

**RESCINDING PARK COUNTY BOARD OF HEALTH ORDER NO. 20-02  
ISSUING PARK COUNTY BOARD OF HEALTH ORDER 20-03  
AND INCORPORATING SAFER-AT-HOME ORDER**

**RECITALS**

1. Park County Resolution No. 2009-09, established the Park County Public Health Agency pursuant to Section 25-1-506, C.R.S., designating the Board of County Commissioners of Park County as the Park County Board of Health ("Board of Health").

2. 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 Park County.

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

4. On March 19, 2020, Colorado Public Health Order 20-22 announced the closing of all bars, restaurants, theaters, gymnasiums, casinos, nonessential personal services facilities, and horse track and off-track betting facilities statewide.

5. On March 19, 2020, Park County declared a Local Disaster Emergency related to COVID-19.

6. On March 25, 2020, the Governor of Colorado issued Executive Order 2020-017 ordering all Coloradans to stay at home.

7. On April 6, 2020, the Governor of Colorado amended and extended Executive Order 2020-017 pursuant to Executive Order 2020-024.

8. On April 26 2020, the Governor of Colorado rescinded Executive Order 2020-24 and issued Executive Order 2020-044, ordering all Coloradans to abide by Safer-at-Home restrictions.

9. On April 27, 2020, Colorado Public Health Order 20-24 was rescinded and Colorado Public Health Order 20-28 was issued. On May 26, 2020, Colorado Public Health Order 20-28 was amended.

10. Executive Order 2020-044 expressly allows a local public health authority to issue an order more protective of public health than Executive Order 2020-044. To the extent provisions in a local public health order are more protective of public health than the amended Executive Order 2020-044 or amended Colorado Public Health Order 20-28, or any Colorado Public Health Order issued pursuant to the amended Executive Order 2020-044, such provisions in the local public health order shall remain in full force and effect.

11. Under amended Colorado Public Health Order 20-28, dated May 26, 2020, hotels and places of accommodation are Critical Businesses as defined therein. Short-term vacation-style rentals such as those arranged through an on-line hosting platform, including but not limited to VRBO or Airbnb, rented for a period of 30 days or fewer, homeowner rentals and privately owned residences for rent, except if offered for the public health response are expressly excluded from the list of Critical Businesses.

12. The age, condition, and health of a significant portion of the population in Park 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, particularly in the high-country counties currently affected by community transmission, to deliver necessary healthcare to the public.

13. This Order is adopted pursuant to the legal authority set forth in Sections 25-1-506 and 25-1-508, C.R.S. Under these laws, the Park County Board of Health (the "Board") has the power to develop and promote public policies needed to secure the conditions necessary for a healthy community and 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 Board as the Board may find necessary for the protection of the public health.

14. Park County is a large County, covering 2,166 square miles. Park County has a limited number of emergency medical service providers, fire protection service providers and Sheriff's Office personnel (collectively referred to herein as "public safety responders" or "emergency service providers"). Due to its vast geographic area and high altitudes, emergency service providers must travel substantial distances to remote locations. Distances, weather, remoteness, adverse road conditions and its small number of public safety responders, cause Park County's human emergency response resources to be extremely limited even under ordinary circumstances.

15. In the event of a pandemic, a fire or other natural disaster, Park County's emergency response resources are significantly taxed. Nonetheless, in such circumstances individuals in Park County, whether full time residents, part-time residents, or visitors, will call on emergency service providers in order to protect themselves, their families and their property.

16. Any circumstance that would reduce the already limited number of Park County public safety responders poses a significant health and safety risk to all Park County residents and visitors to Park County and threatens the health, safety and well-being of the residents of and visitors to Park County and those of/to neighboring Counties.

17. Public safety responders' exposure to COVID-19-positive individuals, if the public safety responders are unprotected, will necessarily reduce the number of public safety responders. This is because when exposed, in order to contain the spread of the disease, they must be

quarantined until a full incubation from possible exposure has elapsed (14 days since last known exposure) and it is determined that the first responder is not potentially infectious. If infected, the first responder could be out of service for longer than 14 days.

