Department of Public Health and Environment
GRACE FRANKLIN, DIRECTOR

PUBLIC HEALTH AGENCY ORDER # 2020 - 02

EFFECTIVE March 19, 2020 at 12:01 AM MST

*** THIS ORDER SHALL RESCIND AND REPLACE ALL PREVIOUS ORDERS ***

LIMITING GATHERINGS OF PEOPLE AS NECESSARY TO PROTECT PUBLIC HEALTH (SHELTER IN PLACE)

Pursuant to its legal authority set forth in Colorado Revised Statutes §§ 25-1-506, 25-1-508 and other applicable authority, the Director of the San Miguel County Department Health and Environment ("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.

FINDINGS

1. Coronavirus Disease (COVID-19) was first detected in Wuhan, China in late 2019, and since then has spread to over 60 countries including the United States. As of this Order, there are 183 known positive cases of COVID-19 in Colorado in 19 out of 64 counties. Only 1,790 people in the state have been tested, there have been two fatal cases, and there is every expectation that more cases will be diagnosed.

2. While San Miguel County does not have a confirmed positive case, our local medical experts believe that with medical certainty they are treating patients with this COVID-19 and that extreme medical testing limitations at the local, state and federal level is the reason for the lack of information regarding diagnosis in our community.

3. COVID-19 is a respiratory illness transmitted like other respiratory illness through person-to-person contact or by contact with surfaces contaminated with the virus. Persons infected with COVID-19 may become symptomatic anywhere from two to fourteen days after exposure. Symptoms include fever, cough or shortness of breath or difficulty breathing.

4. Individuals with serious chronic health conditions and older adults are most at risk for becoming very ill with this disease. Medical staff at the Telluride Medical Center report that they are treating at least three pediatric patients suspected to have COVID-19.

5. The San Miguel County Public Health Medical Officer and Deputy Medical Officer report that expert, peer-reviewed sources indicate that at this time, the only effective way to combat COVID-19 is with significant travel restrictions and reducing transmission (*e.g.* quarantine and isolation).

6. On March 10, 2020, the Governor of Colorado declared a State of Emergency related to the presence of COVID-19 in the State. CDPHE has confirmed that COVID-19 continues to spread throughout the State of Colorado.

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

8. A significant number of Coloradans are 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. Colorado is experiencing a rapid increase in COVID-19 transmission that threatens the health of residents and risks overwhelming the healthcare system in the state of Colorado.

9. Limiting the number of people who may gather in the unincorporated areas of the county and within all municipalities within the territorial limits of the county is necessary for the protection of public health. The age, condition and health of a significant portion of the population in San Miguel 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.

10. The limitations on large gatherings and use of social distancing decreases the risk of COVID-19 transmission to our most vulnerable populations and is especially important for people who are over 60 years old and those with chronic health conditions due to their higher risk of severe illness and death from COVID-19. This Order will reduce the likelihood that many individuals will be exposed to COVID-19 at a single event, and will, therefore, slow the spread of COVID-19 in our communities.

PLEASE READ THIS ORDER CAREFULLY. WHILE WE ANTICIPATE COMPLIANCE, 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.

The Public Health Director has determined, in consultation with the County Medical Officer, that the following Order is necessary for the protection of the public health. This Order 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.

The intent of this Order is to ensure that the maximum number of people self-quarantine (showing no symptoms of sickness) or self-isolate (showing symptoms of sickness) in their places of residence to the maximum extent feasible, while enabling essential services to continue, to slow the spread of COVID-19 to the maximum extent possible. When people need to leave their places of residence, whether to obtain or perform vital services or to otherwise facilitate authorized activities necessary for continuity of social and commercial life, they should at all times and as reasonably as possible comply with Social Distancing Requirements as defined herein. All provisions of this Order should be interpreted to effectuate this intent. Failure to comply with any of the provisions of this Order constitutes an imminent threat and creates an immediate menace to public health.

I. ORDER

A. All individuals currently living within San Miguel County ("County") shall limit their movement and gathering with other individuals who are not in their immediate family. Individuals may leave their residence only to perform any of the following determined to be "**Essential Activitie**s":

i. To engage in activities or perform tasks essential to their health and safety, or to the health and safety of their family or household members (including, but not limited to, pets), such as, by way of example only and without limitation, obtaining medical supplies or medication, visiting a health care professional, or obtaining supplies they need to work from home.

ii. To obtain necessary services or supplies for themselves and their family or household members, or to deliver those services or supplies to others, such as, by way of example only and without limitation, canned food, dry goods, fresh fruits and vegetables, pet supply, fresh meats, fish, and poultry, and any other household consumer products, and products necessary to maintain the safety, sanitation, and essential operation of residences.

iii. To engage in outdoor activity, provided the individuals comply with Social Distancing Requirements as defined herein such as, by way of example and without limitation, walking, hiking, or running.

iv. To perform work providing essential products and services at an Essential Business or to otherwise carry out activities specifically permitted in this Order, including Minimum Basic Operations.

v. To care for a family member or pet in another household.

