

February 12, 2021

**PUBLIC HEALTH AGENCY ORDER # 2020-08 – AMENDMENT 14
CHAFFEE COUNTY PUBLIC HEALTH ORDER RELATED TO COVID-19**

EFFECTIVE FEBRUARY 12, 2021

*** THIS ORDER SHALL RESCIND AND REPLACE ALL PREVIOUS ORDERS ***

FINDINGS

On January 30, 2020, the World Health Organization (“WHO”) declared the worldwide outbreak of COVID-19 a “public health emergency of international concern.” On January 31, 2020, the United States Department of Health and Human Services declared the virus a public health emergency.

On March 10, 2020, the Governor of Colorado (the “Governor”) declared a state of Emergency related to the presence of COVID-19 in the State. The Colorado Department of Public Health and Environment (“CDPHE”) has confirmed that COVID-19 continues to spread throughout the State of Colorado.

On March 11, 2020, WHO declared COVID-19 a pandemic, pointing to the sustained risk of further global spread.

On March 13, 2020, Chaffee County (“County”) declared a Local Disaster Emergency related to COVID-19. Pursuant to Resolution 2020-29, the County ratified and extended this Local Disaster Emergency declaration at a meeting of the Chaffee County Board of County Commissioners (“BoCC”) on March 17, 2020. The BoCC further extended the disaster declaration which remains in effect.

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

On March 16, 2020 the President issued new guidelines to help protect Americans during the COVID-19 pandemic, which includes: avoiding discretionary travel, gathering limited to 10 or less people, use of drive through and pick up delivery options, and telecommuting for work and school.

Chaffee County Public Health (“CCPH”) anticipated that, due to the contagiousness of the illness and the fact that numerous travelers from around the world visit the county, Chaffee County would see cases of the virus and its transmission within the community. Developing social distancing policies prior to an extensive outbreak has been a proven means of helping to contain COVID-19 outbreaks.

CCPH issued its first Public Health Order on March 17, 2020. CCPH has issued various additional orders intended to reflect measures imposed by the Governor, CDPHE and variances granted by the state. The current CCPH Order is set to expire on December 4, 2020.

Effective April 27, 2020, CDPHE issued Public Order 20-28, which implemented a Safer at Home model. That order has been updated by a “COVID-19 Home Dial” (the most recent version is CDPHE Public Order 20-36 dated November 20, 2020). The COVID-19 Dial still

requires that **Vulnerable Individuals** remain at home, but allows limited reopening of various institutions and businesses. Additionally, individuals are encouraged to stay at home as much as possible and practice Social Distancing to reduce the likelihood of disease transmission, but certain activities are permitted. As we continue to combat COVID-19 in our communities, continuing restrictions remains appropriate.

On July 16, 2020, the Governor issued Executive Order D 2020 138 (amended and extended by subsequent Executive Orders) mandating all individuals over ten years old to wear a face covering over their nose or mouth when entering or moving within any public indoor space or while using or waiting for public transportation.

As of December 2, 2020, Chaffee County had 664 confirmed positive cases and 20 deaths associated with COVID-19. Transmission of the virus continues to threaten Chaffee County citizens' way of life and livelihoods, particularly with the influx of tourist traffic throughout the County. As a result, CDPHE has directed Chaffee County to implement a mitigation plan. CCPH recommends that without taking appropriate steps, the number of cases within Chaffee County will once again rise which may result in serious illness or death for certain members of the community, and will have the effect of further interrupting the functioning of the community, will overwhelm the capacity of the local health care system and the ability to respond to the COVID-19 pandemic. Additionally, a large surge in the number of persons with COVID-19 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 virus that causes COVID-19 is spread primarily by close contact between people and through respiratory droplets when an infected person coughs or sneezes. It can also be spread through contact with contaminated surfaces. Public health experts recommend we practice social distancing, or maintaining a physical distance of six (6) feet or more from other people, as a way to slow the spread of COVID-19. There is clear evidence that some individuals who contract the COVID-19 virus have no symptoms or have mild symptoms, which means they may not be aware they carry the virus. Because even people without symptoms can transmit the disease, and because evidence shows the disease is easily spread, gatherings promote transmission of COVID-19. COVID-19 also physically contributes to property loss, contamination, and damage due to its propensity to attach to surfaces for prolonged periods of time.

Widespread mask use is a low cost and highly effective way to reduce the spread of COVID-19 infections by as much as 65%. Broad adoption of mask wearing may have significant economic benefits by allowing the County to prevent re-closures and, ultimately, return to our normal lives more quickly. A recent study from Goldman Sachs concluded that a federal mask mandate could save the U.S. economy from taking a 5% hit to the Gross Domestic Product (GDP).

Non-residents, visitors and non-resident homeowners from lower altitudes, regardless of whether they are residents of Colorado, another state, or a foreign country, are at a greater risk for complications from COVID-19 infection than residents, who are acclimatized to the high-altitude environment of Chaffee County. Non-residents, regardless of whether they own a residence in Chaffee County, and regardless of whether they reside in Colorado, another state, or another country, continue to impose potentially excessive burdens on local health care, public services, first responders, food supplies and other essential services. Such persons continue to potentially create issues with regard to enforcement of Chaffee County's public health orders.

