



SUMMIT COUNTY PUBLIC HEALTH

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NOVEMBER 13, 2020

**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 November 14, 2020, unless otherwise specifically provided for herein, and will remain in effect until 11:59 p.m. November 30, 2020, unless extended, rescinded, superseded, or amended in writing.
- 3. Findings and Intent.** As of November 14, 2020, there are 147,599 known cases of COVID-19 in Colorado; 10,597 Coloradans have been hospitalized and 2,468 Coloradans have died from COVID-19.

The Summit County Two-Week Cumulative Incidence is in the red Stay at Home level on the Colorado Public Health & Environment dial with 1,075 cases per 100,000 people. The Summit County testing positivity rate continues to climb as well despite an increase in overall testing. As of November 13, 2020, the county reported a 16.3 percent rolling 14-day average positivity rate. These numbers continue to raise despite extra mitigation measures previously put in place.

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.

Summit County continues to see a growing trend in outbreaks in its resident population associated with gatherings, activities at restaurants and office-based business operations. 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 notified all local public health agencies on October 23, 2020 that they may move counties more quickly to other dial levels as defined in the State public health order, than previously communicated and that they move a county more than one level at a time. The State also recommended that counties like Summit rapidly implement the strongest mitigation plan possible.

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: Safer at Home High Risk. Pursuant to CDPHE Public Health Order 20-36 COVID-19 Dial, a subsequently amended and hereafter referred to as "CDPHE PHO 20-36", effective November 6, 2020 at 5:00 p.m., CDPHE will move Summit County to Level Orange:

Safer at Home High Risk. Summit County must comply with all requirements regarding Level Orange in CDPHE PHO 20-36 and applicable State guidance.

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.
 - ii. I will wear a face covering whenever I am outside and may not be able to maintain 6 feet of physical distance from others.
 - iii. I will wear a face covering whenever I am in indoor areas open to the public.
 - iv. 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 Critical Retail establishments as defined in Section 4 of Appendix (A) of CDPHE Public Health Order 20-36, as may be hereafter amended, shall comply with a maximum capacity limit of no more than one person per 100 square feet of Net Floor Area of indoor public space. The Net Floor Area of a business or other enterprise shall be established by deducting the square footage of any shelving, equipment, displays, or other areas that may not be occupied by persons, from the gross indoor public square footage of the business or other enterprise. The capacity limit shall then be calculated by dividing the Net Floor Area by 100 and that capacity limit shall be included in the PDP Form referenced in subsection (a) above.

i. Critical Retail establishments are encouraged to limit the size of shopping parties to further reduce in-store congestion and to reduce both interior and exterior lines by allowing individual and smaller shopping parties improved access into and within the establishments and promoting higher shopper turnover.

ii. Where possible Critical Retail establishments and their customers are encouraged to utilize the online shopping and pick-up services to reduce visits within the establishments.

c. 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. Public and private gatherings, as defined by the CDPHE PHO 20-36 when not otherwise regulated as a specific sector or activity in Section III of the CDPHE PHO 20-36 are limited to:

i. No more than **6** individuals indoors from no more than 2 households.

ii. No more than **10** individuals outdoors from no more than 2 households.

iii. No more than **10** individuals indoors and/or outdoors from no more than 2 households at short term lodging operations.

b. 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. Public and Private Gathering Prohibited between 10:00 p.m. and 5:00 a.m.

a. Between the hours of 10:00 p.m. and 5:00 a.m. all public and private gatherings as defined by the CDPHE PHO 20-36, are prohibited except for the limited purposes expressly permitted in this Order or in Section III of the CDPHE PHO 20-36. During the aforementioned times, all individuals are requested to Stay at Home as defined in CDPHE PHO 20-36 section IV.V, whenever possible. Individuals living in a shared spaces should at all times, to the greatest extent possible comply with Physical Distancing Requirements.

b. These gathering restrictions shall not apply to the following:

i. Persons engaged in religious activity or exercising rights protected by the First Amendment of the United States Constitution, or going to or returning from any such activity.

