



DEPARTMENT OF HEALTH AND HUMAN SERVICES

May 12, 2020

**NINTH AMENDED STANDING PUBLIC HEALTH ORDER MODIFYING RESTRICTIONS TO CONTINUE TO LIMIT AND CONTAIN THE SPREAD OF THE COVID-19 VIRUS WHILE ALLOWING FOR A PHASED RE-OPENING OF BUSINESSES, EVENTS AND ACTIVITIES.**

Pursuant to Colo. Rev. Stat. § 25-1-506 and other applicable authority, this Order sets forth guidance and requirements for, as well as limitations on, group gatherings and other activities to slow the spread of the COVID-19 virus. Except as provided expressly herein, this Order amends and supersedes all previous Standing Public Health Orders issued by Gunnison County regarding 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 Gunnison County.

On March 12, 2020, Gunnison County declared a Local Disaster Emergency related to COVID-19. The County extended this Local Disaster Emergency pursuant to a meeting of the Gunnison County Board of County Commissioners on March 17, 2020, and additional extensions may occur as the COVID-19 emergency continues.

On March 13, 2020, the President of the United States declared a National Emergency due to COVID-19.

On March 15, 2020, large municipalities across the nation, such as New York City, have announced the closing of all bars and restaurants except for takeout and delivery services.



On March 15, 2020, the Colorado Department of Public Health and Environment (“CDPHE”) issued a statement strongly advising visitors to and residents of Gunnison County to minimize social contact and recommending that visitors return home rather than remain in the County.

On March 25, 2020, the Governor of Colorado issued Executive Order D 2020 017, “Ordering Coloradans to Stay at Home Due to the Presence of COVID-19 in the State.” The Governor subsequently issued amendments to this Order.

On March 26, 2020, CDPHE issued Updated Public Health Order 20-24 Implementing Stay at Home Requirements.

Beginning on April 27, 2020, the Governor of Colorado and the State of Colorado initiated a measured and deliberative process to phase out certain restrictions imposed by previous Orders issued by the Governor and by CDPHE.

The purpose of these amendments is to direct and support the community’s COVID 19 response efforts. The Public Health Director reminds persons within Gunnison County that the relaxation of certain restrictions contained in this Order may need to be rescinded, and additional or different restrictions may need to be imposed, in future orders issued by the Public Health Director to effectively address the ongoing pandemic. Accordingly, **the Public Health Director reserves the right to tighten restrictions in future orders should protection of the public health necessitate such measures.** No person should presume that future orders will automatically or necessarily further relax the restrictions contained in this Order.

The Public Health Director continues to find that non-residents, visitors and non-resident homeowners from lower altitudes, regardless of whether they are residents of Colorado, another state, or a foreign country, are at a greater risk for complications from COVID-19 infection than residents, who are acclimatized to the high-altitude environment of Gunnison County. The Public Health Director further finds that self-isolation and quarantine helps prevent further spread of COVID-19 from locations outside of Gunnison County.



Notwithstanding these findings, the Public Health Director has determined that, at this time, continued relaxation of at least some of the restrictions directed toward non-residents and others can be and is consistent with protecting the public health. The Public Health Director finds that such relaxation must be conducted on a gradual or “roll out” basis in order to continue to protect the public health but to also allow a gradual return to normal activities. For this reason, this Order is designed to relax certain requirements on certain dates in May 2020. Prior to these effective dates, the provisions of the Eighth Amended Standing Public Health Order (issued April 25, 2020), which is incorporated by reference herein, shall continue to apply except as otherwise expressly provided in this Order.

The Public Health Director finds that, at this stage of the COVID 19 pandemic, that places of worship, including churches, ministries, synagogues, and temples, provide essential human services that serve and care for the spiritual, physical, emotional and mental health needs of congregants and members as well as individuals, families and the community at large, such that relaxation of prior restrictions directed to such gatherings is warranted.

The Public Health Director finds that the age, condition, and health of a significant portion of the population in Gunnison 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 to deliver necessary healthcare to the public.

The continued limitations on business activities and large gatherings, and the use of social distancing decreases the risk of COVID-19 transmission to our most vulnerable populations, and, according to guidelines issued by the State of Colorado, is especially important for people who are over 65 years old and those with chronic health conditions due to their higher risk of severe illness and death from COVID-19. The Centers for Disease Control & Prevention (CDC) report that adults age 65 years and older are at higher risk for COVID-19 complications, hospitalizations and mortality based on United States data. This Order will reduce the likelihood



that many individuals will be exposed to COVID-19, 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 of the Colorado Revised Statutes. Under these laws, the Gunnison County 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.

