



JULY 3, 2020

**STANDING PUBLIC HEALTH ORDER
PHASE 3 OF THE EAGLE COUNTY PLAN FOR SUSTAINING SOCIAL DISTANCE**

This Order:

- Supersedes the Standing Public Health Order for Phase 2 of the Eagle County Plan for Sustaining Social Distance dated May 25, 2020, as amended.
- Sets forth Phase 3 (“Revised Black Diamond” in the [Transition Trail Map¹](#)) of Eagle County’s protocol to continue slowing the spread of the COVID-19 virus while promoting social and economic community health.

Pursuant to section 25-1-506 (2)(a)(I), Colorado Revised Statutes, this Order is effective as of June 22, 2020 within the entirety of Eagle County, including all towns within the County, until July 31, 2020.

This Order is adopted pursuant to the legal authority set forth in sections 25-1-506 and 25-1-508, Colorado Revised Statutes. Under these laws, the Director of Eagle County Public Health and Environment (“ECPHE”) 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 may be necessary for the protection of the public health. All persons in Eagle

¹ <https://tinyurl.com/ECTrailMap>

County, including in all towns, must follow the requirements stated herein.

Where this Order or applicable guidance of Eagle County conflicts with an order or guidance provided by the State of Colorado as to COVID-19, Eagle County's Order or guidance applies.

I. BACKGROUND, PURPOSE, AND INTENT

Eagle County on May 11, 2020 requested exemptions from certain provisions of executive and public health orders of the Governor and the Colorado Department of Health and Environment ("CDPHE") on the basis that Eagle County has significantly reduced transmission of COVID-19 in the community and has adequate resources available such that Eagle County may begin relaxing public health restrictions. On May 22, 2020, the Executive Director of CDPHE granted Eagle County's request to allow the County to issue orders that supersede certain provisions of the state orders. Certain provisions in this Order, including those restated from the Phase 2 Order, rely on the May 22 Variance.

Eagle County on June 9, 2020 requested exemptions from additional provisions of executive and public health orders of the Governor and the Colorado Department of Health and Environment ("CDPHE") on the basis that Eagle County has stable transmission of COVID-19 in the community and has adequate resources available such that Eagle County may continue relaxing public health restrictions. On June 25, 2020, the Executive Director of CDPHE granted Eagle County's request subject to terms and conditions to allow the County to issue orders that supersede certain provisions of the state orders. Certain of the provisions of this Order rely on the June 25 Variance.

The purpose of this Order is to further lift restrictions associated with COVID-19 to the extent possible under the CDPHE Variances. The changes to the restrictions are incremental to prevent resurgence while allowing our community to continue social and economic healing and recovery. Disease resurgence and management of disease

spread is evaluated on a continuous basis and shared publicly through Eagle County's [Weekly Performance Indicator Dashboard](#)².

II. FIVE COMMITMENTS OF CONTAINMENT

Preventing a resurgence of COVID-19 in Eagle County requires all individuals and businesses to comply with the mandatory provisions in this Order. In addition, Eagle County strongly recommends that all persons assume additional responsibility and employ the [Five Commitments of Containment](#)³ to keep transmission of the illness low. These are:

1. I will maintain six feet of physical distance.
 - a. Keeping physical distance is one of the most effective prevention measures.
 - b. This includes any person who is not from my household.
2. I will wash my hands often.
 - a. Especially after visiting public settings, businesses, and before eating or touching my face.
3. I will cover my face in public.
 - a. Face coverings are NOT a substitute for maintaining 6 feet of physical distance in any public environment.
 - b. Face coverings are REQUIRED when entering any place of business or public indoor environment (e.g. retail store, grocery store, post office, library, other government buildings, theaters, etc.) as further described in Section IV(C)2.
 - c. As a general rule, masks are not required in an outdoor environment UNLESS you are in a densely populated public outdoor space, or you cannot consistently maintain 6 feet of physical distance from non-household members for 15 minutes or longer.
4. I will stay home when I am sick.

² <https://tinyurl.com/ECPerformanceIndicators>

³ <https://tinyurl.com/CommitToContain>

- a. Isolating from others, including household members, will help protect them and limit the spread.
 - b. Staying home also prevents the spread to co-workers, friends, or neighbors.
- 5. I will get tested immediately if I have Symptoms.
 - a. Testing is a key strategy to help contain the virus.
 - b. The earlier you know, the fewer people you will spread it to.

