



## Department of Public Health and Environment

GRACE FRANKLIN, DIRECTOR

### **PUBLIC HEALTH AGENCY ORDER # 2020 – 06**

### **MODIFYING RESTRICTIONS TO CONTINUE TO LIMIT AND CONTAIN THE SPREAD OF COVID-19 WHILE ALLOWING FOR A PHASED RE-OPENING OF ACTIVITIES**

**EFFECTIVE: *MONDAY, JUNE 1, 2020* at 12:01 AM MST**

#### **RECITALS**

**WHEREAS**, local public health orders are 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 San Miguel County Board of Health and Public Health Director (Public Health Director) have 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; and

**WHEREAS**, the Public Health Director issued Public Health Agency Order #2020-05 (Order #2020-05) on May 2, 2020 which primarily aligns with the Governor Polis's Executive Order D 2020 044 issued on April 26, 2020 and the Colorado Department of Public Health & Environment's (CDPHE) "Safer at Home" Order 20-28 issued on May 8, 2020; and

***WHEREAS, the Public Health Director issued the First Amendment to Standing Public Health Order #2020-05 on Friday, May 15, 2020 which modified and relaxed limited aspects of Order #2020-05; and***

**WHEREAS**, the Public Health Director, upon advisement from the County Board of Health, the County Medical Officer and state public health officials, continues to closely monitor conditions in regards to COVID-19 at the national, state and local level; and

**WHEREAS**, while there is a need for continued Public Health Orders to protect the public health, our community has done an amazing job at "flattening the curve" of this disease in San Miguel County and Order #2020-05 can be systematically relaxed in order to get people back to work and stimulate the economy while maintaining vigilance and best practices in order to implement a successful strategy moving forward; and

**WHEREAS**, 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; and

**WHEREAS**, local customizations of public health orders are reasonable and necessary based on San Miguel County being a tourist destination and an influx of visitors from around the State and others states who may not have been following strict orders to contain the spread or have extremely high caseloads are high risk factors that must be taken into consideration moving forward; and

**WHEREAS**, the Public Health Director continues to find that residents who have traveled outside of the County for a prolonged period of time, 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 San Miguel County; and

**WHEREAS**, notwithstanding these findings, the Public Health Director has determined that, at this time, continued relaxation of some of the restrictions directed toward non-residents and others can be and is consistent with protecting the public health; and

**WHEREAS**, additional or different restrictions may need to be imposed and 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 and amendments should protection of the public health necessitate such measures** and no person should presume that future orders will automatically or necessarily further relax the restrictions contained in this Order; and

**NOW THEREFORE**, *the Public Health Director issues this Public Health Agency Order #2020-06 (Order #2020-06) which rescinds and replaces Order #2020-05 in its entirety. Order #2020-06 significantly modifies the previous order and is closely aligned with the orders issued by the State. For clarity sake, County provisions that are more protective than the Executive Orders and State Public Health Orders are highlighted with an asterisk (\*) and in bold and italic font.*

- To the extent any ambiguity exists between this Amended Order #2020-06 and any statement made by San Miguel County staff and officials 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.
- Although persons within San Miguel County are also required to follow orders issued from Governor Polis and CDPHE, the provisions of this Amended Order #2020-06 controls to the extent that they are more protective or restrictive than orders issued by the State of Colorado.
- All persons within San Miguel County are reminded that the public health orders of the State of Colorado and San Miguel County apply to them when they are in San Miguel County. If persons travel outside of this county, the public health orders issued by the State of Colorado and other counties apply to them and to their activities.
- Preventing further spread or a resurgence of disease will require that all individuals and businesses be responsible for adhering to the requirements of this Order. Should a surge of illness appear likely based on the failure to adhere to this Order, restrictions on activities may be reinstated. Likewise, the Public Health Director may loosen restrictions as she deems reasonable and necessary if these Orders continue to succeed in minimizing the spread of COVID-19.

- If any provision of Order #2020-06 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.
- Nothing in this Amended Order #2020-06 prevents any individual local governmental entity, business or service provider from adopting more protective standards for their jurisdictions, employees, offices, businesses or customers (ie: requiring all patrons to wear a face covering when entering a premises) and remain free to deny any or all of their services as they deem appropriate and necessary under the circumstances.
- This Amended Order #2020-06 shall apply to all unincorporated areas of San Miguel County, Colorado, and all incorporated (municipal) areas that do not have their own public health agency, to wit: Town of Telluride, Town of Mountain Village, Town of Norwood, Town of Ophir, and the Town of Sawpit, Colorado.