One proven way to slow the transmission is to limit interactions among people to the greatest extent practicable and increase the distance between people in the work environment. This Order helps to continue to carefully re-open the County's economy yet preserves the welfare of our residents by reducing the spread of the disease in our communities and our workplaces, and preserving critical emergency and healthcare capacity in the State.

The limitations on people's activities, business activities, large gatherings and use of social distancing and masks decreases the risk of COVID-19 transmission to our most vulnerable populations and is especially important for people who are over 65 years old and those with chronic health conditions due to their higher risk of severe illness and death from COVID-19. This Order will continue to reduce the likelihood that many individuals will be exposed to COVID-19 at a single event and will therefore continue to slow the spread of COVID-19 in our communities. CCPH is monitoring the spread of COVID-19 and the Public Health Director reserves the right to tighten restrictions in future orders should protection of the public health and welfare necessitate such measures.

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 Chaffee 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.

This Order continues to reflect the requirements of CDPHE's Public Health Order 20-36 implementing a COVID-19 dial, as amended. Nothing in the Governor's Executive Orders or CDPHE Public Health Orders prevent a local public authority from issuing an Order more protective of public health. Any restrictions in this Order that are more protective of the public health and welfare will prevail over any state Executive or CDPHE order that are less protective of the public health and welfare.

This Order shall apply to all unincorporated areas of Chaffee County, Colorado and all incorporated (municipal) areas that do not have their own public health agency: City of Salida, Town of Poncha Springs and Town of Buena Vista. This Order applies equally to persons within the boundaries of Chaffee County, Colorado, regardless of their city, state or country of origin.

The provisions of this Order are necessary and are the least restrictive means available to continue to adequately protect the public health. 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.

INTENT

This Order sets forth the requirements for implementation of Safer at Home, as directed by Governor Polis and to direct and support Chaffee County's COVID-19 response efforts. Chaffee County is committed to the "five commitments of containment" consisting of:

1. Maintaining 6 feet of physical distance;
2. Washing hands often;
3. Properly wearing face coverings in public;
4. Requiring testing if we have symptoms; and
5. Staying home when sick.

Individual restrictions remain in place concerning limitations on activities, travel, and public gatherings. Workplace restrictions remain necessary to implement standard **Social Distancing Requirements**, cleaning standards, and other items necessary to reduce the possibility of disease spread and overwhelming the health care system. Businesses are encouraged to follow the CDPHE guidance by business sector. If there are any discrepancies between this Order and CDPHE guidance, this Order shall govern.

ORDER

I. COVID DIAL – Individual Requirements

- A. All individuals currently living within Chaffee County are encouraged to stay at home or in the vast, great outdoors and avoid unnecessary interactions whenever possible in order to reduce the spread of disease. Individuals living in shared or outdoor spaces must at all times, to the greatest extent possible, comply with **Social Distancing Requirements**, and are encouraged to leave their residences only to perform or utilize **Necessary Activities or Necessary Travel**.
- B. Except as more specifically provided herein, all individuals in Chaffee County are strongly urged to wear face coverings that cover the nose and mouth whenever in public. Except, all individuals are required to wear face coverings whenever one of the following conditions are met: (i) there's a possibility of public interaction (a physical distance of less than six-feet; or (ii) when in someone else's home, business or organization (employees of such business or organization may remove their face covering when they are at a physical distance of at least six-feet from another person); or (iii) when coming into contact with high-touch surfaces in public. When in public, individuals should have a face covering available and be prepared to properly use it when coming within six-feet of others.
 1. Face coverings are not required for individuals:
 - a. With a documented medical condition that prohibits an individual from wearing a mask.
 - b. Individuals ten years old and younger.
 2. Individuals performing the following activities are exempt from the face covering requirements while the activity is being performed:
 - a. 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;

- b. Individuals who are seated at a food service establishment;
 - c. Individuals who are exercising alone or with others from the individual's household and a face covering would interfere with the activity;
 - d. Individuals who are receiving a personal service where the temporary removal of the face covering is necessary to perform the service;
 - e. Individuals who enter a business or receive services and are asked to temporarily remove a face covering for identification purposes;
 - f. Individuals who are actively engaged in a public safety role such as law enforcement, firefighters, or emergency medical personnel;
 - g. Individuals who are officiating at a religious service; or
 - h. Individuals who are giving a speech for broadcast or an audience.
- C. All public and private gatherings or events occurring inside or outside a residence are limited to no more than ten individuals from up to two households, except as provided by CDPHE Order 20-36. Nothing in this Order prohibits the gathering of members living in the same residence.
- D. People at risk of severe illness from COVID-19 are urged to stay in their residence at all times except as necessary to seek medical care. People who are sick must stay in their residence at all times except as necessary to seek medical care, and must not go to work.
- E. Individuals who are sick or are experiencing any symptom of COVID-19 or have participated in high-risk activities (e.g. events without social distancing or mask requirements) should get tested for COVID-19. If an individual has tested positive for COVID-19 and/or has developed any symptom of COVID-19, including early or mild symptoms (such as cough and shortness of breath), they should be in isolation (staying away from others) until they have had no fever for at least 24 to 72 hours without the use of medicine that reduces fevers, other symptoms have improved (such as cough or shortness of breath), and at least ten days have passed since symptoms first appeared. A limited number of people with severe illness may require longer isolation. Coloradans who are sick and receive negative COVID-19 test results should continue to stay home while they are sick and should consult with their healthcare provider about the need for additional testing and the appropriate time to resume normal activities.
- F. Individuals who have tested positive for COVID-19 must comply with CCPH's case and outbreak investigations, 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 reasonably necessary for CCPH to investigate and control the spread of COVID-19.

