MARCH 18, 2020

STANDING PUBLIC HEALTH ORDER
RELATED TO EVENTS, BARS, AND RESTAURANTS

This Order supersedes the Standing Public Health Order Related to Events dated March 13, 2020 and sets forth guidance and requirements for, as well as limitations on, group gatherings to slow the spread of the COVID-19 virus. Pursuant to section 25-1-506 (2)(a)(I), Colorado Revised Statutes, this Order is effective immediately within the entirety of Eagle County, including all towns within the County, until April 16, 2020.

On March 6, 2020, Eagle County declared a Local Disaster Emergency related to 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 Eagle County. The spread of the illness continues in Eagle County despite the Colorado Governor’s recent Executive Order closing ski resorts and local Public Health Orders limiting events. As of March 16, 2020, the federal government is also urging that groups be limited to 10 persons and is urging against visiting restaurants, bars, and food courts.

The age, condition, and health of a significant portion of the population in Eagle 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 the size of gatherings, and the prohibition on events at restaurants, and bars, as well as the 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 local 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. All Events in Eagle County, including in all towns, must follow the requirements stated herein.

I. PURPOSE AND INTENT

The purpose of this Order is to limit most activities to 10 or fewer people to achieve adequate social distancing to slow the spread of COVID-19 in the community. This Order should not be construed to prohibit business or retail operations, but such activities may be subject to the limits on number of attendees and risk mitigation measures set forth in Section IV, below.

II. EXEMPTION FOR ESSENTIAL SERVICES

The following are exempt from most of the restrictions in this Order because they are deemed essential services necessary for the community to continue to function and the
closure of which would present health, safety, and welfare concerns for the citizens of Eagle County. That means that the limits on number of people or prohibitions on operation do not apply, but each should still adhere to the requirements in Section IV(C)(1) through (5) below to the extent practicable:

A. Schools and childcare facilities;

B. Public and private transit services, including buses and commercial air travel, except that appropriate social distancing should occur;

C. Municipal, County, and District Courts;

D. Post offices and shipping centers;

E. Gatherings of federal, state, local, and special district employees; law enforcement, fire, and emergency medical services providers; employees of public utilities or utility service providers (e.g., electric utility providers, internet service providers, water and sewer service providers); medical service providers (e.g., hospitals, doctor’s offices, veterinarians, medical clinics, dental offices, physical therapists, mental health care providers, pharmacies, chiropractors, and the like) as long as customers are not within 6 feet of each other for more than 10 minutes;

F. Gatherings of employees at residential or commercial construction sites, so long as appropriate social distancing occurs;

G. Places of public accommodation that offer food and beverage not for on-premises consumption, including those that offer take-out or delivery service of food, grocery stores (e.g., Safeway, City Market, or similar stores), discount department stores (Walmart, Costco, Family Dollar, and similar stores), convenience stores, outdoor markets, pharmacies, drug stores, and food pantries (except for those portions of the place of public accommodation, such as dining areas, that are subject to the requirements of Section IV), below;
H. Financial institutions, gas stations, auto repair service centers, auto parts stores, hardware stores, building supply stores, and pet food stores;

I. Hotels, motels, employee housing, room service in hotels;

J. Health care facilities, residential care facilities, congregate care facilities, adult and juvenile justice facilities; crisis shelters or similar institutions; and

K. Waste removal services;

L. Any emergency facilities necessary for the response to the COVID-19 pandemic.

III. DEFINITIONS

This Order applies to all “Events.” For purposes of this Order:

An “Event” is an indoor or outdoor gathering for business, social, or recreational activities, or a location that allows for such activities, including, but not limited to, community, civic, public, leisure, social, or sporting events; parades, concerts, festivals, assemblies, places of worship, weddings, birthday parties, block parties, playgrounds, conventions, and fundraisers; and similar activities or locations. An “Event” also includes business operations at retail stores, except those specifically exempted in Section II, above.

“Event” does not include regular employee attendance at places of employment that do not serve customers in person, as long as social distancing occurs, or to service technicians working in private homes.

“Event” does not apply to any of the exempted entities, businesses, or activities set forth in Section II, above.

“Event” does not include individual households.
IV. ORDER

A. All Events of more than ten (10) people or more are prohibited.

B. All Events at bars, taverns, taprooms, tasting rooms, brewpubs, distillery pubs, clubs, cigar bars, coffee houses, restaurants, gymnasiums, movie and performance theaters, concert halls, museums, music halls (collectively “places of public accommodation”), and similar establishments are prohibited, regardless of the number of attendees, except that such establishments may provide takeout and delivery of food, so long as they are otherwise in compliance with this Order.

i. For the avoidance of doubt, this means that such places of public accommodation hereby are closed, except for takeout and delivery food service.

ii. Service of alcohol by the drink at places of public accommodation is also prohibited, except that such facilities may sell alcohol on a package basis if not otherwise prohibited by law.

iii. A place of public accommodation may allow up to five members of the public at one time in the establishment for the purpose of picking up food or beverage orders, as long as social distancing of at least six feet occurs.

C. Events not specifically prohibited herein and that have fewer than ten (10) attendees, which includes both employees and attendees, are nonetheless prohibited unless the following steps are employed to mitigate risks:

1. Older adults (age 60 and older) and individuals with underlying medical conditions that are at increased risk of serious COVID-19 are encouraged not to attend (including employees).

2. 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 applicable guidance. Guidance is or soon will be available at www.eaglecounty.us/COVID19.

3. Employees must be screened for coronavirus symptoms each day and excluded if symptomatic.

4. Proper hand hygiene and sanitation must be readily available to all attendees and employees.

5. 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).

V. GENERAL INFORMATION FOR ALL PERSONS AFFECTED BY THIS ORDER

ECPHE is tasked with protecting the health and welfare of the citizens of Eagle 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 Eagle 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 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.


Heath Harmon
Public Health & Environment Director

Date
3.18.2020