13. Limitations on Indoor and Outdoor Events

a. Indoor Events means activities like receptions, events, concerts, indoor markets, indoor malls, non-critical auctions, theaters, trade shows, or other indoor venues not covered in other sectors listed in the CDPHE PHO 20-36 or this Order; for example, the term Indoor Events does not include Restaurants or Houses of Worship that are specifically covered under delineated sectors of the CDPHE PHO 20-36. Indoor Events must follow all requirements in the CDPHE PHO 20-36 and all other applicable guidance.

i. Indoor Events may allow may operate at 25% of the posted occupancy limit not to exceed **25** people excluding staff, whichever is less within their usable space calculated using the [CDPHE Distancing Space Calculator](#) per room, unless the event is a seated event as described in the CDPHE PHO 20-35 Appendix I, where the attendees have minimal movement, such as purchasing concessions or using the restroom facilities, the calculations of the available space may be based on 6 feet distancing between non-household contacts and does not require the use of the calculator.

b. Outdoor Events means events such as outdoor receptions, events, fairs, rodeos, non-critical auctions, concerts, outdoor markets, or other outdoor venues not covered in any

other sector in the CDPHE PHO 20-36 or this Order. This does not include activities covered under delineated sectors of the CDPHE PHO 20-36 such as Restaurants, Houses of Worship, or Outdoor Guided Tours. Outdoor Events must follow all requirements in the CDPHE PHO 20-35 and all other applicable guidance.

- i. Outdoor Events may operate at 25% of the posted occupancy limit not to exceed **75** people excluding staff, whichever is less, within their usable space calculated using the [CDPHE Distancing Space Calculator](#), excluding staff, per designated activity or area, unless the event is a seated event as described in the CDPHE PHO 20-36 Appendix I, where the attendees have minimal movement, such as purchasing concessions or using the restroom facilities, the calculations of the available space may be based on 6 feet distancing between non-household contacts and does not require the use of the calculator.

14. Requirements for Short-Term Lodging Operations

- a. Owners and/or entities responsible for the booking and renting of short-term lodging units must validate and confirm the identity and group size of all renters upon arrival to ensure compliance with this Order.

15. Hours of Operation for Restaurants and Bars

- a. 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, must close for on-site consumption and occupancy by 9:30 p.m. daily. This closure applies to both outside dining and indoor dining. Establishments are strongly encouraged to implement protocols to insure that all patrons have left the premises by 9:30 p.m. to ensure compliance with Section 12 of this Order.

- b. Beginning at 9:30 p.m. daily, all on-premises licensees licensed under Articles 3, 4, 5 of Title 44 of the Colorado Revised Statutes, must cease all alcohol sales, service, possession and consumption on premise.

- c. Restaurants, Bars and other places of accommodation permitted to offer food and beverages for on-site consumption pursuant to the CDPHE PHO 20-36, as amended, in addition to all other requirements, must limit party size to **6** people or fewer and a maximum of 2 households.

16. 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 20-35 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.

17. 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 19 of this Order and follow appropriate Physical Distancing Requirements to the greatest extent possible.

c. Public transportation providers may increase bus capacity to 50% as long as the following criteria are followed:

- i. Institute a “windows open” policy. For buses that do not have operable windows, an air circulation system that includes HEPA filtration or fresh air supply must be running continuously during operations to create frequent turnover of air within the bus.
- ii. Barriers, such as Plexiglas shields, are encouraged to be constructed around the driver (especially in cases where front door loading is necessary).
- iii. All other CDPHE COVID-19 Guidelines for Public Transportation Providers are followed or exceeded, including enhanced cleaning/disinfecting of surfaces.

18. 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.

19. Face Coverings.

- a. Individuals must wear face coverings that cover nose and mouth whenever:
 - i. In 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.

20. 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.

21. 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:  _____
Amy Wineland, RN, MSN, ND, CPNP
Summit County Public Health Director
November 13, 2020