18. Moreover, Park County has no medical facilities except for one small clinic. All severe COVID-19 cases would need to be transported out of County and for long distances. Where helicopter transport is not available or safe, such transports would have to be done by Park County emergency service providers, which would reduce the number of public safety responders.

19. Park County has been experiencing visitors traveling to and lodging in short-term vacation-style rentals such as those arranged through an on-line hosting platform, including but not limited to VRBO or Airbnb, rented for a period of 30 days or fewer, homeowner rentals and privately owned residences for rent. The Board of Health finds that visitors 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 Park County. The Board of Health further finds that as many as 25% to 30% of calls for emergency services to Park County public safety providers are related to short-term rentals.

20. The Park County's public safety responders do not have the capacity and resources to adequately control, manage, police, and ensure the safety of these visitors and their impacts on Park County and its residents, including preventing visitors from gathering, disregarding social. Nor do Park County public safety responders have the capacity to provide services to persons needing assistance on recreation lands, or to do so safely without putting the personnel at risk to the virus.

21. Travel to and lodging in short-term rentals are the types of conduct that the Governor's and Colorado Department of Public Health "Safer-at-Home" orders are directed at and when these orders are violated, especially in Park County, it puts an unreasonable and unnecessary strain and burden on Park County's already limited human emergency response resources and therefore creates dangerous health conditions.

22. The Board nonetheless recognizes that where a COVID-19 suppression plan approved by the Public Health Director exists and where Park County is capable of meeting the requirements for a local variance from part of all of Executive Order D 2020 044 and Public Health Order 20-28, as amended, it is appropriate to apply to the Colorado Department of Health and Environment for a variance to allow the reopening of businesses, including short term rentals. In the event CDPHE approves Park County's variance application, or in the event by Executive Order or Order of the CDPHE the prohibition on operating short-term rentals is lifted, then short-term rentals may operate subject to compliance with the Park County COVID-19 suppression plan.

23. To the extent any ambiguity exists between this Order and any statement made by Park 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.

24. For the avoidance of doubt, this Order controls over any executive order issued by the Governor of Colorado to the extent more restrictive than the executive orders thus far issued by the Governor of Colorado and the Colorado Department of Public Health and Environment.

## ORDER

1. **Effective Area.** This Public Health Order No. 20-3 (“Order”) shall apply to all unincorporated areas of Park County, Colorado (including State and Federal public lands) and all incorporated (municipal) areas that do not have their own public health agency, to wit: Town of Alma and Town of Fairplay.

2. **Effective Date and Time, Limitations.** This Order is in effect until July 1, 2020.

3. **Safer at Home Order Enforcement.** The Amended Colorado Public Health Order 20-28 is hereby incorporated herein and subject to the enforcement under Section 25-1-509, Colorado Revised Statutes, and the penalties stated herein.

4. **Purpose.** This Order is being issued to contain the spread of COVID-19 and limit the risks of dangerous health conditions from it, including without limitation containing the spread of the COVID-19 virus and preventing its further spread in Park County and protecting the health, safety and welfare of Park County residents, Park County public safety responders, and the public generally.

5. **Legal Authority.** This Order is adopted pursuant to the legal authority set forth in sections 25-1-506 and 25-1-508, Colorado Revised Statutes 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 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 public health. Immediate 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 Park County, its citizens and the general public.

6. **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 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, the Board may legally require and implement more restrictive standards, requirements, and orders for Park 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.

7. **Short-Term Lodging.** All short-term vacation-style rentals such as those arranged through an on-line hosting platform, including but not limited to VRBO or Airbnb, homeowner rentals, and privately owned residences for rent that are rented for a period of 30 days or fewer, except if offered for the use of the public health response (“short-term rentals”) shall comply with the amended CDPHE Public Health Order 20-28 unless and until CDPHE approves Park County’s variance application or the State lifts the prohibition on operating short-term rentals. In the event CDPHE approves Park County’s variance application, or in the event by Executive Order or Order of the CDPHE the prohibition on operating short-term rentals is lifted, then short-term rentals may operate subject to compliance with the Park County COVID-19 suppression plan. The definition of short-term rental shall not include a person’s secondary residence.

