



SUMMIT COUNTY PUBLIC HEALTH

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FEBRUARY 12, 2021

AMENDED AND RESTATED STANDING PUBLIC HEALTH ORDER

REGARDING THE COVID-19 PANDEMIC

FOR SUMMIT COUNTY, COLORADO

1. Purpose, Effective Area. This Amended and Restated Public Health Order is being issued to limit the health impacts of COVID-19. This Order sets forth requirements and guidelines for group gatherings, business operations, personal responsibility, and additional guidance to slow the spread of COVID-19. This Order is effective within the entirety of Summit County, including all towns within the County.

2. Effective Date and Time, Limitations. The Public Health Order will become effective at 12:01 a.m. on February 13, 2021, unless otherwise specifically provided for herein, and will remain in effect until 11:59 p.m. March 31, 2021 unless extended, rescinded, superseded, or amended in writing.

3. Findings and Intent. As of February 12, 2021, there are 409,683 known cases of COVID-19 in Colorado; 22,655 Coloradans have been hospitalized and 5,568 Coloradans have died due to COVID-19.

The Summit County One-Week Cumulative Incidence continues to remain in the Level Orange: High Risk level on the Colorado Public Health & Environment Dial 2.0 with 409.9 cases per 100,000 people. As of February 12, 2021, the county reported an 8.8 percent rolling one-week average positivity rate.

There is clear evidence that some individuals who contract COVID-19 have no symptoms or have very mild symptoms, which means they are likely unaware they carry the virus. Asymptomatic individuals can transmit the disease, and evidence shows the disease is easily spread, so gatherings of people facilitate transmission of COVID-19.

The Public Health Director finds that, in the absence of a widely available vaccine and/or treatment, we must use other tools, such as physical distancing and face coverings, to mitigate the spread of COVID-19 to protect health and save lives.

The intent of this Order is to minimize contact among individuals and reduce the public's exposure to the novel coronavirus in an effort to prevent further restrictions and closures being imposed upon the county by the State. The State maintains the authority to move counties

quickly to other dial levels as defined in the State public health order and to move a county more than one level at a time. The State continues to recommend that counties like Summit remain diligent in taking steps to lessen the spread of COVID-19.

4. Legal Authority. This Order is adopted pursuant to the legal authority set forth in sections 25-1-506 and 25-1-508, 25-1-509, Colorado Revised Statutes as well as all other applicable laws, rules, regulations, orders and declarations. Under this authority, the Summit County Public Health Director has the duty to investigate and control the causes of the epidemic or communicable diseases and conditions affecting public health; to establish, maintain, and enforce isolation and quarantine; to exercise physical control over the property and over the persons of the people within the territorial limits of Summit County; and to prohibit the gatherings of people to protect the public health; all as the Public Health Director may find necessary for the protection of the public health. Issuance of this Order is deemed reasonable under the existing circumstances and necessary for the immediate preservation of the public health, safety and welfare.

5. Most Restrictive Standard Controls. To the extent any State and/or Federal orders or laws are more restrictive than what is set forth herein, such orders control. Individuals should be aware that new orders from Governor Polis and the Colorado Department of Public Health and Environment (CDPHE) are being issued on a regular basis, and all members of the public are responsible for following the Governor's orders, CDPHE orders, and local orders. The more restrictive Summit County provisions expressly provided below shall control; except as may otherwise be determined by judicial order.

6. Incorporation of State Orders. All Executive Orders issued by the Governor and all CDPHE Public Health Orders are hereby adopted and deemed incorporated herein. This Amended and Restated Public Health Order is intended to clarify and harmonize this Summit County Public Health Order with all of the State's orders.

For purposes of this order, the term "Physical Distancing Requirements" shall have the same meaning as the State defined term "Social Distancing Requirements".

7. Compliance with State Orders. In order to safely open and operate, businesses and other entities allowed to operate must comply with all Executive Orders issued by the Governor, all CDPHE Public Health Orders and all State Guidance applicable to such operations.