Should resurgence of COVID-19 appear likely based on a failure to adhere to this Order or to employ the Five Commitments of Containment, stricter restrictions may be reinstated.

III. DEFINITIONS

In the sequence in which they appear in Section IV, below, and for purposes of this Order:

- A. “Symptoms” are the symptoms of COVID-19 infection, and can include headache, sore throat, fever, dry cough, inability to taste and smell, shortness of breath, ear aches, body aches, diarrhea, fatigue, vomiting, and abdominal pain.
- B. “Self-Isolate” is specific to a person with illness and means to stay at home, maintain distance (minimum of six feet) away from other household members, do not share a bedroom or bathroom, wear a Face Covering to cover your mouth and nose when in common areas within the household, and do not leave the home unless seeking medical care.
- C. “Self-Quarantine” is specific to a person who does not have Symptoms but has been exposed to someone confirmed to have COVID-19 or who is experiencing Symptoms, and means to stay home, do not go to public places unless seeking medical care, and avoid contact with other people until the incubation period for COVID-19 is over, for 14 days.
- D. “Group” means a gathering of up to and including the allowable number of persons who are appropriately distanced amongst themselves and

otherwise in accordance with the requirements of this Order.

- E. “Local Residents” are those persons whose primary and permanent home or residence is in Eagle County, or those persons who, for at least 30 days at a time, own, maintain, or live in a home or residence in Eagle County.
- F. “Face Covering” means a uniform piece of material or mask that securely covers a person’s nose and mouth and remains affixed in place without the use of one’s hands.

IV. ORDER

A. Isolation and Quarantine Requirements for Symptomatic Persons and Exposures

1. Individuals experiencing Symptoms of COVID-19 must Self-Isolate as defined in Section III(B), above, for a minimum of ten (10) days from the start of Symptoms AND until they are fever free for a minimum of 72 hours (without the use of any fever-reducing medications) AND as long as Symptoms are significantly improving. This includes people that have tested positive, people awaiting their test results, and people who have Symptoms but have not been tested. Individuals experiencing Symptoms should contact a [local healthcare provider](https://sites.google.com/eaglecounty.us/covidtestingsites)⁴ for guidance and to schedule COVID-19 testing as quickly as possible.
2. Individuals with a close contact with confirmed COVID-19 disease, or a person who has Symptoms consistent with COVID-19 but who has not been tested, will Self-Quarantine, as defined in Section III(C), above, for 14 days at their place of residence. A close contact is a household member, intimate partner, or someone who has been within six feet of a person that is sick for 15 minutes or longer. For healthcare workers and others responding to the COVID-19 pandemic, ECPHE will provide more specific guidance.

⁴ <https://sites.google.com/eaglecounty.us/covidtestingsites>

B. Limitations on Public and Private Gatherings

1. For indoor spaces, up to 100 persons may gather.
2. For outdoor spaces, up to 175 persons may gather.
3. All gatherings are subject to the applicable social distancing, disease prevention, and other requirements set forth in this Order and the applicable guidance of ECPHE.

C. Social Distancing and Disease Prevention Requirements for Individuals

1. General Requirements. To reduce the risk of disease transmission, all individuals must:
 - a. Maintain at least a six-foot distance from other individuals.
 - b. Avoid unnecessary physical contact (including hugs, handshakes, or fist bumps), unless the contact is with another household member.
 - c. Wash hands with soap and water for at least twenty seconds as frequently as possible or use hand sanitizer.
 - d. The requirements in this Section IV(C)(1) do not apply to interactions among members of the same household.
2. Face Coverings Required. Individuals are required⁵ to wear Face Coverings that cover the nose and mouth, subject to the following:
 - a. Indoor public spaces: Individuals must wear Face Coverings when entering and inside any place of business or public indoor environment, such as a retail store, grocery store, post office, library, government buildings, theaters, and the like.
 - b. Outdoor public spaces: Face Coverings are not required when in public outdoor spaces unless six feet of physical distance from non-household members cannot be maintained over a period of 15 minutes or longer.

⁵If a client refuses to comply with the expectations of this public health order and refuses to vacate the premises, businesses may call law enforcement to enforce trespassing and/or public health violations.