B. Visitors to San Miguel County are directed to return home immediately upon the issuance of this Order by the fastest and safest available means, and persons considering visiting San Miguel County should remain home. Although non-resident homeowners are expressly exempt from this paragraph, non-resident homeowners are strongly encouraged to leave or not travel to San Miguel County.

C. All Events, as defined herein, of 10 people or more, including employees and attendees, are prohibited effective immediately.

D. All Events at food establishments including bars, taverns, taprooms, and restaurants are prohibited, regardless of the number of attendees, except that such establishments may provide takeout and delivery of food so long as such establishments are otherwise in compliance with this Order. For the purposes

of clarity, this means that bars, taverns, taprooms, and restaurants should be and hereby are closed, except for takeout and delivery food service. Service of alcohol by the drink at bars, taverns, taprooms and restaurants is hereby prohibited, except that such facilities may serve alcohol on a package basis if otherwise permitted by law.

i. Social Distancing Requirements must be met as defined herein. These include limiting contact of people within 6 feet from each other for 10 minutes or longer, and any other guidance. *See* Section II, below.
ii. Employees that are sick or exhibiting COVID-19 symptoms shall be prohibited from their workplace.
iii. Proper hand hygiene and sanitation must be readily available to all attendees and employees.
iv. Environmental cleaning guidelines from the US Centers for Disease Control and Prevention (CDC) are followed (e.g., clean and disinfect high touch surfaces daily or more frequently).

E. All businesses with a facility in the County, except Essential Businesses as defined herein, are required to cease all activities at facilities located within the County except for Minimum Basic Operations as further defined herein. **For clarity, businesses not listed as an Essential Business may also continue operations consisting exclusively of employees or contractors performing activities remotely or can provide pick-up or delivery service as long as such business are otherwise in compliance with this Order.** Cannabis businesses are subject to pick-up orders only. All Essential Businesses are strongly encouraged to remain open. To the greatest extent feasible, Essential Businesses shall comply with Social Distancing Requirements as defined herein, including by maintaining six-foot social distancing for both employees and members of the public, including, but not limited to, when any customers are standing in line.

Unless otherwise addressed, the following are considered "**Essential Businesses**":

i. Healthcare Operations, Essential Governmental Functions and Essential Infrastructure (e.g. courts of law, medical providers for urgent care, public utilities, critical county, town and special district operations, and critical school operations such as nutrition programs).
ii. Grocery stores, certified farmers' markets, farm and produce stands, supermarkets, food banks, convenience stores, and other establishments engaged in the retail sale of canned food, dry goods, fresh fruits and vegetables, pet supply, fresh meats, fish, and poultry, and any other household consumer products (such as cleaning and personal care products). This includes stores that sell groceries and also sell other non-grocery products, wholesale and products necessary to maintaining the safety, sanitation, and essential operation of residences.
iii. Food cultivation, including farming, livestock, and fishing; Businesses that provide food, shelter, and social services, and other necessities of life for economically disadvantaged or otherwise needy individuals.
iv. Newspapers, television, radio, and other media services.
v. Gas stations and auto-supply, auto-repair, and related facilities.
vi. Banks and related financial institutions.
vii. Hardware stores.
viii. Plumbers, electricians, exterminators, internet or broadband providers and other service providers who provide services that are necessary to maintaining the safety, sanitation, and essential operation of residences, Essential Activities, and Essential Businesses.
ix. Businesses providing mailing and shipping services, including post office boxes.

x. Educational institutions—including public and private K-12 schools, colleges, and universities—for purposes of facilitating distance learning or performing essential functions, provided that social distancing of six-feet per person is maintained to the greatest extent possible.

xi. Laundromats, dry cleaners, and laundry service providers.

xii. Restaurants and other facilities that prepare and serve food, but only for delivery or carry out. Schools and other entities that typically provide free food services to students or members of the public may continue to do so under this Order on the condition that the food is provided to students or members of the public on a pick-up and takeaway basis only. Schools and other entities that provide food services under this exemption shall not permit the food to be eaten at the site where it is provided, or at any other gathering site.

xiii. Businesses that ship or deliver groceries, food, goods or services directly to residences or other businesses.

xiv. Airlines, taxis, and other private transportation providers providing transportation services necessary for Essential Activities and other purposes expressly authorized in this Order.

xv. Home-based care for seniors, adults, or children.

xvi. Residential facilities and shelters for seniors, adults, and children.

xvii. Professional services, such as legal or accounting services, when necessary to assist in compliance with legally mandated activities.

F. For purposes of this Order, individuals may leave their residence to work for or obtain services at any "**Healthcare Operations**" including hospitals, clinics, dentists (for emergency care only), pharmacies, pharmaceutical and biotechnology companies, other healthcare facilities, healthcare suppliers, home healthcare services providers, mental health providers, or any related and/or

ancillary healthcare services. "Healthcare Operations" also includes veterinary care and all healthcare services provided to animals. This exemption shall be construed broadly to avoid any impacts to the delivery of healthcare, broadly defined. "Healthcare Operations" does not include fitness and exercise gyms and similar facilities.

