



Department of  
Public Health &  
Environment

**APRIL 27, 2020**

**STANDING PUBLIC HEALTH ORDER  
PHASE 1 OF EAGLE COUNTY PLAN FOR SUSTAINING SOCIAL DISTANCE**

This Order:

- Supersedes the Standing Public Health Order Related to Social Distancing, Gathering, and Business Operations dated April 6, 2020, as amended.
- Sets forth a protocol to begin lifting restrictions of previous health orders, while updating limitations on social distancing, gatherings, and the businesses and facilities that may remain open 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 as of April 27, 2020 within the entirety of Eagle County, including all towns within the County, until May 31, 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 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 persons in Eagle County, including in all towns, must follow the requirements stated herein.

## I. PURPOSE AND INTENT

Eagle County on April 16, 2020 requested exemptions from certain executive and public health orders of the Governor and the Colorado Department of Health and Environment (“CDPHE”). On April 23, 2020, Governor Polis and the Executive Director of CDPHE granted Eagle County’s exemption requests. This Order implements Phase 1 of the Eagle County Plan for Sustainable Social Distancing. The purpose of the Order is to lift restrictions associated with COVID-19 in an incremental fashion that prevents resurgence while allowing our community to begin the social and economic healing and recovery.

Preventing a resurgence will require that all individuals and businesses be responsible for adhering to the requirements in this Order. Should a resurgence appear likely based on a failure to adhere to this Order, restrictions on activities may be reinstated.

## II. DEFINITIONS

For purposes of this Order:

- A. A "Close Contact" is defined as a household member, intimate partner, someone that you may have shared a drinking glass or eating utensil with, or someone who has been within 6 feet of a person that is sick for a prolonged period of time (10 minutes or longer).
- B. “Essential Services and Businesses” are those businesses deemed necessary for the community to continue to function and for which strictly limiting the number of attendees would present health, safety, and welfare concerns for the citizens of Eagle County. A list of Essential Services and Businesses is attached as [Attachment A](#)<sup>1</sup>.
- C. “Local Residents” are those persons who own, maintain, or live in a home or residence in Eagle County. In addition:
  - 1. Persons living in areas of counties contiguous to Eagle County where

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<sup>1</sup> <https://tinyurl.com/ECEssentialServices>

Essential Services and Businesses are not readily available except in Eagle County are considered Local Residents for purposes of this Order.

2. For Parks, Open Spaces, or Open Lands in the Upper Colorado River area, “Local Residents” include residents of Grand and Routt Counties.
  3. For Parks, Open Spaces, or Open Lands in the Roaring Fork River area, “Local Residents” include residents of Garfield and Pitkin Counties.
- D. “Other Businesses” are those businesses not listed in [Attachment A](#)<sup>2</sup> or Section III(G).
- E. “Parks, Open Spaces, or Open Lands,” include outdoor recreational facilities without high-touch equipment, including without limitation parks, golf courses, disc golf courses, tennis courts, shooting and archery ranges, dog parks, picnic or barbecue areas, public rights of way, trailheads and trails, boat ramps and the rivers they access, individual campsites for dispersed camping on public lands outside of developed campgrounds in accordance with the rules, regulations, and requirements of the managing agency, and the parking facilities to access all such areas.
- F. “Restaurants and Bars” include bars, taverns, taprooms, tasting rooms, brewpubs, distillery pubs, clubs, cigar bars, restaurants, and similar establishments.
- G. “Recreational Areas with High-Touch Equipment” include without limitation playgrounds; rock parks and climbing walls; pools, saunas, and spas; and similar areas for recreational activity with equipment that is frequently touched and that is unable to be thoroughly cleaned before each use.
- H. “Self-Isolate” is specific to a person with illness and means to stay at home, maintain distance (minimum of 6 feet) away from other household members, do not share a bedroom or bathroom, wear a mask to cover your mouth and nose when in common areas within the household, and do not leave the home unless seeking medical care.

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<sup>2</sup> <https://tinyurl.com/ECEssentialServices>

- I. “Self-Quarantine” is specific to a person who does not have symptoms but has been exposed to someone confirmed to have COVID-19 or who is experiencing symptoms, and means to stay home, do not go to public places unless seeking medical care, and avoid contact with other people until the incubation period for COVID-19 is over, for 14 days.
- J. “Short Term Lodging” is the any lodging or lodging space for less than 30 days, and includes, without limitation, developed campgrounds that are not dispersed individual campsites, hotels, motels, Airbnb, VRBO, timeshares, bed and breakfasts, condo-hotels, lodges, and retreats.
- K. “Symptoms” are the symptoms of COVID-19 infection, and can include headache, sore throat, fever, dry cough, inability to taste and smell, shortness of breath, ear aches, body aches, diarrhea, fatigue, vomiting and abdominal pain.

