



April, 2020

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FIFTH AMENDED STANDING PUBLIC HEALTH ORDER PROHIBITING OR IMPOSING ADDITIONAL RESTRICTIONS ON CERTAIN EVENTS, GATHERINGS, BUSINESS OPERATIONS AND OTHER ACTIVITIES, PROHIBITING NON-RESIDENTS (INCLUDING NON-RESIDENT HOMEOWNERS) AND IMPOSING LIMITED QUARANTINE ON CERTAIN OUT-OF-COUNTY TRAVELERS TO LIMIT AND CONTAIN THE SPREAD OF THE COVID-19 VIRUS.

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Pursuant to Colo. Rev. Stat. § 25-1-506 and other applicable authority, this Order sets forth guidance and requirements for, as well as limitations on, group gatherings to slow the spread of the COVID-19 virus. This Order amends and supersedes all previous Standing Public Health Orders issued by Gunnison County regarding 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, and community transmission of the illness has been confirmed in Gunnison County.

On March 12, 2020, Gunnison County declared a Local Disaster Emergency related to COVID-19. The County extended this Local Disaster Emergency pursuant to a meeting of the Gunnison County Board of County Commissioners on March 17, 2020.

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On March 13, 2020, the President of the United States declared a National Emergency due to COVID-19.

On March 15, 2020, large municipalities across the nation, such as New York City, have announced the closing of all bars and restaurants except for takeout and delivery services.

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On March 15, 2020, the Colorado Department of Public Health and Environment (“CDPHE”) issued a statement strongly advising visitors to and residents of Gunnison County to minimize social contact and recommending that visitors return home rather than remain in the County.

On March 25, 2020, the Governor of Colorado issued Executive Order D 2020 017, “Ordering Coloradans to Stay at Home Due to the Presence of COVID-19 in the State.”

On March 26, 2020, CDPHE issued Updated Public Health Order 20-24 Implementing Stay at Home Requirements.

The purpose of these amendments are to amend and clarify the existing Order to further restrict the gathering of person(s), and to extend the duration of the existing Public Health Order. These amendments also prohibit all non-residents, including non-resident homeowners, from remaining in Gunnison County during the duration of this Order. The Public Health Director finds that non-residents, visitors and non-resident homeowners from lower altitudes are at a greater risk for complications from COVID-19 infection than residents, who are acclimatized to the high altitude environment of Gunnison County. The Public Health Director also finds that non-residents, regardless of whether they own a residence in Gunnison County, are imposing unnecessary burdens on health care, public services, first responders, and food and other essential services, and are creating issues with regard to enforcement of Gunnison County’s public health orders. Accordingly, the presence of non-residents and visitors, including non-resident homeowners, is no longer permitted in Gunnison County in order to maintain public health and safety and to continue to address the COVID-19 pandemic, unless otherwise expressly permitted by this Order, including if granted an exemption or waiver by the Public Health Director under the provisions of this Order.

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The age, condition, and health of a significant portion of the population in Gunnison County places it at risk of 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.

The limitations on business activities, large gatherings and use of social distancing decreases the risk of COVID-19 transmission to our most vulnerable populations, and 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 Gunnison County Public Health Director has the duty to investigate and control the causes of epidemic or communicable diseases and conditions affecting public health and to establish, maintain, and enforce isolation and quarantine, and in pursuance thereof, and 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.

For the avoidance of doubt, this Order should be construed to eliminate all non-essential services, travel, activities or sales of goods, and should be construed in the light most favorable to preventing the community spread of COVID-19 and protecting the public health.

To the extent any ambiguity exists between this Order and any statement made by Gunnison County or others regarding the interpretation or effect of this Order, the express terms of this Order and the interpretation of the Public Health Director shall control.

For the avoidance of doubt, this Order controls over any executive order issued by the Governor of Colorado. This Public Health Order is consistent with and more restrictive than the executive orders thus far issued by the Governor of Colorado and the Colorado Department of Public Health and Environment (“CDPHE”). Because this Order is more restrictive, the waiver process contemplated by the CDPHE, does not apply to this Order.

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If any provision of this Order is held to be invalid, the remainder of the Order, including the application of such part or provision to other persons or circumstances, shall not be affected and shall continue in full force and effect.

This Order shall apply to all unincorporated areas of Gunnison County, Colorado (including State and Federal public lands) and all incorporated (municipal) areas that do not have their own public health agency, to wit: City of Gunnison, Town of Crested Butte, Town of Mt. Crested Butte, Town of Marble, and the Town of Pitkin, Colorado.