G. For purposes of this Order, individuals may leave their residence to provide any services or perform any work necessary to the operations and maintenance of "**Essential Infrastructure**," including, but not limited to, public works construction, construction of housing, airport operations, water, sewer, gas, electrical, oil refining, roads and highways, public transportation, solid waste collection and removal, internet, and telecommunications systems (including the provision of essential global, national, and local infrastructure for computing services, business infrastructure, communications, and web-based services), provided that they carry out those services or that work in compliance with Social Distancing Requirements as defined this Section, to the extent possible.

H. For purposes of this Order, all first responders, emergency management personnel, emergency dispatchers, court personnel, and law enforcement personnel, and others working for or to support Essential Businesses are categorically exempt from this Order. Further, nothing in this Order shall prohibit any individual from performing or accessing "**Essential Governmental Functions**." Essential Government Functions means all services needed to ensure the continuing operation of the government agencies and provide for the health, safety and welfare of the public. All Essential Governmental Functions shall be performed in compliance with Social Distancing Requirements as defined this Section, to the extent possible.

I. For the purposes of this Order, covered businesses include any for-profit, non-profit, or educational entities, regardless of the nature of the service, the function they perform, or its corporate or entity structure.

J. All Events at the following locations are prohibited, regardless of the number of attendees: Day care centers, child care centers, home child care centers, private schools (including pre-schools) and private day schools.

K. All short term lodging, including but not limited to hotels, motels, short term rentals (30 days or less), bed and breakfast establishments, lodges and retreats shall cease operations, unless otherwise authorized in writing by the Public Health Director for emergency or quarantine purposes, or to provide lodging for essential federal, state, county or local personnel. Specifically excluded from this Order are circumstances in which it is not safe or impossible for a guest to depart from the County. However, there shall be no new bookings or reservations during the pendency of this Order. Furthermore, current reservations for the timeframe anticipated in this Order shall be cancelled.

L. Local public bus transportation is considered an Event for purposes of this Orders and Social Distancing Recommendations shall be implemented. Said transportation shall be limited to individuals who are accessing Essential Services or conducting Essential Travel or working for Essential Businesses.

M. The Gondola is not considered essential transportation and is hereby closed for the duration of this Order.

N. Residential and commercial construction sites may otherwise continue to operate so long as in compliance with this Order in reference to Social Distancing Requirements and limiting persons on site to no more than 10 people at any given time.

O. Individuals shall limit their travel to Essential Travel. For purposes of this Order, "**Essential Travel**" includes travel for any of the following purposes. Individuals engaged in any Essential Travel must comply with all Social Distancing Requirements as defined in this Section.

i. Any travel related to the provision of or access to Essential Activities, Essential Governmental Functions, Essential Businesses, or Minimum Basic Operations.

ii. Travel to care for elderly, minors, dependents, persons with disabilities, or other vulnerable persons.

iii. Travel to return to a place of residence from outside the jurisdiction.

iv. Travel required by law enforcement or court order.

v. Travel required for non-residents to return to their place of residence outside the County. Individuals are strongly encouraged to verify that their transportation out of the County remains available and functional prior to commencing such travel.

II. OTHER DEFINITIONS

For purposes of this Order:

A. **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 and bars (regardless of capacity); community recreational centers; ice rinks; libraries; child care centers; and similar locations and activities.

"Event" does not include activities that are primarily individual or occur in small groups or in non-congregate settings, such as places of employment or primarily small-group sports like skiing, as long as social distancing occurs particularly in areas where congregating in groups is unavoidable. "Event" also does not include places of employment for federal, state, local and special district employees, employees of public utilities or utility service providers (*e.g.*, electric utility providers, internet service providers, water and sewer

service providers), grocery stores, hardware stores, or medical service providers.

B. "**Social Distancing Requirements**" includes maintaining at least six-foot distancing from other individuals for no longer than ten minutes, washing hands with soap and water for a least twenty seconds as frequently as possible or using hand sanitizer, covering coughs or sneezes (into the sleeve or elbow, not hands), regularly cleaning high-touch surfaces and not shaking hands.

C. "**Minimum Basic Operations**" include the following, provided that employees comply with Social Distancing Requirements as defined herein, to the extent possible, while carrying out such operations:

   i. The minimum necessary activities to maintain the value of the business's inventory, ensure security, process payroll and employee benefits, or for related functions.
   ii. The minimum necessary activities to facilitate employees of the business being able to continue to work remotely from their residences.

III. FURTHER GUIDANCE

Further guidelines for social distance are available at https://www.sanmiguelcountyco.gov/590/Coronavirus

IV. 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, 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 MST on April 3, 2020, and is subject to continuing review by the Public Health Director.

Grace Franklin
Public Health Director

03/18/2020
Date

I, Amy Markwell, hereby acknowledge receipt of this Order.

Amy Markwell, County Attorney

3/18/2020
Date

###

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.