For the avoidance of doubt, this Order should be construed to limit all non-essential services, travel, activities or sales of goods, and should be construed in the light most favorable to preventing the community spread of COVID-19 and protecting the public health. The Public Health Director finds that the provisions of this Order are necessary and are the least restrictive means available to continue to adequately protect the public health.

To the extent any ambiguity exists between this Order and any statement made by Gunnison County or others regarding the interpretation or effect of this Order, the express terms of this Order and the interpretation of the Public Health Director shall control.

For the avoidance of doubt, this Order controls over any executive order issued by the Governor of Colorado. Except where expressly indicated herein, this Public Health Order is consistent with and, in some cases, remains more restrictive than the executive orders thus far issued by the Governor of Colorado and the CDPHE. Provisions that are construed to be less restrictive than the orders of the State of Colorado are contingent upon a grant of a variance by CDPHE.

In any case, persons within Gunnison County are reminded that the Orders of the State of Colorado and other counties may still apply to them and to their activities, especially if such persons travel outside of the County. In addition, the terms of any Order issued by the Governor of the State of Colorado and/or CDPHE incorporated by reference herein are enforceable not



only by the State but by Gunnison County and other local governments the same as the express provisions of this Order.

For the avoidance of doubt, this Order applies equally to persons within the boundaries of Gunnison County, Colorado, regardless of their city, state or country of origin.

Businesses and Event organizers are reminded of their duty of care to employees, staff patrons, guests and persons within Gunnison County, irrespective of whether such businesses and organizers follow or fail to follow the provisions of this Order or any previous Order. Gunnison County hereby disclaims any and all liability – to the extent any such liability could attach – associated with organizers’ or businesses’ failure to exercise their duty of reasonable care and any and all other legal duties or obligations owed to employees, staff patrons, guests and persons within Gunnison County. Nothing in this Order or any previous Order should be construed as creating any legal relationship between Gunnison County and any third-party business entity, federal or local government entity, activity or Event, whether lying in tort, contract, by statute or by common law, or as any waiver of governmental immunity or other defenses or claims available to Gunnison County in the event of any legal action.

If any provision of this Order is held to be invalid, the remainder of the Order, including the application of such part or provision to other persons or circumstances, shall not be affected and shall continue in full force and effect.

This Order shall apply to all unincorporated areas of Gunnison County, Colorado (including State and Federal public lands) and all incorporated (municipal) areas that do not have their own public health agency, to wit: City of Gunnison, Town of Crested Butte, Town of Mt. Crested Butte, Town of Marble, and the Town of Pitkin, Colorado.

## **I. DEFINITIONS**

For purposes of this Order:



An “Event” is a gathering for business, social, or recreational activities, or a location that engages in or allows for such activities; that takes place indoors or outdoors, including, but not limited to, community, civic, public, leisure, or sporting events; parades; concerts; festivals; assemblies; places of worship; conventions; fundraisers; restaurants (regardless of capacity); community recreational centers; ice rinks; and similar locations and activities.

“Event” does not include activities that can be individual, conducted in small groups consistent with the express terms of this Order, or limited to persons residing in the same residence, such as golfing, cross-country (Nordic) skiing, backcountry skiing, snowshoeing, walking, hiking, trail running, road cycling, dog walking, fly fishing, kayaking, paddle boarding, and mountain biking, as long as social distancing and other efforts to comply with this Order occur.

“Fastest and Safest Available Means” means those method(s) of travel reasonably available to a person and that does not endanger the safety or public health of such person or others.

“Principal Residence” normally means the property that a person uses a majority of the time during the year, but can also be determined on a case-by-case basis (if necessary) employing additional factors at the sole discretion of the Public Health Director, including but not limited to:

- (i) If employed, the person’s place of employment;
- (ii) The principal place of abode of the person’s family members;
- (iii) The address listed on the person’s federal and state tax returns, driver’s license, automobile registration, and voter registration card;
- (iv) The person’s mailing address for bills and correspondence;
- (v) The location of the person’s banks; and/or
- (vi) The location of religious organizations and recreational clubs with which the person is affiliated.

