

**GILPIN COUNTY FIRST AMENDED PUBLIC HEALTH ORDER 20-7 CLARIFYING AND IMPLEMENTING
GILPIN COUNTY ROAD TRAVEL RESTRICTIONS IN AND FOR GILPIN COUNTY, COLORADO**

1. Purpose and Area Subject to Order. This First Amended Gilpin County PHO 20-7 (“Order”) amends, updates, and clarifies Gilpin County road travel closures and restrictions effective as of May 21, 2020. As of May 21, 2020, travel on Gilpin County roads is subject to the following restrictions: (1) Colorado’s Safer at Home requirements in Colorado Department of Public Health and Environment (“CDPHE”) Public Health Order (“PHO”) 20-28 as adopted by Gilpin County PHO 20-5 and (2) the more specific and restrictive requirements prohibiting “Nonresidents” as defined in Paragraph 2.4 from traveling on certain County roads listed in Paragraph 2.2. This Order incorporates and supersedes Gilpin County PHO 20-1. CDPHE PHO 20-28 is attached as **Attachment 1**. Implementation of CDPHE PHO 20-28 applies to the entirety of Gilpin County including without limitation in the City of Black Hawk and Central City pursuant to C.R.S. § 25-1-510, with the exception of the specific roads listed in Paragraph 2.2 that are subject to additional heightened restrictions applicable to Nonresidents.

2. Clarification and Amendments of Travel Restrictions on Gilpin County Roads.

2.1. CDPHE PHO 20-28 restricts travel for recreation use to a person’s county of residence or within 10 miles of the person’s residence. Consequently, recreation in Gilpin County is available to Residents of Gilpin County and Nonresidents if those Nonresidents live within 10 miles of an open United States Forest Service or Colorado State Park recreation area access trail, road, or other permitted access point or within 10 miles of an access point to private property to the extent the recreational use of the property is in compliance with Gilpin County’s Zoning Regulations and the owner of the private property consents to such use.

2.2. This Order 20-7 is more restrictive than CDPHE PHO 20-28 and further restricts travel on Tolland, Apex Valley, Columbine Campground, **Bald Mountain Lane**, and **Missouri Gulch** roads by Nonresidents except for the following limited exceptions: (1) Deliveries of mail, goods, meals, medication, supplies, and services to Residents along the roads necessary to maintain the health and safety of residents and the safety, sanitation, and essential operation of each residence consistent with CDPHE Public Health Order 20-28; (2) Access by businesses to work sites located off of these roads, if those businesses are operating in compliance with Governor Polis’s Executive Orders and CDPHE Public Health Orders including CDPHE PHO 20-28 and with the law generally; (3) Waste disposal services for Residents and allowable businesses located off of these roads; (4) All government services including without limitation law enforcement, emergency services, human services, health services, medical services, code enforcement, and public works services, road maintenance and repair. Travel by Nonresidents on these County roads is otherwise prohibited. Road maps of these more restrictive road closures are attached as **Attachment 2**.

