



Department of Public Health and Environment

GRACE FRANKLIN, DIRECTOR

**PUBLIC HEALTH AGENCY ORDER # 2021 – 07**

**ADOPTION OF THE STATE OF COLORADO COVID-19 ORDERS AND ADDITIONAL SAFETY REQUIREMENTS TO CURTAIL THE SPREAD OF COVID-19**

**EFFECTIVE: *FRIDAY, OCTOBER 1, 2021 at Midnight MST***

**RECITALS AND FINDINGS**

**WHEREAS**, local public health orders are adopted pursuant to the legal authority set forth in sections 25-1-506, 25-1-508 and 25-1-509 of the Colorado Revised Statutes. Under these laws, the San Miguel County Board of Health and San Miguel County 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 or the people within the jurisdiction of the agency as the agency may find necessary for the protection of the public health; and

**WHEREAS**, on Friday, August 27, 2021, based on limited hospital bed capacity in our region, the Combined Hospital Transfer Center (CHTC) Leads met and decided to activate the CHTC at Level 1 which partner all hospitals across the state with a CHTC Lead in an effort to assist and/or ensure COVID-19 patient transfers; and

**WHEREAS**, as of September 28, 2021 there have been three (3) COVID-19 related deaths in the County since July 1, 2021; and

**WHEREAS**, wastewater treatment data has continued to indicate a significant level of disease burden within San Miguel County; and 19 hospitalizations; and

**WHEREAS**, on July 27, 2021 the Centers for Disease Control released data about the increased transmissibility of the Delta variant; and

**WHEREAS**, San Miguel County continues to sustain a high incidence rate and severity of cases; and

**WHEREAS**, the CDC and American Association of Pediatrics state that masks are effective in reducing the transmission of COVID and face masks can be safely worn by all children 2 years of age and older, with rare exception; 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 increase restrictions in future orders and amendments should the**

**protection of public health necessitate such measures** and no person should presume that future orders will automatically or necessarily relax the restrictions contained in this Order.

### NECESSITY OF THIS ORDER

This Order is issued based on evidence of the occurrence and transmission of and vaccination against COVID-19 within San Miguel County. This Order is further based on scientific evidence and best practices regarding the most effective approaches to slow the transmission of communicable diseases generally and COVID-19 specifically, and evidence that the age, condition, and health of a significant portion of the population within San Miguel County places the population at risk for serious health complications, including death, from COVID-19.

### INTENT

The intent of this Order is to ensure that the community as a whole has the opportunity to live, work, and play in environments that do not put them at undue risk for infection of COVID-19. Additionally, maintaining low COVID-19 transmission keeps hospital capacity manageable and allows for other medical care to continue, allows businesses to stay open without capacity restrictions, and reduces the likelihood that schools will have to close to in-person learning. 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 continue, additional restrictions on activities may be implemented. All provisions of this Order should be interpreted to effectuate this intent.

### ORDER

#### **I. GENERAL**

- A. This Order rescinds and replaces in full all prior public health orders issued by the San Miguel County Public Health Director.
- B. This Order shall apply to all unincorporated areas of San Miguel County, Colorado, and all incorporated (municipal) areas that do not have a public health agency, to wit: Town of Telluride, Town of Mountain Village, Town of Norwood, Town of Ophir, and the Town of Sawpit, Colorado.
- C. Nothing in this Order prevents any individual local governmental entity, business or service provider from adopting more protective standards for the health and safety of their jurisdictions, employees, offices, businesses or customers.
- D. Nothing in this Order prevents businesses or service providers from denying any or all of their services as they deem appropriate and necessary under the circumstances.
- E. **Most Restrictive Standard Controls.** To the extent there is a conflict between State, County, Town or Business rules/orders, the more restrictive provisions control.
- F. **Posting Compliance Signage.** Businesses from all industries **must** post appropriate signage to communicate current COVID-19 protocols, as instructed by San Miguel county Public Health.
- G. **Take the Pledge.** Everyone is strongly encouraged to follow the Five Commitments of Containment to curb the spread of COVID-19 and help keep our community open: wear a mask;

physically distance; minimize group size; wash hands frequently; and stay at home when sick and get tested.