“Non-Resident” means a person whose Principal Residence is outside of Gunnison County, including but not limited to visitors, tourists, non-resident homeowners, unemployed seasonal or



temporary workers, and non-resident university students not presently enrolled in a post-secondary education institution located within Gunnison County.

“Non-Resident Homeowner” means a Non-Resident whose Principal Residence is outside of Gunnison County, regardless of what state or country in which the Principal Residence is located.

“Residence” means a home, apartment, condominium unit, manufactured home, long term hotel or motel room, accessory dwelling unit or similar such structure where one or more persons reside on a permanent or temporary (at least 30 days or more) basis. For avoidance of doubt, “Residence” does not include those buildings, facilities, locations or activities set forth in Paragraphs II(J), (K) and (L) of this Order.

## II. ORDER

- A. All Events of more than ten (10) persons occurring outside a Residence are prohibited, except as otherwise expressly permitted in this Public Health Order.
  - a. Nothing in this Order prohibits the gathering of members living in the same Residence.
  - b. Events at the following businesses or locations are exempt from this Paragraph A, except that such Events are strongly encouraged to follow the provisions of this Order and any guidance provided or approved by the Public Health Director:
    - i. Federal, state, local and special district facilities (including public schools);
    - ii. public utilities or utility service providers (*e.g.*, electric utility providers, internet service providers, water and sewer service providers);
    - iii. grocery stores (*e.g.*, Clark’s, Safeway, or City Market);



- iv. banks, savings and loan institutions, and credit unions;
- v. automobile repair shops;
- vi. automobile parts stores;
- vii. laundromats;
- viii. Alcoholics Anonymous and Narcotics Anonymous sessions;
- ix. livestock, farming or ranching operations;
- x. hardware stores;
- xi. medical service providers (*e.g.*, hospitals, doctor's offices, medical clinics, medical supply companies, dental offices, physical therapists, pharmacies but **not** including non-medical massage services, or tattoo artists);
- xii. mail and shipping centers;
- xiii. veterinarians, kennels and animal shelter or boarding facilities, including equestrian stables (but **not** including commercial horseback riding or horse-packing operations);
- xiv. food banks;
- xv. airports and airport operations;
- xvi. newspapers, radio and television stations; and
- xvii. gas stations and discount department stores (*e.g.*, Wal-Mart, Dollar Tree).

B. All Events at the following locations are prohibited, regardless of the number of attendees: Private schools (including pre-schools), private day schools, community recreational centers, ice rinks, and libraries, except:

- a. Libraries may offer curbside and delivery service of books, periodicals, DVDs and other library materials to patrons, so long as:
  - i. Such libraries otherwise comply with the provisions of this Order, including but not limited to Paragraph T;





- ii. Such libraries follow the American Library Association's guidelines for disinfecting returned items, so long as such guidelines remain stricter than the requirements of this Order; otherwise, this Order controls.
- C. Bars, nightclubs, taverns, taprooms, and distilleries may open and operate on a limited basis to the extent permitted by, and under the requirements of, any Executive Order issued by the Governor of the State of Colorado and/or any Order issued by the CDPHE, which are incorporated herein by reference, so long as:
- i. Such establishments operate consistent with local industry group plans approved by the Public Health Director; and
  - ii. Otherwise comply with the provisions of this Order, including but not limited to Paragraph T.
  - iii. For the avoidance of doubt, such establishments must continue to comply with the requirements of the Eighth Amended Public Health Order (*e.g.*, service of alcohol on a package or takeout basis only) unless and until permitted to open under the terms of this Paragraph C, or unless the Public Health Director applies for and receives a variance from CDPHE with regard to orders issued by the State of Colorado.
- D. Restaurants may open and operate on a limited basis to the extent permitted by, and under the requirements of, any Order issued by the Governor of the State of Colorado and/or CDPHE, which is incorporated herein by reference, so long as:
- i. Such establishments operate consistent with local industry group plans approved by the Public Health Director; and
  - ii. Otherwise comply with the provisions of this Order, including but not limited to Paragraph T.
  - iii. For the avoidance of doubt, such establishments must continue to comply with the requirements of the Eighth Amended Public Health Order (*e.g.*, service of food on a delivery or takeout basis only) unless



and until permitted to open under the terms of this Paragraph D, or unless the Public Health Director applies for and receives a variance from CDPHE with regard to orders issued by the State of Colorado.