I. DEFINITIONS

For purposes of this Order:

An “Event” is a gathering for business, social, or recreational activities, or a location that engages in or allows for such activities; that takes place indoors or outdoors, including, but not limited to, community, civic, public, leisure, or sporting events; parades; concerts; festivals; assemblies; places of worship; conventions; fundraisers; restaurants (regardless of capacity); community recreational centers; ice rinks; libraries; child care centers; and similar locations and activities.

“Event” does not include activities that can be individual or limited to persons residing in the same residence, such as cross-country (Nordic) skiing, backcountry skiing, snowshoeing, walking, hiking, trail running, road cycling, dog walking, fly fishing, kayaking, paddle boarding, and mountain biking, as long as social distancing and other efforts to comply with this Order occur, For the avoidance of doubt, because guided, group or team activities are unable, by their nature, to maintain social distancing and other anti-viral measures, such activities are prohibited. This includes, but is not limited to, minor or adult rugby, lacrosse or soccer leagues, group or team bike rides, guided raft trips, guided backcountry ski excursions, avalanche courses, wilderness medicine classes (e.g., Wilderness First Aid or First Responder) courses, Nordic ski classes, rock climbing schools or clubs, guided mountain bike classes or trips, guided fly fishing

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floats or trips, guided horse- or backpacking excursions, and other activities conducted in a group or employing or using a professional guide or instructor.

“Event” also does not include places of employment for federal, state, local and special district employees, employees of public utilities or utility service providers (e.g., electric utility providers, internet service providers, water and sewer service providers), grocery stores (e.g., Clark’s, Safeway, or City Market), hardware stores, gas stations, medical service providers (e.g., hospitals, doctor’s offices, veterinarians, medical clinics, dental offices, physical therapists, pharmacies, medical massage, acupuncture) or discount department stores (e.g., Wal-Mart, Dollar General).

“Principal Residence” normally means the property that a person uses a majority of the time during the year, but can also be determined on a case-by-case basis (if necessary) employing additional factors at the sole discretion of the Public Health Director, including but not limited to:

- (i) If employed, the person’s place of employment;
- (ii) The principal place of abode of the person’s family members;
- (iii) The address listed on the person’s federal and state tax returns, driver’s license, automobile registration, and voter registration card;
- (iv) The person’s mailing address for bills and correspondence;
- (v) The location of the person’s banks; and/or
- (vi) The location of religious organizations and recreational clubs with which the person is affiliated.

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“Residence” means a home, apartment, condominium unit, manufactured home, long term hotel or motel room, accessory dwelling unit or similar such structure where one or more persons reside on a permanent or temporary (at least 30 days or more) basis. For avoidance of doubt, “Residence” does not include those buildings, facilities, locations or activities set forth in Paragraph II(G) of this Order.

“Non-resident Homeowner” means a person who whose Principal Residence is outside of Gunnison County.

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II. ORDER

- A. All Events of more than one person occurring outside a Residence are prohibited, except for the limited purposes expressly permitted in this Public Health Order.
 - a. Nothing in this Order prohibits the gathering of members living in the same Residence.

- B. 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), private day schools, community recreational centers, ice rinks, and libraries.

- C. All Events at bars, taverns, taprooms, and restaurants are prohibited, regardless of the number of attendees, except that such establishments may provide takeout and delivery of food so long as such establishments are otherwise in compliance with this Order.
 - a. For the avoidance of doubt, this means that bars, taverns, taprooms, craft breweries and restaurants should be and hereby are closed, except for takeout and delivery food service.
 - b. Service of alcohol by the drink at bars, taverns, craft breweries and restaurants is hereby prohibited, except that such facilities may serve alcohol on a package basis if otherwise permitted by law.

- D. All Events at retail establishments are prohibited, regardless of the number of attendees, except for the types of retail establishments excepted by this Order: Federal, state, local and special district facilities (including public schools but **not** including post-secondary institutions), public utilities or utility service providers (e.g.,

electric utility providers, internet service providers, water and sewer service providers but **not** including cellular phone retail stores), grocery stores (*e.g.*, Clark’s, Safeway, or City Market), banks, automobile, repair shops, auto parts stores, laundromats, livestock, farming or ranching operations, hardware stores, medical service providers (*e.g.*, hospitals, doctor’s offices, medical clinics, veterinarians, medical supply companies, dental offices, physical therapists, pharmacies but **not** including massage therapists, tattoo artists, hair salons or nail salons), mail and shipping centers, kennels and animal shelter or boarding facilities, equestrian stables (but **not** including commercial horseback riding or horsepacking operations), food banks, airport operations, newspapers, radio and television stations, gas stations and discount department stores (*e.g.*, Wal-Mart, Dollar Tree).