#### H. Responsibility for Compliance.

- Individuals. Each individual present within San Miguel County whether they are a full-time resident, part-time resident or visitor is responsible for compliance with this Order and any additional restrictions implemented by individual towns, businesses and facilities.
  - Businesses. The responsibility for compliance for businesses within this Order shall apply to the owner of the Business and owner of the property on which the facility or event is located.
  - Everyone should take steps to review and become familiar with the materials found on the County and State websites, posted by the business or facility as well as materials that are sent to them through the mail or various electronic media. <https://covid-19-sanmiguelco.hub.arcgis.com/>
- I. **Severability.** 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.
- J. **Conflicting Interpretations.** To the extent any ambiguity exists between this Order 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 its interpretation by the Public Health Director or her designee shall control.
- K. **Penalties.** Failure to comply with any provision of this Order may result in (1) a fine of up to five thousand (\$5,000) dollars and/or imprisonment in the county jail for up to eighteen (18) month pursuant to C.R.S. §§ 25-1-516 and 18-1.3-501; (2) loss of business license(s); (3) and/or a temporary shutdown of your business or worksite.

#### II. FACE COVERINGS

- A. "Face Covering" shall mean a covering made of cloth, fabric, or other soft or permeable material, without holes, that covers only the nose and mouth and surrounding areas of the lower face, and that fits snugly but comfortably against the side of the face and remains in place without the use of one's hands. Face coverings include, but are not limited to, medical masks, cloth masks, buffs and gaiters. Face coverings do not include any mask that incorporates a one-way valve that is designed to facilitate easy exhaling, and such masks are not to be used to comply with this Order.
- B. All persons, regardless of vaccination status, shall be required to wear a Face Covering when entering, waiting in line to enter and while in the following locations open to the public within San Miguel County:
1. Any place of business or facility engaged in any sales or other transactions of any kind to the general public and any place that offers services, facilities, privileges, or advantages to the general public;
  2. Any County, Town of Telluride, Town of Mountain Village, Town of Ophir, Town of Sawpit and Town of Norwood owned or operated building or indoor facility of any kind; and

3. Any public transportation.
- C. Exceptions. Nothing herein shall require the wearing of face coverings by the following persons under this Order:
1. Persons in restaurants or other food establishments which are permitted by state and local regulations to serve food for consumption on the premises, while such person is in the act of eating or drinking; provided, however, that face coverings must be worn while entering and exiting the restaurant, and while ordering, paying, or otherwise interacting with employees or other customers of the restaurant, and once the food and drink have been consumed;
  2. Persons working in a place of business who do not come into contact with the public and who do not share workspace with other persons not of their household; provided, however, that face coverings shall be worn while entering or exiting the building or otherwise when within six feet of another person in or around that place of business and as may otherwise be required under any other orders or directives issued by any entity with jurisdiction;
  3. Persons younger than 2 years of age;
  4. Persons for whom a face covering would cause impairment due to an existing health condition or persons who, because of a disability, are unable to wear a face covering; and
  5. Persons in a place of business such as banks, financial institutions or other security sensitive businesses who are requested to remove or lower their face covering for purposes of verifying their identity to carry out a sale or transaction; provided, however, that face coverings must otherwise be worn while in the establishment.

### 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 and/or email [publichealth@sanmiguelcountyco.gov](mailto:publichealth@sanmiguelcountyco.gov).
- 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>
- **San Miguel COVID-19 Communication Assets**  
<https://drive.google.com/drive/folders/1W3NKG9kxZWj84VuxcUjSlAT0BkoK45XS>
- **Colorado Public Health & Executive Orders:** <https://covid19.colorado.gov/covid-19-in-colorado/public-health-executive-orders-resource>
- **CDPHE COVID-19 Dial Dashboard:**  
<https://covid19.colorado.gov/data/covid-19-dial-dashboard>
- **CDPHE Environmental Cleaning Guidance:**  
<https://drive.google.com/file/d/1XQnjAL2nzdPnb7Dabz7-fX8Pw7XlyUe8/view>
- **CDPHE Guidance for Wearing Masks:** <https://covid19.colorado.gov/mask-guidance>

- **CDPHE Outdoor Event Guidance:** <https://covid19.colorado.gov/outdoor-events>
- **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>
- **US Centers for Disease Control & Prevention - Visiting Bars and Restaurants:** <https://www.cdc.gov/coronavirus/2019-ncov/daily-life-coping/personal-social-activities.html#restaurant>

(End of Order)

This Order is in effect from

*FRIDAY, OCTOBER 1, 2021 at Midnight MST*

to

*Monday, November 1, 2021 at 11:59 PM MST*

and is subject to continuing review by the Public Health Director.

**DONE AND SIGNED**, as the official Order of the Director of the San Miguel County Department of Public Health and Environment.



Grace Franklin, Public Health Director

Sept 29, 2021

Date