### **III. ORDER**

#### **A. Isolation and Quarantine Requirements for Symptomatic Persons and Exposures**

1. Individuals experiencing symptoms of COVID-19 must Self-Isolate as defined in Section II, above, for a minimum of seven (7) days from the start of symptoms AND 72 hours until fever free (without the use of any fever-reducing medications), AND as long as symptoms are significantly improving. This includes people that have tested positive, people awaiting their test results, and people who have symptoms but have not been tested.
2. Individuals in close contact with someone with confirmed COVID-19 disease, or a person who has symptoms consistent with COVID-19 but who has not been tested, will Self-Quarantine, as defined in Section II, above, for 14 days at their place of residence. For healthcare workers and others responding to the COVID-19 pandemic, ECPHE will provide more specific guidance.

3. Employers do not need to and should not require negative test results or a medical release for anyone that has completed the Self-Isolation requirements in subsection (A)(1), above, or the Self-Quarantine requirements in subsection (A)(2), above, each as applicable.
4. In the event an employee has confirmed COVID-19 disease or has symptoms but was not tested, employers should not recommend testing for any other employees as a condition of employment.
5. Employers should not otherwise require a negative test result as a condition of employment.

**B. Limitations on Public and Private Gatherings for Individuals**

1. No more than 10 persons may gather together for any purpose, unless another provision of this order provides an exception. *See, for example*, Section III(H)(2), related to limitations on numbers of persons that may gather at businesses.
2. All persons gathering in groups of 10 or less must:
  - a. Adhere to social distancing requirements for individuals as set forth in Section III.C, below.
  - b. Not encourage or allow individuals that are not Local Residents to attend.

**C. Social Distancing Requirements for Non-Household Members**

1. To reduce the risk of disease transmission, individuals that are not household members must:
  - a. Maintain at least a six-foot distance from other individuals.
  - b. Keep a reasonable and safe distance from other groups of no less than 20 feet.
  - c. Not give handshakes or fist bumps.
  - d. Wash hands with soap and water for at least twenty seconds as frequently as possible or use hand sanitizer.

2. Non-medical, cloth face-coverings for the nose and mouth are strongly recommended for individuals to use when entering businesses or in areas where social distancing is required but cannot be adequately maintained.

**D. Travel into or within Eagle County Limited to Local Residents**

1. County-wide travel restrictions are in place. Travel into or around Eagle County is limited to Local Residents only.
2. Persons that are not Local Residents, as defined in Section II, above, should return home immediately.
3. Exceptions:
  - a. Persons that are not Local Residents may travel into or around Eagle County only as necessary to provide or obtain Essential Services or Businesses or for elective or or medical care.
  - b. Persons that are not Local Residents may travel through Eagle County to another destination outside of Eagle County only if the travel is otherwise in accordance with the orders of the State of Colorado and any other jurisdictions through which persons are traveling. Such persons may stop in Eagle County only for Essential Services or Businesses or to address an emergency.
  - c. The Director of ECPHE, or his designee, may provide a special exception to these restrictions where the Director confirms there is good cause for the exception.

**E. Limitations on Non-Essential Short Term Lodging**

1. Short Term Lodging operations are prohibited. Short Term Lodging units must be vacated through May 31, 2020.
2. Short Term Lodging operators must block out their online reservation calendars on all relevant platforms through May 31, 2020.

3. Exceptions:
  - a. Short Term Lodging units may be rented to persons traveling into, around, or through Eagle County if necessary for an Essential Service or Business or for emergency purposes or medical care.
  - b. Local Residents may remain in Short Term Lodging units.
  - c. Individuals experiencing symptoms or who are under a quarantine or isolation order from Eagle County Public Health may remain in Short Term Lodging until the order is lifted or it is safe for the individual to return home.
  - d. The Director of ECPHE, or his designee, may provide a special exception to the restrictions on Short Term Lodging where the Director determines there is good cause to do so.