- For the avoidance of doubt, camping on State and Federal public lands by Park County residents and out of county residents is permitted as long as campers are otherwise in compliance with this Order and all other applicable orders.

8. **Exemptions.** The following bedrooms or units within a short term rental (“short-term lodging unit”) are exempt from this Order:

- i. If a short-term lodging unit is occupied by an individual working for a business located in Park County or project located in Park County, or related family member, such worker and related family member may remain in the short term lodging unit.
- ii. If the short-term lodging unit constitutes an individual’s primary residence, that individual may remain in the short-term lodging unit.
- iii. If a short-term lodging unit is occupied by an individual for purposes of engaging in a critical business function, as defined by an Order issued by the Office of the Governor or the Colorado Department of Public Health and Environment, which function is located in Park County.
- iv. If a short-term lodging unit is occupied by an individual who does not otherwise have access to a residence or is experiencing a temporary emergency which requires access to shelter or lodging, and such individual’s occupancy does not exceed seven (7) days.
- v. If an individual is experiencing symptoms of COVID-19, caring for another experiencing symptoms of COVID-19 or are under a quarantine or isolation order from Park County, such individuals shall be exempt from the limitations set forth herein so long as such individuals remain in the short-term lodging unit.

9. **Definitions.**

For purposes of this Order:

“Primary Residence” normally means the property that a person uses the 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 or her designee, 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.

“Safer at Home” means individuals stay in your place of residence as much as possible, and avoid unnecessary social interactions.

10. **General Information for all Persons.** The Board of Health strongly recommends that everyone within Park County comply with the Governor’s Safer-at-Home Order and Public Health Order 20-28 by staying at home except for essential travel, and that they confine their recreation to their neighborhoods.

Residents of Park County are strongly encouraged to use recreation lands in a manner that does not expose them to the risk of requiring assistance from public safety personnel, who may not respond to calls for assistance at all or in a timely fashion.

Residents of Park County who are at heightened risk from COVID-19 are strongly encouraged to stay at home.

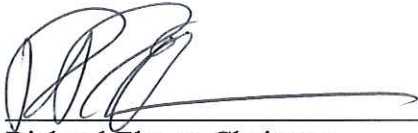
These actions are some of the most available and effective tools to help slow the spread of the virus in our community - and, importantly, to reduce the number of potential deaths caused by COVID-19. By slowing the spread, we have a chance to protect our family, friends, and neighbors who are at risk for severe illness. In particular, this includes all adults over age 60 and anyone with an underlying health condition.

These actions will limit the cascading impacts on critical services due to high absenteeism if large numbers of workers become ill. This Order and actions will help public safety responders and other public safety and health care services continue to provide services for those who need

them in the coming weeks and months. Collective action can save lives and is in support of the most vulnerable in our community. The more united we can be in preventing the spread the greater the benefit for the whole community.

11. **Penalties.** Failure to comply with this Order is subject to the fines contained in Sections 25-1-516 and 18-1.3-501, Colorado Revised Statutes, including a fine of up to five thousand (\$5,000).

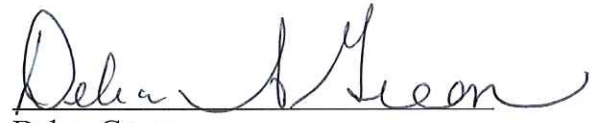
ADOPTED this 28th day of May, 2020, at a meeting of the Park County Board of Commissioners.

  
Richard Elsner, Chairman

  
Mike Brazell, Commissioner

  
Ray Douglas, Commissioner


ATTEST:

  
Debra Green  
Park County Clerk and Recorder

Received and Approved:

  
Lynn Ramey  
Public Health Director

5/28/2020  
Date

  
Tom McGraw, Sheriff

5/28/2020  
Date