- E. Events of up to twenty-five (25) persons at places of worship, including churches, ministries, synagogues, and temples are permitted so long as such places of worship are otherwise in compliance with this Order, including but not limited to the provisions of Paragraph T of this Order.
  - a. The Public Health Director may either impose additional restrictions or grant an exemption from the requirements of this Paragraph E, in her sole discretion based on public health considerations.
  - b. Notwithstanding the foregoing provisions of this Paragraph E, places of worship are encouraged to implement electronic platforms to conduct services whenever possible or to conduct smaller, more frequent services (*i.e.*, (10 or fewer congregants while ensuring 6 feet in between congregants)).
  - c. To the extent this Paragraph E is construed to be less strict than any order issued by the Governor of the State of Colorado or CDPHE, such orders shall control over this Paragraph E, unless the Public Health Director applies for and receives a variance from CDPHE with regard to orders issued by the State of Colorado.
- F. Retail establishments may permit customers or patrons into their respective stores, salons, or facilities, so long as:
  - a. No more than ten (10) persons, inclusive of all employees, staff, contractors, customers or clients are present in a store, establishment or facility at any one time (unless otherwise required by Paragraph T); and



- b. The provisions of this Order, including but not limited to Paragraph T, are otherwise followed.
  
- c. Beginning May 27, 2020, Events of no more than ten (10) persons may occur at the following establishments or with regard to the following activities, so long as such Events otherwise comply with this Order, including but not limited to Paragraph T:
  - i. Spas;
  - ii. Tanning booths;
  - iii. Oxygen bars;
  - iv. Non-medical massage settings;
  - v. Tattoo artists;
  - vi. Indoor cycling studios;
  - vii. Dance studios;
  - viii. Concert or performance halls or spaces;
  - ix. Martial arts facilities and classes;
  - x. Gyms, weight rooms, and workout centers; and
  - xi. Group or team outdoor activities, including:
    - 1. Minor or adult softball or baseball; and
    - 2. Minor or adult lacrosse or soccer leagues.
  
- d. Prior to May 27, 2020, Events at the businesses or facilities listed in the foregoing Paragraph F(c) may occur if granted an exemption by the Public Health Director, which she may issue in her sole discretion based on public health considerations.
  
- e. Personal trainers may engage in Events with clients, so long as:
  - i. The trainer/client ratio is 1:1 (one trainer for every client), unless all clients are members of the same household;



- ii. Prior to May 27, 2020, clients are limited to persons in Gunnison County (*e.g.*, residents, non-resident homeowners);
  - iii. The remaining provisions of this Order, including but not limited to Paragraph T, are followed; and
  - iv. Such trainers are granted an exemption by the Public Health Director, which she may issue in her sole discretion based on public health considerations.
  - v. Beginning May 27, 2020, Paragraph F(e)(ii) is hereby rescinded, meaning that trainers may accept non-residents as clients starting on that date, in addition to residents and non-resident homeowners.
- f. Beginning May 15, 2020, backcountry and outdoor guide services (*e.g.*, fly-fishing guides, mountain bike guides, climbing guides, horsepackers) may engage in Events with clients or customers, so long as:
- i. Such guide services follow any industry-specific guidelines issued by professional organizations in their field (*e.g.*, American Mountain Guides Association, Association for Experiential Education, Professional Mountain Bike Instructors Association) or any industry-specific guidelines approved by the Public Health Director, whichever is stricter;
  - ii. Clients are limited to persons in Gunnison County (*e.g.*, residents, non-resident homeowners); and
  - iii. Such guide services otherwise follow the provisions of this Order, including but not limited to Paragraph T.



- iv. Beginning May 27, 2020, Paragraph F(f)(ii) is hereby rescinded, meaning that guides may accept non-residents as clients starting on that date, in addition to residents and non-resident homeowners.
  
- g. Retail establishments may continue to operate by online or over-the-phone sales.
  
- h. Package liquor stores and marijuana dispensaries may continue to operate so long as they are otherwise in compliance with this Order.
  
- i. Medical service providers may to continue to perform elective procedures or surgeries while this Order remains in effect.
  
- j. Golf courses, Frisbee golf courses, outdoor archery ranges, and outdoor shooting ranges may continue to open their courses or ranges to club members or patrons for recreation, so long as:
  - i. Any restaurant or retail facility at any course or range either remains closed or otherwise complies with this Order;
  
  - ii. Such facilities follow any industry-specific guidelines issued by the appropriate trade group or association (*e.g.*, Golf Course Superintendents Association of America) or any guidelines approved by the Public Health Director, whichever is stricter;
  
  - iii. The use of golf carts by club members or patrons that are leased or borrowed from the facility is prohibited, except:
    - a. Where necessary to comply with the Americans with Disabilities Act; or
    - b. Use is limited to one person per cart or members of the same household.