**F. Limitations on Recreation Activities**

1. Outdoor recreation activity at Parks, Open Spaces, or Open Lands is limited to Local Residents.
2. For Local Residents participating in outdoor recreation activities:
  - a. All users, except members of a single household, must observe and adhere to the applicable Social Distancing requirements set forth in this Section III.
  - b. Any managing entity of land subject to this Section III(F) may implement measures necessary to ensure social distance requirements are easily met, including reducing crowding and other measures that further reduce risk of transmission of COVID-19. This may include but is not limited to restricting numbers of entrants, closing areas to vehicular access, or closure to all public access.
3. Using Recreational Areas with High-Touch Equipment, as defined in Section II, above, is prohibited and those areas are closed to public access.

## **G. Services and Businesses that Must Remain Closed**

1. The following businesses must remain closed while this Order is in place:
  - a. Any business or recreational facility that cannot meet the limitations in this order as to the number of employees, customers, guests, and attendees; cannot meet the social distancing requirements as set forth in Section III(H) below; or cannot control the interactions between people to ensure they meet the requirements of this Order.
  - b. Any businesses that exclusively serve populations that are at higher risk from COVID-19 disease, which includes older adults (age 60 and older) and individuals with underlying medical conditions.
  - c. Dine-in service at Restaurants and Bars.
  - d. Preschool through Grade 12 public or private schools, to the same extent as stated in Colorado Executive Order D 2020 007, as amended, or any subsequent COVID-19 order of the Governor or of CDHPHE that addresses school openings.
  - e. Businesses, or areas of businesses, that are either Recreation Areas with High-Touch Equipment, as defined in Section II, above, or are similar to such areas in that they provide access to high touch equipment that cannot be thoroughly cleaned before each use.

## **H. Open Businesses**

All open businesses must report to ECPHE any suspected or confirmed clusters of illnesses among employees where symptoms are consistent with COVID-19 as defined in Section II, above.

### **1. Provisions Applicable to Essential Services and Businesses**

- a. All Essential Services and Businesses in Eagle County, listed in



[Attachment A](#)<sup>3</sup>, are subject to the following restrictions:

- i. Essential Services and Businesses may exceed a total of 10 employees, customers, guests, or attendees as necessary for the health, safety, and welfare of, and to provide essential goods and services to, the community.
- ii. Essential Services and Businesses must adhere to the applicable social distancing requirements set forth in Section III(J), below.
- iii. Exception: Training activities for health care operators, utilities, law enforcement, fire prevention and response, emergency management and response, and any other critical governmental functions that are necessary to ensure public health, safety, and welfare are exempt from Sections III(D) through (F) and Sections III(I) and (J) of this Order. Training activities should include social distancing to the extent practicable.

b. Additional Restrictions for Restaurants and Bars:

- i. The operations of Restaurants and Bars are limited to providing takeout and delivery of food and beverages, and only if they are otherwise in compliance with this Order. Restaurants must not serve alcohol by the drink for consumption in the establishment.
- ii. Restaurants and Bars may allow up to 10 members of the public at one time in the establishment, in addition to regular employees, for the purpose of picking up food or beverage orders, as long the business meets the social distancing requirements herein.

**2. Provisions Applicable to Other Businesses that May Open**

- a. Unless listed in Section III(G) of this Order, businesses in Eagle

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<sup>3</sup> <https://tinyurl.com/ECessentialServices>

County may open, provided they meet the requirements of this Section III(H)(2).

- b. No more than 10 employees, customers, guests, and attendees together may gather at a business or at any event hosted by a business.
  - i. Exceptions:
    - A. 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 10 employees when necessary to conduct business operations. Rather, a minimum six-foot distance must be maintained between employees and all other application requirements as set forth in Sections III(I) and (J).
    - B. For businesses with discreet and segregated areas of a building or facility, 10 persons may be in each discreet and segregated area provided they meet the minimum six foot distance between all persons.
    - C. For businesses operating on Parks, Open Space, and Open Lands, each group using the facility is limited to 10 persons; each group must keep a reasonable and safe distance from other groups of no less than 20 feet.
- c. Businesses that take reservations for goods or services subject to this Section III(H)(2) must not:
  - i. Knowingly encourage non-Local Resident customers or prospective customers to travel to Eagle County to transact with such business, if such travel would require a non-Local Resident to violate this Order.
  - ii. Knowingly transact with a non-Local Resident if doing so would require a non-Local Resident to violate this Order.
- d. Businesses must meet all applicable social distancing requirements set forth in this Order as to all employees, customers, guests, and attendees.