- c. Wearing a Face Covering does not replace the requirement to maintain the minimum physical distance from non-household members.
 - d. Exceptions - Face Coverings are not required:
 - i. For persons under two years of age.
 - ii. For child care centers or summer camps where ECPHE Industry Specific Guidance provides otherwise.
 - iii. When seated for dining or consumption within a restaurant or bar.
 - iv. Where wearing a Face Covering would inhibit an individual's health due to an existing health condition.
 - v. When receiving personal or health services that require access to the mouth or nose, including but not limited to dentistry or dermatology.
 - vi. When exercising in a gym or fitness center when wearing a Face Covering is not physically possible.
 - vii. Within an indoor workplace setting when the general public is not present AND persons can maintain at least 6 feet of physical distance from other people at all times.
3. Multiple Groups of individuals are allowed only if the gathering area is suitable to maintain the following separation of Groups:
- a. Outdoors, Groups must maintain a reasonable and safe distance of at least 20 feet.
 - b. Indoors, Groups must be separated into separate and distinct rooms.
4. Individuals at greater risk of severe disease from COVID-19 are safer at home. This includes individuals who are 65 years of age or older or have chronic lung disease, moderate to severe asthma, serious heart conditions, are immunocompromised, are pregnant, or are otherwise considered at high risk by a licensed healthcare provider. When appropriate, these individuals should take extra precautions when leaving their homes:
- a. Maintain 6-8 feet of distance from other individuals.
 - b. Wear Face Coverings while in public.

- c. Avoid settings with larger numbers of people and keep prolonged interaction with the general public to a minimum.
 - d. Limit gatherings and meet outside when possible.
 - e. Contact their healthcare provider immediately upon onset of Symptoms.
5. Individuals must comply with ECPHE’s case and outbreak investigations, including, without limitation, providing names and contact information for other persons that have COVID-19 or were a close contact of someone with COVID-19, or any other information necessary for ECPHE to investigate and control the spread of COVID-19.
6. Individuals must adhere to any reasonable, additional social distance or disease prevention requirements imposed by businesses as a condition of entering their premises or attending gatherings they organize.

D. Special Provisions for Non-Local Residents Visiting Eagle County

- 1. Any person that is not a Local Resident who travels to or visits Eagle County (a “non-Local Resident”) must be free of any Symptoms consistent with COVID-19 before arrival.
- 2. If any Symptoms consistent with COVID-19 are present in the 14 days prior to arrival in Eagle County, the non-Local Resident must not travel to Eagle County.
- 3. All non-Local Residents will self-screen for Symptoms each morning during their travel within Eagle County.
- 4. All non-Local Residents that develop Symptoms consistent with COVID-19 during their travel within Eagle County will:
 - a. Adhere to Self-Isolation requirements in Section (IV)(A)(1) above, even if this prolongs their stay in Eagle County at the traveler’s expense.
 - b. Contact a [local healthcare provider](https://sites.google.com/eaglecounty.us/covidtestingsites)⁶ for guidance and to schedule COVID-19 testing as quickly as possible.

⁶ <https://sites.google.com/eaglecounty.us/covidtestingsites>

5. All non-Local Residents that have been exposed to someone with Symptoms consistent with COVID-19 during their travel will:
 - a. Adhere to the Self-Quarantine requirements in Section (IV)(A)(2) above, even if this prolongs their stay in Eagle County and at the traveler's expense.
 - b. If Symptoms consistent with COVID-19 develop during the quarantine period, the traveler must follow the requirements outlined in Section (IV)(D)(4) above.

E. Services and Businesses that Must Remain Closed

1. The following businesses or facilities must remain closed while this Order is in place:
 - a. Saunas and steam rooms.
 - b. Any business or recreational facility that cannot meet the limitations in this Order as to the number of employees, customers, guests, and attendees; cannot meet the social distancing and disease prevention requirements as set forth in this Order; or cannot control the interactions between people to ensure they meet the requirements of this Order.

F. Provisions Applicable to All Open Businesses

1. General Provisions
 - a. Unless listed in Section IV(E) of this Order, businesses and facilities in Eagle County may remain open or reopen, provided they meet all applicable requirements in this Order.⁷
 - b. All open businesses must report to ECPHE at (970) 235-0187 or diseaseprevention@eaglecounty.us any suspected or confirmed clusters of illnesses among employees where Symptoms are consistent with COVID-19, as defined in Section III(A), above.