8. Level Orange. Pursuant to the CDPHE Sixth Amended Public Health Order 20-36 COVID-19 Dial dated February 5, 2021, as subsequently amended and hereafter referred to as "CDPHE PHO 20-36, Summit County remains in Level Orange: High Risk. Summit County must comply with all requirements regarding Level Orange in CDPHE PHO 20-36 and applicable State guidance. The CDPHE PHO 20-36 can be found [here](#). An explanation of capacity restrictions at each level of the CDPHE 20-36 can be found [here](#). Sector specific guidance can be found [here](#).

9. Six Commitments of Containment. Preventing a resurgence of COVID-19 in Summit County requires all individuals and businesses to comply with the mandatory provisions of this Order. In addition, all persons in Summit County are strongly encouraged to assume additional personal responsibility and adopt the Six Commitments of Containment to keep transmission of illness low. These are:

- a. I will maintain 6 feet of physical distance from other individuals.
 - i. Physical distance is one of the most effective COVID-19 prevention measures.
 - ii. I will keep this distance from any person who is not from my household.
- b. I will wash my hands frequently and thoroughly for at least 20 seconds.
 - i. Hand washing is especially important after visiting public settings and businesses and before eating or touching my face.
- c. I will cover my face in public.
 - i. I will wear a face covering whenever I am outside and may not be able to maintain 6 feet of physical distance from others.
 - ii. I will wear a face covering whenever I am in indoor areas open to the public.
 - iii. Face coverings are not a substitute for maintaining physical distance.
- d. I will stay home when I am sick.
 - i. Isolating myself from others, including household members, will help protect others and limit the spread.
- e. I will get tested immediately if I have COVID-19 symptoms.
 - i. Testing early after COVID-19 symptoms develop can provide valuable information to help prevent spreading COVID-19 to other people and to inform public health officials about the extent of disease spread in the community.
- f. I will get a flu shot.
 - i. A flu shot is recommended every year. Additionally, with the unpredictability circulating at the same time as the flu, the best measure is to decrease the possible impacts on the respiratory system, including preventing the flu. The flu vaccine not only reduces the risk of illness but can prevent hospitalizations and deaths.
 - ii. Getting the flu shot also helps conserve potentially scarce health care resources during this pandemic.

10. Physical Distancing Protocol (formerly known as Social Distancing Protocol).

a. All Critical Businesses, Critical Government Functions, Non-Critical Office Based Businesses, Critical and Non-Critical Retail, Limited Healthcare Settings, Restaurants, Houses of Worship, Non-Critical Manufacturing, Personal Services, Outdoor Recreation,

Personal Recreation, Children’s Day Camps, Youth Sports Day Camps and Exempt Single Skill Building Youth Camps, prior to performing operations or services, shall complete the online Summit County Business Physical Distancing Protocol Form (PDP Form). The completed form must be posted at or near the entrance of the establishment and shall be easily viewable by employees, customers, clients and others on site. The completed form must also be posted on the establishment’s website, if the establishment has a website.

b. All of the businesses or other enterprises referenced in subsection (a) above shall also comply with all applicable Governor’s order, CDPHE orders, and DORA and State rules, regulations and mandatory guidance documents.

11. Limitations on Public and Private Gatherings

a. Pursuant to Section II.E. of the CDPHE PHO 20-36, public and private gatherings are limited to no more than 10 individuals from no more than 2 households when not otherwise regulated as a specific section or activity in Section III of the CDPHE PHO 20-36. Nothing in this Order prohibits the gathering of members living in the same residence. Individuals at risk of Severe Illness from COVID-19 are strongly advised to remain at home as much as possible.

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).

12. Requirements for Short-Term Lodging Operations. Owners and/or entities responsible for the booking and renting of short-term lodging units must confirm renters are aware of and are in compliance with the gathering size limits mandating by CDPHE PHO 20-36. Such confirmation may occur by requiring renters sign, initial, or check-mark a hard copy or digital document indicating they are aware of and in compliance with the gathering size limits.

