

GILPIN COUNTY PUBLIC HEALTH ORDER CLARIFYING AND IMPLEMENTING GILPIN COUNTY ROAD TRAVEL RESTRICTIONS IN AND FOR GILPIN COUNTY, COLORADO

1. Purpose and Area Subject to Order. This Gilpin County PHO 20-7 (“Order”) revises, updates, and clarifies Gilpin County road travel restrictions effective as of May 9, 2020. As of May 9, 2020, travel on Gilpin County roads will be 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 in Gilpin County PHO 20-1 that prohibit travel on Tolland, Apex Valley, and Columbine Campground roads by Nonresidents except for limited exceptions listed in Gilpin County PHO 20-1. CDPHE PHO 20-28 is attached as **Attachment 1** and Gilpin County Public Health Order PHO 20-1 is attached as **Attachment 2**. 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. Gilpin County PHO 20-1 applies only to Tolland, Apex Valley, and Columbine Campgrounds roads.

2. Clarification 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. Gilpin County PHO 20-1 is more restrictive than CDPHE PHO 20-28 and further restricts travel on Tolland, Apex Valley, and Columbine Campground roads by Nonresidents except for the limited exceptions listed in Gilpin County PHO 20-1. These exceptions include: (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.

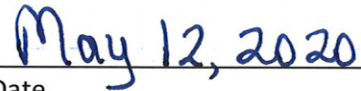
- 2.3.** Gilpin County Public PHO 20-3 restricting travel on all County roads by Nonresidents is suspended indefinitely beginning May 9, 2020 and, therefore, will not be in effect as of that date.
- 2.4.** For the purposes of this Order, a Resident is any person who maintains residence in a lawful permitted 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 Saturday May 9, 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 Adoption of this Order.** This Order is intended to begin the careful and incremental process of recovery and re-opening while staying vigilant in suppressing the still present health risks from COVID-19 and managing the limited resources Gilpin County has. This is necessary to preserve the health, safety and welfare of Gilpin County residents and the general public.

7. **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, GILPIN COUNTY BOARD OF HEALTH
GILPIN COUNTY, COLORADO




Signature



Date

ATTEST:



Deputy Clerk