- 2.3.** Gilpin County Public PHO 20-3 restricting travel on all County roads by Nonresidents was suspended indefinitely beginning May 9, 2020 and, therefore, will not be in effect as of that date.
- 2.4.** For the purposes of this Order, a Resident is any person who maintains residence in a lawful permitted residential dwelling in Gilpin County as that person's primary or secondary residence for personal residential use and not for commercial rental or lease use. Nonresident is any person that does not meet the definition of Resident.
- 3. Effective Date and Time Limitations.** This Order shall become effective on Thursday May 21, 2020 and will expire at 11:59 p.m. on Friday May 29, 2020 unless otherwise extended, amended, superseded, rescinded, or suspended in writing.
- 4. Legal Authority.** This Order is adopted pursuant to the legal authority set forth in C.R.S. § 25-1-506 as well as all other applicable laws, rules, regulations, orders and declarations. Under this authority, the Board has the power and duty to investigate and control the causes of 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 persons of people within the territorial limits of Gilpin County; to close public places and to prohibit gatherings of people to protect public health; all as the Gilpin County Board of Health may find necessary for the protection of the public health. Issuance of this Order is deemed reasonable and necessary under the existing circumstances and necessary for the preservation of the public health, safety and welfare of Gilpin County, its citizens and the general public.
- 5. Most Restrictive Standards Control.** To the extent any State of Colorado and/or federal orders or laws are more restrictive than what is set forth herein, such orders and laws control. Individuals should be aware that new orders from Governor Polis and the Colorado Department of Public Health and Environment ("CDPHE") have been and may continue to be issued on matters related to the COVID-19 pandemic. All members of the public are responsible for following the Governor's and CDPHE's orders and local orders including this Order. Additionally, Gilpin County Board of Health may legally require and implement more restrictive standards, requirements, and orders for Gilpin County than what the State of Colorado or the Federal government may require. To the extent this Order is more restrictive than orders from the State of Colorado or federal government, this Order controls.
- 6. Reasons for Closure of the Certain Roads to Nonresidents.** Tolland, Apex Valley, Columbine Campground Roads, Bald Mountain Lane, and Missouri Gulch roads provide residents of Gilpin County necessary access to their homes and neighborhoods and additional access to United States Forest Service and Colorado State public lands for recreation and other purposes. Gilpin County has been experiencing large numbers of Nonresidents traveling to, parking on, and gathering at, on and around these Roads for the apparent purpose of accessing United States Forest Service and Colorado State public lands. Parking on these Roads and surrounding areas is not lawful and also creates dangerous

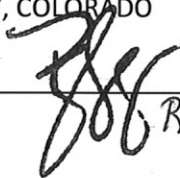
traffic and health conditions and represents a danger and nuisance to local residents. The number of Nonresidents parking and gathering on and around these Roads and using the adjacent public lands in Gilpin County also increases the risk of spreading the COVID-19 virus. The Gilpin County Sheriff's Office and Search and Rescue do not have the capacity and resources to adequately control, manage, police, and ensure the safety of these Nonresidents and their impacts on Gilpin County and its residents including preventing Nonresidents from gathering, disregarding social distancing requirements, and violating travel restrictions in violation of Governor Polis's Executive Order No. D 2020-044 and CDPHE Third Amended Public Health Order No. 20-28. This Order is intended to prevent the spread of COVID-19 from Nonresidents entering or leaving Gilpin County and ensure the health, safety and welfare of Gilpin County residents and the general public. Consequently, this Order closes or extends closures for Tolland, Apex Valley, Columbine Campground Roads, Bald Mountain Lane, and Missouri Gulch roads to Nonresidents, subject to the limited exceptions listed in Paragraph 2.2 herein.

7. **Enforcement of Road Access Restrictions.** Closures of Tolland, Apex Valley, Columbine Campground, Bald Mountain, and Missouri Gulch roads will have restricted access. The use of road blocks, traffic control devices, signs, and other measures shall be taken to restrict access and the Gilpin County's Sheriff's Office shall take such actions as deemed necessary for this purpose. The Gilpin County Sheriff's Office also has the authority and is authorized to require persons seeking access to Tolland, Apex Valley, Columbine Campground, Bald Mountain Lane, and Missouri Gulch roads provide proof of Gilpin County residency to Sheriff's Office or other County personnel regulating access to these Roads. A valid Colorado driver's license that includes a Gilpin County address is sufficient proof of Gilpin County residency. The Gilpin County Board of Health also may require the Sheriff's Office implement a permit sticker system allowing or requiring Gilpin County residents obtain a sticker to be placed prominently on their vehicles identifying them as residents. The Sheriff's Office may also rely on Gilpin County transfer station stickers on vehicles to confirm residency. Gilpin County and its Sheriff's Office may take any action deemed necessary to enforce this Order for any County Road in Gilpin County.

8. **Penalties.** Failure to comply with this Order is subject to penalties pursuant to C.R.S. § 25-1-516 and C.R.S. § 18-1.3-501 including a fine of up to five thousand dollars (\$5,000) and imprisonment in the County Jail for up to eighteen (18) months.

CHAIR PRO TEM, GILPIN COUNTY BOARD OF HEALTH
GILPIN COUNTY, COLORADO

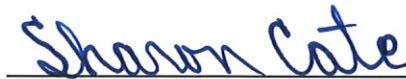
Signature


Ron Engels

Date

May 21, 2020

ATTEST:


Deputy Clerk