 2021, there were 479,590 known cases of COVID-19 statewide in Colorado, and 2,450 known cases in Pitkin County, Colorado, as well as 6,303 deaths due to COVID-19 statewide and 4 deaths in Pitkin County.

Vaccine access is increasing but vaccines are not yet available to everyone who wants to be vaccinated. To ensure consistency and minimize confusion for businesses and the community, Pitkin County will adopt CDPHE's COVID-19 Dial as issued on April 4, 2021, and as amended herein.



## 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 Tenth Standing Public Health Order ("Order") is effective as of 12:00 A.M. MDT April 16, 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 Tenth Standing Public Health Order differ from any State Public Health Orders, the more strict shall control. This Order adopts the definitions used in the State Public Health Orders and in particular Order 20-36 unless otherwise defined.

### **1. Maintaining State Dial 3.0 Framework**

- a. Upon rescission of the statewide dial and Public Health Order 20-36, on April 16, 2021, Pitkin County adopts the state's Dial framework, as described below.
- b. Capacity restrictions for the assigned dial level and must follow CDPHE's metric qualifications in order to move dial levels.
- c. Pitkin County Board of Health will re-evaluate this Order on May 13, 2021, or as soon thereafter as feasible, to determine the timeline for when to rescind the dial in Pitkin County and the mitigation measures needed to continue through the summer season.

### **2. Business 5 Star Certification Program**

- a. 5 Star Certification Program operations must comply with CDPHE's Program requirements, as stated in its Tenth Amended Public Health Order 20-36.

### **3. Limitations on Public and Private Gatherings in Short-Term Lodging**

- a. Public and private gatherings are limited by the State Dial 3.0 level. Nothing in this Order prohibits the gathering of members living in the same household.
- 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, more than 10 people who live in two different residences are prohibited from sharing a short term lodging unit in Dial level Orange while in Dial levels Red and Purple, only one residence is permitted to gather.



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

- a. All travelers traveling into or returning to Pitkin County who will be staying at least one night in Pitkin County, or residents or property owners returning to Pitkin County after being gone for ten or more days must be free of any symptoms consistent with COVID-19 before arrival. If any symptoms consistent with COVID-19 are present in the 10 days prior to arrival in Pitkin County, the traveler must not travel to Pitkin County. All travelers will self-screen for symptoms each morning during their stay in Pitkin County. Any traveler that is a close contact of a person who either has a positive COVID-19 test or symptoms of COVID-19 will:
  - i. Adhere to the Quarantine requirements even if this prolongs their stay in Pitkin County, at the traveler's expense.
  - ii. Adhere to the Self-Isolation requirements below even if this prolongs their stay in Pitkin County at the traveler's expense.
  - iii. Contact your healthcare provider or visit the [Pitkin County COVID-19 website for local testing sites](#) to schedule COVID-19 testing as quickly as possible.

#### **5. Traveler Responsibility Code**

- a. All travelers traveling into or returning to Pitkin County after longer than 10 days from any location outside of Pitkin County, by any means or mode, and spending one or more nights in Pitkin County, must complete and submit a Pitkin County Traveler Responsibility Code 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 Traveler Responsibility Code and instructions for submitting it on the Pitkin County COVID-19 website.
- b. Circumstance-Specific Exceptions:
  - i. The requirements established in this Order shall not apply to persons arriving in Pitkin County in the following limited circumstances:
  - ii. *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
  - iii. *Military Personnel:* any person who is required to travel to Pitkin County at the order or directive of a Federal or State military authority
  - iv. *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.

- v. *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 had 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.
  - ii. Explaining the Special Provisions for Non-resident Visitors and Guests to Pitkin County.



- iii. 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.
- iv. Limitations on Public and private gatherings, and how this applies to lodging.

## **8. Business Safety Plans**

- a. All businesses (including, but 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 requests, 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 and are actively eating or drinking;



- 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 Order 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

April 14, 2021

Interim Public Health Director