- a. Retail establishments may continue to operate by online or over-the-phone sales, except goods ordered through such means must be delivered by mail or by delivery to a customer’s home or vehicle outside of the retail location.
- b. Package liquor stores and marijuana dispensaries may continue to operate so long as they are otherwise in compliance with this Order.
- c. Those establishments exempted by this Paragraph D are nonetheless strongly encouraged to comply with this Order to the maximum extent possible consistent with applicable law.
- d. Medical service providers are not permitted to perform any elective procedures or surgeries while this Order remains in effect.

E. For purposes of this Order, the term “restaurants” does **not** include any establishment or business that is a limited retail food establishment, as that term is defined by C.R.S. § 25-4-1607(a.5), including but not limited to ice cream shops, doughnut shops, soda fountains, and candy stores.

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- a. Such limited retail food establishments may continue to operate as retail establishments pursuant to the limitations set forth in Paragraph D of this Order, *e.g.*, providing food items on a takeout or delivery basis only with no customers entering the establishment for food service purposes.
- F. For purposes of this Order, all professional offices not expressly excluded by Paragraph D of this Order, including but not limited to law firms, accountants, architects, real estate offices, backcountry guide operations, title companies, engineers, escrow agents, and investment and brokerage firms are deemed retail establishments for purposes of this Order, and, therefore, **all Events at such offices are prohibited.**
- a. Solo practitioners (*i.e.*, professionals who practice by themselves without sharing physical office space with others) may continue to use their professional offices so long as no other persons, (*e.g.*, other professionals, staff, clients and customers) are present.
- G. All short term lodging, including but not limited to campgrounds (whether private or government operated), reserved camping sites, hotels, motels, short term rentals (30 days or less), bed and breakfast establishments, lodges and retreats shall cease operations, unless otherwise authorized in writing by the Public Health Director for emergency or quarantine purposes, or to provide lodging for essential federal, state, county or local personnel.
- a. For the avoidance of doubt, disbursed camping on Federal public lands by Gunnison County residents is permitted so long as campers are otherwise in compliance with this Order.
- H. All public transportation, (*e.g.*, bus service) may continue to operate under the provisions of this Order so long as the number of riders or passengers does not exceed eight (8) persons (*e.g.*, no more than nine total people in a vehicle including the

operator or driver) and so long as the provisions of this Order are otherwise complied with.

- a. Commercial air travel is not affected by the provisions of this Order.
- b. Private or charter air travel must comply with the provisions of this Order to the extent consistent with Federal law and Federal requirements.

I. ~~Persons who are not residents of Gunnison County, including but not limited to non-resident homeowners and unemployed seasonal or temporary workers and non-resident university students not presently enrolled in a post-secondary education institution located within Gunnison County, are directed to return to their out-of-Gunnison County place(s) of residence immediately upon the issuance of this Order by the fastest and safest available means, and persons considering visiting Gunnison County (i.e., for tourism purposes or for business purposes inconsistent with this Order) should remain home and are prohibited from entering Gunnison County for any reason, unless:~~

- a. ~~expressly permitted by this Order;~~
- b. ~~to allow the businesses, events or activities permitted by this Order to continue (e.g., delivery drivers to grocery stores or gas stations, medical personnel to assist in hospital operations, law enforcement to assist in the enforcement of this Order); or~~
- c. ~~the non-resident receives an express, written exemption from the Public Health Director after providing her sufficient information, in her sole discretion, to ascertain compliance with this Order and to impose additional requirements associated with such exemption. Requirements associated with any such exemption may include, but are not limited to, prohibiting daily travel in and out of Gunnison County, requiring self-isolation for seven (7) days or more, or to maintain lodging or housing in a location approved by the Public Health Director.~~

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J. The County and District Courts are hereby exempted from this Order, except that Gunnison County strongly encourages the Courts to: Consistent with any Court directives, a) vacate and reschedule all civil and domestic relations proceedings, especially civil jury trials (unless such proceedings can be conducted telephonically); b) vacate and reschedule criminal and traffic matters to the maximum extent possible consistent with defendants' Constitutional rights.