**PLEASE READ THIS ORDER CAREFULLY. FAILURE TO COMPLY WITH THIS ORDER IS SUBJECT TO CRIMINAL AND CIVIL PENALTIES CONTAINED IN C.R.S. §§ 25-1-514, 25-1-516, AND 18-1.3-501, INCLUDING A FINE OF UP TO FIVE THOUSAND (5,000) DOLLARS AND IMPRISONMENT IN THE COUNTY JAIL FOR UP TO EIGHTEEN MONTHS.**

## ORDER

### I. GENERAL

- A. San Miguel County is fully in alignment with all current Colorado’s Executive and Public Health Orders except as specifically set forth below regarding Short Term Lodging. For additional information and guidance on the current state orders, please go to:  
<https://covid19.colorado.gov/covid-19-in-colorado/public-health-executive-orders-resource>.

### II. \* LOCAL LIMITATIONS ON SHORT TERM LODGING

- A. *“Short Term Lodging” is defined as the provision of lodging to individuals, whether privately or professionally managed, for less than 30 days and includes, without limitation: hotels, motels, homeowner rentals, privately owned residences for rent on an online hosting website such as Airbnb and VRBO, timeshares, bed and breakfasts, condo-hotels, lodges and retreats.*
- B. *To the extent the State allows for the reopening of “private, short-term vacation-style rentals such as those arranged through an online 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” as set forth in Appendix F of their Fourth Amended Public Health Order 20-28 issued on May 26, 2020, Short Term Lodging in San Miguel County is subject to a Phased Approach to reopening and is more restrictive than state orders. This Phased Approach is based on thoughtful and reasonable recommendations from the San Miguel County lodging community. Should the State not lift their restrictions, Short Term Lodging as defined above shall remain closed except or until as specifically authorized in writing by the Public Health Director or her designee.*

- C. *The Phased Approach to reopening Short Term Lodging will begin with Phase 1 on June 1, 2020 with limited opening not to exceed 25% maximum occupancy. Phase 2 is anticipated to begin on June 22, 2020 with 50% maximum occupancy and Phase 3 is anticipated to begin on July 13, 2020 with 75% maximum occupancy. The progression through phases is dependent upon the county metrics and case trends as determined by San Miguel County Public Health Department.*
- D. *All Short Term Lodging providers must follow the Lodging Sector Protocol. See [Appendix A](#) for additional detail and information.*
- E. Notwithstanding the above provisions regarding Short Term Lodging, the Public Health Director or her designee may authorize, in writing, rentals for emergency or quarantine purposes, or to provide lodging for essential federal, state, county or local personnel as needed for use for the public health response.

### III. GENERAL INFORMATION FOR ALL PERSONS AFFECTED BY THIS ORDER

- If you have questions regarding this Order, please contact the San Miguel County Health Department at 970.728.4289.
- Any person aggrieved and affected by this Order has the right to request judicial review by filing an action with the San Miguel County District Court within 90 days of the date of this Order, pursuant to C.R.S. § 25-1-515. However, you must continue to obey the terms of this Order while your request for review is pending.

### IV. FURTHER GUIDANCE & GUIDELINES

- **San Miguel COVID-19 Information & Links:** <https://www.sanmiguelcountyco.gov/590/Coronavirus>
- **Colorado Public Health & Executive Orders:** <https://covid19.colorado.gov/covid-19-in-colorado/public-health-executive-orders-resource>
- **CDPHE Environmental Cleaning Guidance:** <https://drive.google.com/file/d/1XQnjAL2nzdPnb7Dabz7-fX8Pw7XlyUe8/view>
- **CDPHE Guidance for Wearing Masks:** <https://covid19.colorado.gov/mask-guidance>
- **US Department of Labor OSHA Information:** <https://www.osha.gov/SLTC/covid-19/>
- **US Centers for Disease Control & Prevention:** <https://www.cdc.gov/coronavirus/2019-nCov/index.html>

**This Order is in effect until MIDNIGHT MST on JUNE 26, 2020  
and is subject to continuing review by the Public Health Director.**

  
\_\_\_\_\_  
Grace Franklin, Public Health Director

05/29/2020  
Date

I, Nancy Hrupcin, hereby acknowledge receipt of this Order.

  
\_\_\_\_\_  
Signature

5/29/2020  
Date

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*To protect and preserve the health and environment by providing high-quality public health care services and environmental protection services to the people of San Miguel County.*