- iv. Golfing or shooting parties of more than ten (10) persons consist of only members living within the same residence; and
  - v. The provisions of this Order, including but not limited to Paragraph T, are followed.
  - k. To the extent this Paragraph F is construed to be more restrictive than any order issued by the Governor of the State of Colorado or CDPHE, this Order shall control **unless** the Public Health Director applies for and receives a variance from CDPHE with regarding to such orders issued by the State of Colorado.
- G. For purposes of this Order, the term “restaurants” does **not** include any establishment or business that is a limited retail food establishment, as that term is defined by C.R.S. § 25-4-1607(a.5), including but not limited to ice cream shops, doughnut shops, soda fountains, and candy stores.
- a. Such limited retail food establishments may operate as retail establishments pursuant to the limitations set forth in Paragraph F of this Order, *e.g.*, Events of ten (10) or less persons.
- H. Real estate agencies and agents are permitted to conduct inspections, photographing and evaluations for sale or lease of, or showings of, commercial or residential property to clients or potential buyers so long as the requirements of this Order are followed, but are not permitted to conduct open house showings or events during the pendency of this Order, so long as such agencies and agents comply with the provisions of this Order, including but not limited to Paragraph T.
- a. Real estate agents are encouraged to limit property showings to vacant properties or those that are unoccupied at the time of the showing.



- I. Professional offices, including but not limited to law firms, accountants, architects, real estate offices, the professional/business offices (non-programmatic elements) of non-profit organizations, backcountry guide operations, title companies, engineers, escrow agents, and investment and brokerage firms, may open their facilities to clients, customers and staff, so long as:
  - i. No more than ten (10) persons, inclusive of all employees, staff, contractors, customers or clients, are present in an office, establishment or facility at any one time (unless otherwise required by Paragraph T); and
  - ii. The provisions of this Paragraph and this Order, including but not limited to Paragraph T, are followed.
  
- J. Beginning May 15, 2020, short term lodging, including but not limited to campgrounds, reserved camping sites, hotels, motels, short term rentals (less than 30 days), bed and breakfast establishments, lodges and retreats, may allow guests if:
  - a. Such lodging facilities limit the number of rooms occupied by guests to no more than twenty-five percent (25%) of the total number of rooms or spaces available for rent at such facilities;
  - b. The provisions of this Paragraph and this Order, including but not limited to Paragraph T, are followed; and
  - c. Such facilities operate consistent with any local industry group plans approved by the Public Health Director.
  - d. For the avoidance of doubt, the 25 percent occupancy limitation set forth in Paragraph J(a) does not include rooms rented under the authorization of the Public Health Director for quarantine or emergency purposes under previous versions of this Order, meaning that if a lodging establishment is renting



rooms under such provisions, the occupancy of those rooms does not count toward the 25 percent limitation.

- K. Beginning May 27, 2020, short term lodging, including but not limited to campgrounds, reserved camping sites, hotels, motels, short term rentals (less than 30 days), bed and breakfast establishments, lodges and retreats, may allow guests to the extent permitted by, and under the requirements of, any Order issued by the Governor of the State of Colorado and/or CDPHE, which is incorporated herein by reference, so long as:
- a. Such facilities operate consistent with any local industry group plans approved by the Public Health Director; and
  - b. They otherwise comply with the provisions of this Order, including but not limited to Paragraph T.
  - c. For the avoidance of doubt, such facilities must continue to comply with the requirements of the Eighth Amended Public Health Order and Paragraph J unless and until permitted to open under the terms of this Paragraph K.
  - d. For the avoidance of doubt, recreational vehicle parking spots or slips that are rented on a long-term basis (30 days or more) or are owned, in whole or in part, by the recreational vehicle owner do not constitute short term lodging under Paragraphs J and K, but are otherwise are required to comply with this Order.
  - e. With regard to campgrounds (whether private or government owned or operated), recreational vehicle parks, and reserved camping, to the extent Paragraph J or this Paragraph K is construed to be less strict than any order issued by the Governor of the State of Colorado or CDPHE, such orders shall control over Paragraph J or this Paragraph K, unless the Public Health





Director applies for and receives a variance from CDPHE with regarding to orders issued by the State of Colorado.