K. Residential and commercial construction sites, which includes but is not limited to oil and gas and mining operations, may otherwise continue to operate so long as in compliance with this Order if they receive an express, written exemption from the Public Health Director after providing her sufficient information, in her sole discretion, to ascertain compliance with this Order.

a. The Public Health Director may impose additional requirements associated with any exemption granted under this Paragraph K, including but limited to prohibiting construction workers from engaging in daily travel into and out of Gunnison County, self-isolation for a minimum of seven (7) days, or to maintain lodging at a site approved by the Public Health Director within Gunnison County.

L. Residential home and repair services (electrician, plumbing, propane delivery, trash, recycling and sanitation services, residential and commercial cleaning and home care services) may continue so long as they are in compliance with this Order.

M. Notwithstanding the other provisions of this Order, all Events not otherwise prohibited by this Order are nonetheless prohibited unless Event organizers take the following steps to mitigate risks:

a. Older adults (age 60 and older), including employees, and individuals with underlying medical conditions that are at increased risk of serious COVID-19, including employees (collectively, "At-Risk Persons"), are not permitted to attend. For the avoidance of doubt, an "At-Risk Person" who is a federal,

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state, local or special district government employee, an employee of a medical service provider, an employee of a place or house of worship, or an employee of a public utility or utility service provider may report to his or her job site or other location(s) if necessary to perform his or her official job duties, so long as such location(s) are otherwise in compliance with this Order. An At-Risk Person may also enter into a medical service provider's office or facility, hardware store, grocery store or discount department store for the purpose of obtaining medical care, food, clothing or other necessary items if such location is otherwise in compliance with this Order. However, At-Risk Persons are discouraged from engaging in such activities wherever possible.

- b. Social distancing recommendations must be met. These include limiting contact of people within 6 feet from each other for 10 minutes or longer, and any other guidance. *See* Section III, below.
 - c. Employees must be screened for coronavirus symptoms each day and excluded if symptomatic.
 - d. Proper hand hygiene and sanitation must be readily available to all attendees and employees.
 - e. 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).
- N. All persons who traveled for more than 24 hours away from Gunnison County from March 13, 2020 until the date this Order expires, and who reside in high-density housing (*e.g.*, dormitory, apartment complex of more than two units, long-term hotel) are hereby **ordered**, under penalty of law, to isolate and quarantine themselves from all other persons, without exception, for a period of at least seven (7) days from the date such person returns to Gunnison County. The Public Health Director reserves

the right to extend the period of any quarantine under this Paragraph N in her sole discretion.

O. All persons who have tested positive for the COVID-19 virus are hereby **ordered**, under penalty of law, to isolate and quarantine themselves from all other persons, without exception, for a period of at least ten (10) days from the date on which such person first experienced any symptoms of COVID-19 (e.g., fever, cough, shortness of breath), or 72 hours after the quarantined person is afebrile (resolution of any fever without the aid of medication), whichever is later. The Public Health Director reserves the right to extend the period of any quarantine under this Paragraph O in her sole discretion.

P. All residents of Gunnison County who travel outside of Gunnison County for any period of time are hereby ordered, under penalty of law, to isolate and quarantine themselves from all other persons, without exception, for a period of at least seven (7) days from the date on which such person first experienced any symptoms of COVID-19 (e.g., fever, cough, shortness of breath), or 72 hours after the quarantined person is afebrile (resolution of any fever without the aid of medication), whichever is later. The Public Health Director reserves the right to extend the period of any quarantine under this Paragraph P in her sole discretion.

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Q. Notwithstanding the other provisions of this Order, the following activities are expressly permitted at post-secondary education institutions within Gunnison County so long as such activities are in compliance with Paragraph M of this Order”

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a. The use of faculty office or conference space in order to conduct online classes or seminars; and

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b. The use of vehicle repair facilities located on campus for the limited purpose of maintaining or repairing government vehicles.

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III. FURTHER GUIDANCE

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Further guidelines for social distance are available at <https://www.gunnisoncounty.org/938/Coronavirus-COVID-19>. Gunnison County Public Works and any other appropriate government agencies (e.g., Highway Patrol, Colorado Department of Transportation) are hereby directed and encouraged to erect or provide appropriate highway signage to alert travelers to this Order.

IV. GENERAL INFORMATION FOR ALL PERSONS AFFECTED BY THIS ORDER

If you have questions regarding this Order, please contact the Gunnison County Health Hotline at 970.641.7660.

Gunnison County is tasked with protecting the health and welfare of the citizens of Gunnison 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 Gunnison 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.

This Order is in effect until midnight Mountain time at the end of April 30, 2020, and is subject to continuing review by the Public Health Director.

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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.

Joni Reynolds
Public Health Director

Date

I, _____, hereby acknowledge receipt of this Order.

Sign

Date