- G. All open businesses must comply with case and outbreak investigations, including but not limited to providing names and contact information for employees, customers, or guests that have COVID-19, were a close contact to someone with COVID-19 or otherwise requested by CCPH to investigate and control the spread of COVID-19.
- H. People experiencing homelessness are strongly urged to obtain shelter and entities are strongly urged to make shelter available as soon as possible and to the maximum extent practicable. People experiencing homelessness must comply with **Social Distancing Requirements**, at all times.
- I. Except for critical business or critical operations of the county, individuals are strongly encouraged to limit travel to **Necessary Travel**, as defined by CDPHE Order 20-36. People must use public transit only as provided for in CDPHE Order 20-36. Individuals who have engaged in out of county **Non-Necessary Travel**, are strongly encouraged to voluntarily self-quarantine (staying home and away from others) for at least 10 days or until 7 days if they are asymptomatic and have a negative test result. If an individual experiences COVID-19 symptoms, they should follow the requirements of I.E.
- J. Colorado is still subject to a statewide mask mandate outlined in Executive Order D 2021 007. All individuals subject to Executive Order D 2021 007 are required to wear a mask unless granted a variance by CCPH or CDPHE.

II. BUSINESS AND ACTIVITY REQUIREMENTS

Business and activity requirements must comply with Executive Order D 2020 235 as amended, and CDPHE Order 20-36. This Order incorporates the definitions set forth in CDPHE Order 20-36. The current Chaffee County Dial level may be found at <https://covid19.colorado.gov/data/covid-19-dial-dashboard>. Businesses and activities not addressed in Executive Order D 2020 235 as amended, CDPHE Order 20-36 or corresponding interpretive guidance may operate with 10 or fewer individuals per room in accordance with the requirements of CDPHE Order 20-36 and the general requirements set forth in this Order.

- A. All business and government functions, children's day camps, residential camps and youth sports camps, and houses of worship must obtain a Certificate of Safety from the Chaffee County Public Health Department indicating adherence to five commitments proven to help curb the pandemic, namely:
 - 1. Maintaining 6 feet of physical distance;
 - 2. Washing hands often;
 - 3. Properly wearing face coverings in public;
 - 4. Requiring testing if employees have any symptom of COVID-19; and
 - 5. Requiring employees and patrons to stay home when sick.
- B. Virtual services for all indoor places of worship are strongly recommended.
- C. Event capacity and distancing requirements shall be as set forth in the Level Restrictions in accordance with the current status of Chaffee County on the Colorado COVID Dial. The Colorado COVID Dial may be found at <https://covid19.colorado.gov/data/covid-19-dial-dashboard>. In-person events are highly discouraged during the pandemic.
- D. Non-school-related group sports and activities shall follow the capacity restrictions as set forth in the current Colorado COVID-19 Dial.
- E. Group sizes for those seated together at a restaurant or sporting event must not exceed a total of six (6) individuals.
- F. Businesses are encouraged to utilize remote work whenever possible. If in-person work is required, businesses are encouraged to stagger shifts in order to reduce the number of individuals working together in-person.
- G. Except for critical business or critical operations of the county, voluntary, 10-day self-quarantine (or 7 days with a negative test result) is strongly recommended whenever unnecessary, out-of-county travel or participation in a risky activity occurs.

- H. Chaffee County is tasked with protecting the health and welfare of the citizens of Chaffee 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.
- I. Any person aggrieved and affected by this Order has the right to request judicial review by filing an action with the Chaffee 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.
- J. If any provision of this Order to the application thereof to any person or circumstance 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. To this end, the provisions of this Order are severable.
- K. More information on the restrictions under the current COVID-19 Dial may be found at <https://covid19.colorado.gov/covid-19-dial>.
- L. This Order is in effect and will continue to be in effect until midnight Mountain time March 13, 2021, unless extended, rescinded, superseded, or amended in writing. The Colorado Department of Public Health and Environment is continuing to monitor the Chaffee County metrics and may require the county to move to a more-restrictive level at any time.
- M. **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.**



Andrea Carlstrom

February 12, 2021

STATE OF COLORADO, CHAFFEE COUNTY
ATTEST:

Chaffee County Clerk