13. Limitations on Restaurants and Bars that are not 5 Star Certified

a. Pursuant to CDPHE PHO 20-36, Restaurants (as defined therein) may operate at 25% of the posted occupancy limit indoors not to exceed 50 people, excluding staff, whichever is less, per room. Restaurants may also use any existing, licensed outdoor space for in-person dining. Dining parties are limited to a group limit of 10 individuals from no more than 2 households. Patrons in different parties must be a minimum space of 6 feet apart. Open seating is strongly discouraged unless minimum spacing between parties can be effectively maintained at all times. Restaurants must have or obtain approval from their local government’s permitting, building and fire code oversight agency for any new outdoor dining space prior to use.

b. All on-premises licensees licensed under Article 2, 4, and 5 of Title 44 of the Colorado Revised Statutes must cease all alcohol beverage sales, service, possession, and consumption to end consumers (including employees) for on-premises consumption between 10:00 p.m. and 7:00 a.m. daily. Takeout alcohol sales may continue until 10:00 p.m. so long as beverages are not consumed on the premises.

c. Restaurants must confirm patrons are aware of, and are in compliance with, the dining party group limits specified in paragraph 13(a). Such confirmation may occur by requiring at least one member of each household within a party sign, initial, or check-mark a hard copy or digital document indicating they are aware of and in compliance with the gathering size limits.

14. COVID-19 5 Star State Certification Program. CDPHE has approved Summit County's 5 Star State Certification Program ("5 Star Program"). The 5 Star Program encourages businesses to implement safety measures beyond what is already required to accelerate their reopening. Any eligible business that receives a 5 Star Program certification from Summit County Public Health will be required to follow all applicable 5 Star Program requirements, Governor's orders, CDPHE orders, DORA and State rules, regulations and mandatory guidance documents.

15. Limitations on 5 Star Program Restaurants and Bars

a. Pursuant to CDPHE PHO 20-36, Restaurants (as defined therein) that have been certified for the Summit County 5 Star Program may operate with the capacity restrictions of the next less restrictive level for their business sector (e.g. Level Orange instead of Level Red) in compliance with local and state public health orders. Dining parties continue to be limited to a group limit of 10 individuals from no more than 2 households. Patrons in different parties must be a minimum space of 6 feet apart. Open seating is strongly discouraged unless minimum spacing between parties can be effectively maintained at all times. Restaurants must have or obtain approval from their local government's permitting, building and fire code oversight agency for any new outdoor dining space prior to use.

b. All 5 Star Program certified on-premises licensees licensed under Article 2, 4, and 5 of Title 44 of the Colorado Revised Statutes must cease all alcohol beverage **sales** to end consumers (including employees) for on-premises consumption between 10:00 p.m. and 7:00 a.m. daily. All **possession and consumption** of alcohol beverages by end consumers (including employees) on-premises must cease by 10:30 p.m. Takeout alcohol sales may continue until 10:00 p.m. so long as beverages are not consumed on the premises.

c. Restaurants must confirm patrons are aware of, and are in compliance with, the dining party group limits specified in paragraph 15(a). Such confirmation may occur by requiring at least one member of each household within a party sign, initial, or check-mark a hard copy or digital document indicating they are aware of and in compliance with the gathering size limits.

16. Ski Resorts. In accordance with Section III.S. of the CDPHE PHO 20-36 and as a result of the move to Level Orange, local ski areas are permitted to operate in accordance with their originally approved COVID-19 operating plans.

17. Employee Health Surveillance for Restaurant and Lodging Workers. All Restaurants, Bars and other places of public accommodation permitted to offer food and beverages for on-site consumption pursuant to the CDPHE PHO 20-36 as amended and all lodging operators shall maintain a record of the following employee information, for the purposes of contact tracing activities in the event of a suspected or confirmed outbreak of COVID-19:

- a. Current contact information for all employees,
- b. Dates of all shifts worked by all employees, dating back to re-opening, and
- c. Other known places of employment for each employee.