- L. Short term lodging facilities and locations are permitted, and encouraged, to initiate those activities necessary to comply with the foregoing Paragraphs J and K, including but not limited to cleaning, maintenance, and the hiring and training of staff regarding the requirements of this Order.
- M. For the avoidance of doubt, dispersed camping on Federal, State or municipal public lands by persons otherwise allowed in Gunnison County is permitted so long as campers are otherwise in compliance with this Order and any order or rule issued by the United States or the State of Colorado.
- N. All public transportation, (*e.g.*, bus service) may continue to operate under the provisions of this Order so long as the number of riders or passengers does not exceed ten (10) persons (*e.g.*, no more than ten total people in a vehicle including the operator or driver) and so long as the provisions of this Order are otherwise complied with.
  - a. Commercial air travel is not affected by the provisions of this Order.
  - b. Private or charter air travel must comply with the provisions of this Order to the extent consistent with Federal law and Federal requirements.
  - c. The Public Health Director may grant an exemption to the requirements of this Paragraph N in her sole discretion based on public health considerations.
- O. Except as otherwise expressly provided for in this Order, non-residents remain prohibited from entering Gunnison County, unless:
  - a. Expressly permitted by this Order;



- b. Such person(s) must enter or leave the County in order to comply with a Court Order, such as a Court-approved allocation of parental responsibilities or parenting plan in a domestic relations matter;
- c. Such person(s) must travel to Gunnison County to allow the businesses, events or activities permitted by this Order to continue (e.g., delivery drivers to grocery stores or gas stations, medical personnel to assist in hospital operations, law enforcement to assist in the enforcement of this Order);
- d. Such non-residents:
  - i. Are residents of Delta, Pitkin, Chaffee, Saguache, Hinsdale, Ouray, Montrose, or Mesa Counties;
  - ii. Must enter Gunnison County either:
    - 1. To obtain essential goods and services not otherwise reasonably available to them by means other than by traveling to Gunnison County; or
    - 2. Because of geography, have no choice other than to travel through Gunnison County in order to reach a destination outside of Gunnison County.
  - iii. Are otherwise complying with the requirements of this Order and any order of the State of Colorado or the United States; and
  - iv. Depart Gunnison County as soon as is reasonably possible by the fastest and safest available means.
- e. Such non-residents are traveling through, but do not stop in, Gunnison County in order to travel to other locations (e.g., a non-resident driving through Gunnison County from Salida, Colorado to reach Montrose, Colorado), so



long as such non-residents otherwise comply with this Order and Orders issued by the State of Colorado or the United States.

- i. This Paragraph O(e) shall apply to non-residents visiting retail establishments whose facilities are located in more than one County, (e.g., the Monarch Crest Scenic Tramway) meaning that such retail establishments may allow non-residents if otherwise permitted by other county or State public health orders, so long as the establishment itself otherwise follows the provisions of this Order with regard to those portions of their facilities that are located within Gunnison County.
  
- f. Such persons are non-resident homeowners and:
  - i. Were physically present in Gunnison County as of April 27, 2020;
  
  - ii. Beginning May 15, 2020, such persons are encouraged to (but are no longer required to) engage in reasonable efforts to isolate and quarantine themselves from all other persons, without exception, for a period of at least seven (7) days from the date on which such person arrives in Gunnison County, regardless of whether such person experiences symptoms of COVID-19;
    1. Notwithstanding the foregoing, if during the period of self-isolation, such persons test positive for COVID-19, they are required to continue to self-isolate until afebrile (resolution of any fever without the aid of medication) for at least seventy-two (72) hours or the entire seven (7) days, whichever is longer.



- a. The Public Health Director reserves the right to extend the period of any quarantine under this Paragraph O (f)(ii)(1) in her sole discretion.
2. Prior to May 15, 2020, the provisions of Paragraph J(f)(i) of the Eighth Amended Public Health Order regarding self-isolation shall continue to apply.
  3. On May 15, 2020, the provisions of Paragraph J(f)(ii) of the Eighth Amended Public Health Order are hereby rescinded, meaning that as of May 15, 2020, non-resident homeowners are no longer required to provide written statements to the Public Health Director acknowledging the need to self-isolate and quarantine.
  4. Non-resident homeowners who spend less than seven (7) days in Gunnison County should complete their remaining days of recommended self-isolation at their primary residence, even if located outside of Gunnison County, so long as they engage in all reasonable and necessary efforts to avoid contact with other people during their travel between Gunnison County and their residence.
- iii. They otherwise comply with the provisions of this Order and any public health or similar such order issued by the State of Colorado, the United States, or a state or local government where their residence is located.
- P. Beginning May 27, 2020, the provisions of Paragraph O are hereby rescinded, meaning that non-residents, including but not limited to non-resident homeowners, are permitted in Gunnison County so long as they otherwise comply with the provisions of this Order.



