



Department of
Public Health &
Environment

June 22, 2020

**AMENDMENT TO THE STANDING PUBLIC HEALTH ORDER FOR
PHASE 2 OF EAGLE COUNTY PLAN FOR SUSTAINING SOCIAL DISTANCE
DATED MAY 25, 2020**

This Order amends certain provisions of the Standing Public Health Order for Phase 2 of the Eagle County Plan for Sustaining Social Distance dated May 25, 2020 (the “Phase 2 Order”). All provisions in the Phase 2 Order that are not explicitly amended herein remain in full force and effect.

Pursuant to section 25-1-506 (2)(a)(I), Colorado Revised Statutes, this Order is effective as of June 22, 2020 within the entirety of Eagle County, including all towns within the County, until June 30, 2020.

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 Director of Eagle County Public Health and Environment (“ECPHE”) 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 persons in Eagle County, including in all towns, must follow the requirements stated herein.

Where this Order or applicable guidance of Eagle County conflicts with an Order or guidance provided by the State of Colorado, Eagle County’s Order or guidance

applies.

I. BACKGROUND, PURPOSE, AND INTENT

While Eagle County awaits a variance from the State to allow a Phase 3 (“Black Diamond”) Order, it has identified areas where it may loosen restrictions on certain gatherings for indoor events, outdoor events, and Short Term Lodging.

On June 18, 2020, the State of Colorado issued a Seventh Amended Public Health Order 20-28: Safer At Home and In the Vast, Great Outdoors, which increased the allowable size of gatherings for indoor and outdoor events that are under the State of Colorado’s jurisdiction. Eagle County’s original Phase 2 Order provides more restrictive limits on gathering sizes. This Amendment amends the Eagle County Phase 2 Order to increase the amount of persons that may gather at certain events to those limits set by the State.

In addition, the State’s June 18 Order does not impose occupancy restrictions on Short Term Lodging, as defined in the Phase 2 Order. Eagle County’s Phase 2 Order imposed a 50% occupancy restriction on Short Term Lodging. This Amendment removes that restriction.

II. AMENDMENT

A. Section IV(F)(3) of the Phase 2 Order, entitled “Provisions Applicable to Other Businesses and Facilities that May Remain Open or Reopen,” is amended to read as follows:

a. General Provisions.

i. Unless listed in Section IV(E) of this Order, Other Businesses and Facilities in Eagle County may remain open or reopen, provided they meet all applicable requirements in this Order.

- ii. No more than 50 customers, guests, and attendees together may gather at a facility, business, or at any event hosted by a facility or business, unless excepted below.
- iii. Exceptions:
 - A. Swimming pools with an appropriate disinfectant (e.g. chlorine or bromine) are not limited to 50 persons but rather to 50% of their otherwise allowable capacity or less as necessary to comply with the social distancing requirements in this Order.
 - B. For businesses not open to the public and that will not serve customers in person, the number of employees in a location is not limited to 50 employees where necessary to conduct business operations. Rather, a minimum six-foot distance must be maintained between employees and all other applicable social distancing requirements of this Order must be met.
 - C. For businesses with discreet and segregated areas of a building or facility, 50 persons may be in each discreet and segregated area provided they meet the minimum six-foot distance between all persons.
 - D. For indoor and outdoor events such as receptions, events, non-critical auctions, theaters, trade shows, markets, indoor malls, rodeos, fairs, festivals and parades or other indoor or outdoor events may operate in accordance with the following requirements:
 - 1. Outdoor venues may allow up to 175 customers, attendees, and guests, excluding staff, per designated activity as long as all other requirements in this Phase 2 Order are met.
 - 2. Indoor venues may allow up to 100 customers, attendees, and guests within their usable space, excluding staff, per room as long as all other requirements in this Phase 2 Order are met.
 - E. For businesses or facilities that conduct operations outdoors

other than “outdoor events,” as described in subsection D, immediately above, multiple groups of 50 persons are allowed, provided they meet the six-foot distance between each person and each group is distanced by no less than 20 feet.

- F. For Short Term Lodging the following provisions apply:
 - 1. Short Term lodging is not limited to 50 persons, and may fully open, as long as all other applicable provisions of this order are met.
 - 2. Short Term Lodging operators must inform guests about the restrictions in this Order, including by:
 - i. Providing all guests with information about the Five Commitments of Containment.
 - ii. Explaining the Special Provisions for Visitors in Section IV(D), above.
 - 3. Exception: Short Term Lodging that does not meet the requirements in this Section IV(F)(3)(b) must remain closed to guests.

ii. 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. EAGLE COUNTY PUBLIC HEALTH AND ENVIRONMENT ALSO RESERVES THE RIGHT TO SEEK ANY OTHER REMEDIES AVAILABLE BY LAW.

A handwritten signature in black ink, appearing to read "Heath Harmon", is positioned above a solid blue horizontal line.

Heath Harmon
Public Health & Environment Director