18. Public Transportation Services.

a. Agencies or individuals providing public transportation, including rideshares, taxis, ski resort buses and shuttles must follow the CDPHE COVID-19 Guidelines for Public Transportation Providers as may be amended. Appropriate Physical Distancing Requirements and other administrative operational directives and permissions may be issued by the Summit County Public Health Department; members of the same household may sit together.

b. All transportation services riders and operators ages 3 and older must wear face coverings at all times except as otherwise exempted in Section 20 of this Order and follow appropriate Physical Distancing Requirements to the greatest extent possible.

19. Construction Site Health Protection. All construction activities must adhere to the Summit County Building Department COVID-19 Policies and Procedures or the equivalent document within the applicable jurisdiction.

20. Face Coverings.

- a. Individuals must wear face coverings that cover nose and mouth whenever:
 - i. Within indoor areas open to the general public or
 - ii. Outdoors whenever at least 6 feet of separation cannot be maintained among all individuals.
 - iii. Exceptions: cloth face coverings do not need to be worn by persons who are consuming food or beverages, young children under the age of 2, persons with medical conditions that make it difficult to breathe or

persons otherwise unable to remove the mask without assistance.

b. In order to ensure that sufficient supplies of medical face masks are available to health care workers, members of the public are strongly encouraged to use non-medical cloth face coverings, unless a medical face mask is medically necessary.

c. In accordance with Governor Polis' Executive Order D 2020 219, as amended, employers and operators of places of public accommodation, and those authorized on their behalf, shall have discretion to deny admittance or service and require the removal of any individual who fails to wear a medical or non-medical face covering. Such action shall be applied in a manner consistent with the American Disabilities Act (42 U.S.C. § 12101 *et seq.*), Title VII of the Civil Rights Act (42 U.S.C. § 2000e *et seq.*), the Colorado Anti-Discrimination Act (C.R.S. § 24-34-401 *et seq.*), and any other relevant federal or state law.

21. Additional Information, Recommendations and Requirements for all Persons.

a. Importance of Public Actions: These actions are some of the most readily available and effective tools to help slow the spread of the virus in our community – and, importantly, to reduce the number of potential deaths caused by COVID-19. By slowing the spread, we protect our family, friends, and neighbors. In particular, this includes all adults over age 65 and anyone with an underlying health condition.


These actions will limit the cascading impacts on critical services due to high absenteeism if large numbers of workers become ill. This Order and the actions required or recommended herein will help hospitals, first responders, and other health care services continue to provide services for those who need them (along with utilities, human services, and businesses) in the coming months. Collective action can save lives and is in support of the most vulnerable in our community. The more united we can be in preventing the spread, the greater the benefit for the whole community.

b. Importance of Business Actions: The actions listed in this Order, as well as those outlined in the Summit County Business Physical Distancing Protocol Form and in the State of Colorado Public Health Order, are some of the most readily available and effective tools to help slow the spread of the virus in our community – and, importantly, to reduce the number of hospitalizations and deaths caused by COVID-19. By slowing the spread, businesses protect their workers and customers and our local economy.

Businesses shall not require, incentivize, encourage or coerce employees, contractors or subcontractors into risking their health by violating this Order, including by working while sick, working without a face covering, working in close quarters with others, or working without proper protective equipment or protocols.

Businesses are strongly encouraged to be supportive of employees who are ordered to self-isolate or quarantine, including by paying them to stay home. Summit County Public Health may publish information about any outbreak at a business so that the public is aware of the extent and nature of disease spread in the community.

22. Penalties. Failure to comply with this Order is subject to the penalties contained in Section 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 (18) months.

By: 
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Summit County Public Health Director
February 12, 2021