- a. Non-residents are reminded that orders issued by the State of Colorado, other states or local governments may prohibit them otherwise travelling to Gunnison County under penalty of law, regardless of this Paragraph P.
- Q. The County and District Courts are hereby exempted from this Order, except that the Courts are strongly encouraged to: Consistent with any Court directives, a) vacate and reschedule all civil and domestic relations proceedings, especially civil jury trials (unless such proceedings can be conducted telephonically); b) vacate and reschedule criminal and traffic matters to the maximum extent possible consistent with defendants' Constitutional rights; and c) conduct hearing or other Court proceedings telephonically, by video conference or by other remote means consistent with the purposes of this Order.
- R. Residential and commercial construction sites, which include but are not limited to oil and gas and mining operations, may otherwise continue to operate so long as they are in compliance with this Order if they receive an express, written exemption from the Public Health Director after providing her sufficient information, in her sole discretion, to ascertain compliance with this Order.
- a. The Public Health Director may impose additional requirements associated with any exemption granted under this Paragraph R, including but not limited to prohibiting construction workers from engaging in daily travel into and out of Gunnison County, self-isolation for a minimum of seven (7) days, or to maintain lodging at a site approved by the Public Health Director within Gunnison County.
  - b. If the Public Health Director has granted a general contractor an exemption under this Paragraph R(a), that general contractor and any subcontractor(s) operating under the general contractor need not apply for separate or additional exemption(s), so long as:



- i. The general contractor is otherwise in compliance with the existing exemption;
- ii. The contractor(s) screen employees or contractors for COVID-19 symptoms
- iii. All At-Risk Persons, as set forth in Paragraph T(a) of this Order, are precluded from working at the construction site(s) overseen by the general contractor;
- iv. No person who is not an employee or contractor of the contractor(s), except for a licensed government inspector, is permitted at the construction site(s) overseen by the general contractor;
- v. No more than ten (10) employees or contractors are permitted at any one construction site at any one time;
- vi. All disinfecting guidelines promulgated by the CDC are followed;
- vii. The contractor(s) provide at each construction site appropriate access to proper sanitation and handwashing stations or, in the alternative, disinfectant for hand hygiene;
- viii. The contractor(s) require physical (social) distancing at each construction site of greater than six (6) feet at all times or use of face covering for limited periods (less than 10 minutes) for required specific construction related activities; and



- ix. The contractor(s) comply with any additional requirements imposed by the Public Health Director pursuant to the previous exemption not otherwise set forth above.
  
- S. Residential home and repair services (electrician, plumbing, propane delivery, trash, recycling and sanitation services, residential and commercial cleaning and home care services) may continue so long as they are in compliance with this Order, including but not limited to Paragraph T.
  
- T. Notwithstanding the other provisions of this Order, Events not otherwise prohibited by this Order are nonetheless prohibited unless businesses or Event organizers take at least the following steps to mitigate risks:
  - a. Older adults (age 65 and older), including employees, and individuals with underlying medical conditions that are at increased risk of serious COVID-19, including employees (collectively, “At-Risk Persons”), are strongly encouraged to remain home and should only attend Events if:
    - i. Such person is an employee who must physically report to his or her job site or other location(s) if necessary to perform his or her official job duties; or
    - ii. To enter into a medical service provider’s office or facility, hardware store, grocery store or discount department store for the purpose of obtaining medical care, food, clothing or other necessary items if such location is otherwise in compliance with this Order.
    - iii. At-Risk Persons are discouraged from leaving their homes wherever possible, and are **required** to avoid any and all areas declared a COVID-19 outbreak by either the Public Health Director, the State of Colorado, or the United States government.
    - iv. Employers should provide all necessary and reasonable risk mitigation measures to protect At-Risk Persons who are their employees, customers or clients.