- e. Employers are strongly encouraged to allow employees to work remotely, and to adopt policies for paid sick leave if the employee is lab-confirmed with COVID-19.

#### **I. Social Distancing Protocol Required for All Open Businesses and Services**

1. Prior to opening, all employers must prepare a “Social Distancing Protocol” for each of their facilities or operational locations in Eagle County frequented by the public or employees. The Social Distancing Protocol must be substantially in the form attached to this Order as [Attachment B<sup>4</sup>](#) and must address the social distancing requirements in Section III(J), below.
2. The Social Distancing Protocol must be posted at or near the entrance of the relevant business or facility, and shall be easily viewable by employees, customers, guests, and attendees. A copy of the Social Distancing Protocol must also be provided to each employee performing work at the facility. Businesses are not required to provide a copy of the Protocol to Eagle County.
3. All employers must implement the Social Distancing Protocol and provide evidence of its implementation to any authority enforcing this Order upon demand.
4. For construction businesses, the State of Colorado has developed additional guidance for social distance. Construction businesses must comply with the State’s guidance in addition to the applicable Social Distancing and Protocol requirements outlined in this Section III.

#### **J. Social Distancing Requirements for All Open Businesses and Services**

1. All open businesses must employ a minimum of the social distancing requirements below, unless this order otherwise provides an exception.
2. Required Social Distancing Measures:

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<sup>4</sup> <https://tinyurl.com/ECSocialDistancingProtocol>

- a. 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) or to tele-work where possible.
- b. Employees must be screened for COVID-19 symptoms each day and excluded if symptomatic as described in the self-isolation requirements in Section III(A)(1).
- c. Social distancing measures must be implemented to ensure that employees and people from the public can easily maintain a minimum of 6-foot distance from each other, except for momentary circumstances to accept payment, deliver goods, walk past, or perform otherwise necessary tasks. Achieving adequate social distancing may require limiting the number of people that can enter or participate in a business at any one time.
- d. All employees of all open businesses under section III(H), above, must comply with CDPHE Public Health Order 20-26, which requires employees who work in close proximity to other employees or with the public (within the minimum 6-foot distance from each other, beyond the momentary circumstances described in subsection c, above), must wear anon-medical cloth face covering. In addition, all employees who come into contact with customers or goods should wear gloves, if gloves are provided by their employer.
- e. Vehicles other than those used for public transit or emergency response to transport multiple employees of a business are a higher-risk environment. To reduce the risks of COVID-19 exposure, the following requirements apply:
  - i. Employees must be screened for COVID-19 symptoms each day and be excluded if symptomatic, as described in the self-isolation requirements in Section III(A)(1).
  - ii. Employees must use hand sanitizer upon entering the vehicle and must cover their nose and mouth with a non-medical, cloth face- covering when in vehicles with more than one person.

- iii. The number of passengers must be limited to 50% of a vehicle's occupancy to increase the distance between passengers to the largest extent possible.
  - iv. Windows must remain open and/or ventilation must be increased.
  - v. Vehicles must have high-touch surfaces disinfected daily.
  - f. Where lines may form at a facility, six-foot increments at a minimum must be marked on the ground or floor establishing where individuals should stand to maintain adequate social distancing.
  - g. Signs at the entrance of a facility must be posted informing all employees and customers that they should: avoid entering the facility if they have a cough or fever; maintain a minimum six-foot distance from one another; sneeze and cough into one's elbow; not shake hands or engage in any unnecessary physical contact.
  - h. Hand sanitizer, soap and water, or effective disinfectant should be made available at or near the entrance of the facility and in other appropriate areas for use by attendees, the public, and employees, and in locations where there is high-frequency employee interaction with members of the public (e.g. cashiers);
  - i. Contactless payment systems should be provided, or, if not feasible to do so, all payment portals, pens, and styluses must be disinfected after each use; and
  - j. Other high-touch surfaces should be regularly disinfected and environmental cleaning guidelines from the US Centers for Disease Control and Prevention (CDC) must be followed (e.g., clean and disinfect high touch surfaces daily or more frequently).
3. Additional Provisions for Certain Open Businesses
- a. For healthcare workers and others responding to the COVID-19 pandemic, more specific guidance that supersedes subsection 2, above, has or will be provided by ECPHE.
  - b. Childcare centers must comply with CDPHE Public Health Order 20-24 and any subsequent amended version.

#### IV. 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