- b. Social distancing recommendations must be met. These include limiting contact of people within six (6) feet from each other for ten (10) minutes or longer, and any other guidance.
- c. Employees and staff must be screened for coronavirus symptoms each day and excluded if symptomatic.
- d. Event organizers (including businesses) must engage in reasonable efforts to make their employees or staff available for any testing or contact tracing being performed by Gunnison County at the direction of the Public Health Director.
- e. Proper hand hygiene and sanitation must be readily available to all attendees and employees.
- f. Environmental cleaning guidelines from the CDC are followed (*e.g.*, clean and disinfect high touch surfaces daily or more frequently).
- g. The Event or business complies with any and all industry-specific guidance issued or approved by the Public Health Director for COVID-19 risk mitigation.
- h. All employees, volunteers or staff who interact with customers, participants or clients must wear masks at all times during such interaction(s), so long as the use of such masks would not otherwise endanger employee safety (*e.g.*, the use of masks in restaurant kitchens may need to be limited to avoid heat-related illness or injury).
- i. Nothing herein should be construed to prevent a business or Event organizer from adopting additional measures to prevent COVID-19 exposure or transmission, so long as such measures are stricter than those required by this Paragraph T.





- U. All persons who have tested positive for the COVID-19 virus are hereby **ordered**, under penalty of law, to isolate and quarantine themselves from all other persons, without exception, for a period of at least ten (10) days from the date on which such person first experienced any symptoms of COVID-19 (*e.g.*, fever, cough, shortness of breath), or 72 hours after the quarantined person is afebrile (resolution of any fever without the aid of medication), whichever is later.
  - a. The Public Health Director reserves the right to extend the period of any quarantine under this Paragraph U in her sole discretion.
  
- V. During the duration of this Order, persons within Gunnison County and who intend to remain are strongly discouraged from leaving Gunnison County for any reason, and then only to obtain necessary or essential goods or services not otherwise available within Gunnison County.
  
- W. Beginning May 15, 2020, all persons who arrive in Gunnison County pursuant to the terms of this Order who travel outside of Gunnison County for more than twenty-four (24) hours and who return to Gunnison County should engage in reasonable efforts to isolate and quarantine themselves from all other persons, without exception, for a period of at least seven (7) days from the date on which such person returns to Gunnison County, regardless of whether such person experiences symptoms of COVID-19.
  - a. If during the period of self-isolation, the person does experience symptoms of COVID-19, they should continue to self-isolate until afebrile (resolution of any fever without the aid of medication) for at least seventy-two (72) hours or the entire seven days, whichever is longer.
  - b. Prior to May 15, 2020, the provisions of Paragraph Q of the Eighth Amended Public Health Order shall continue to apply.



X. Notwithstanding the other provisions of this Order, the following activities are expressly permitted at post-secondary education institutions within Gunnison County so long as such activities are in compliance with Paragraph T of this Order:

- a. The use of faculty office or conference space in order to conduct online classes or seminars; and
- b. The use of vehicle repair facilities located on campus for the limited purpose of maintaining or repairing government vehicles.

Y. All persons subject to the requirements of this Order are reminded of gubernatorial Executive Order D 2020 039, ordering workers in critical businesses and critical government functions to wear non-medical cloth face coverings while at work, the provisions of which are incorporated herein by reference, as well as any similar such ordinances or orders issued by federal, state or local governments.

### **III. FURTHER GUIDANCE**

Further guidelines are available at <https://www.gunnisoncounty.org/938/Coronavirus-COVID-19>, including but not limited to “The 5 Commitments of Containment”. Gunnison County Public Works and any other appropriate government agencies (*e.g.*, Highway Patrol, Colorado Department of Transportation) are hereby directed and encouraged to erect or provide appropriate highway signage to alert travelers to this Order.

### **IV. GENERAL INFORMATION FOR ALL PERSONS AFFECTED BY THIS ORDER**

If you have questions regarding this Order, please contact the Gunnison County Health Hotline at 970.641.7660.

Gunnison County is tasked with protecting the health and welfare of the citizens of Gunnison 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 Gunnison 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.

This Order is in effect until midnight Mountain time at the end of June 1, 2020, and is subject to continuing review by the Public Health Director.

**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.**

Joni Reynolds  
Joni Reynolds  
Public Health Director

5/12/2020 10:00 am  
Date

I, Joan M. Bare, hereby acknowledge receipt of this Order.

Joan M. Bare  
Sign

05-12-2020  
Date