⁷ Bars in Eagle County are allowed to reopen or remain open, and are exempt from amended paragraph II.F.7 that closes bars in [Colorado Executive Order D 2020 123](https://www.colorado.gov/p3/executive-order-d-2020-123), available at <https://tinyurl.com/D-2020-123>.

- c. All open businesses must comply with case and outbreak investigations, including but not limited to providing names and contact information for employees, customers, or guests that have COVID-19, were a close contact to someone with COVID-19 or otherwise requested by ECPHE to investigate and control the spread of COVID-19.
- d. All open businesses and facilities must create a [Social Distancing Protocol](#)⁸ and adhere to the applicable Industry-Specific Guidance and social distancing and disease prevention requirements set forth in Sections IV(G) and (H), below.
- e. Unless one of the exceptions in Section IV(F)(2) applies or ECPHE Industry-Specific Guidance provides otherwise, businesses and gathering organizers must limit the number of individuals and Groups that enter premises or participate in an event they organize as follows:
 - i. Up to 100 people indoors may gather per room, subject to the additional social distancing requirements in this Order and ECPHE Industry-Specific Guidance.
 - ii. Up to 175 people outdoors may gather into each designated Group area, not to exceed 500 persons among the designated Group areas, subject to the additional social distancing requirements in this Order and applicable restrictions, clarifications, or exceptions in ECPHE Industry-Special Guidance.
- f. All open businesses that take reservations from or otherwise serve non-Local Residents (including hotels, short term rentals, other lodging, outdoor recreational guides, and the like) must inform the non-Local Resident customers, guests, or attendees about the restrictions in this Order, including by:
 - i. Providing all guests with information about the [Five Commitments of Containment](#)⁹.
 - ii. Explaining the Special Provisions for Visitors in Section IV(D), above.

⁸ <https://tinyurl.com/ECSocialDistancingProtocols>

⁹ <https://tinyurl.com/CommitToContain>

iii. Providing notice of the Special Provisions for Visitors to non-Local guests in advance of their visit to Eagle County where possible to do so.

g. Employers are strongly encouraged to allow employees to work remotely where possible, and to adopt policies for paid sick leave if the employee is lab-confirmed with COVID-19.

2. Exceptions:

a. For businesses not open to the public and that will not serve customers in person, the number of employees in a location may exceed the limits on gatherings set forth in this Order where additional employees are necessary to conduct business operations. Rather, a minimum six-foot distance must be maintained between employees and all other applicable social distancing and disease prevention requirements of this Order must be met.

b. The official and essential functions or training activities of health care operators, utilities, law enforcement, fire prevention and response, emergency management and response, and any other critical public or governmental functions that are necessary to ensure public health, safety, and welfare are exempt from any provisions of this Order that would unreasonably restrict or preclude the necessary activity. Such activities should include social distancing and disease prevention measures to the extent practicable.

3. Industry-Specific Guidance

a. The following businesses or services must comply with [additional ECPHE Industry Specific Guidance](#)¹⁰, which may provide clarification on certain aspects of social distancing or other requirements in this Order:

i. [Restaurants and Bars](#)¹¹

ii. [Personal Services](#)¹²

iii. [Public Restrooms](#)¹³

¹⁰ <https://tinyurl.com/ECBusinessToolkit>

¹¹ <https://tinyurl.com/ECRestaurants>

¹² <https://tinyurl.com/ECPersonalServices>

¹³ <https://tinyurl.com/ECRestrooms>

- iv. [Preventative Medical Services](#)¹⁴
- v. [Lodging](#)¹⁵
- vi. [Pools and Spas](#)¹⁶
- vii. [Summer Camps](#)¹⁷
- viii. [Indoor and Outdoor Events](#)¹⁸
- ix. [Places of Worship](#)¹⁹

4. Statewide Guidance

- a. a. Businesses licensed and regulated by the State of Colorado must comply with the applicable rules, regulations, and guidance of the appropriate licensing agency.
- b. Additional guidance for businesses may be found at the State of Colorado’s [COVID-19](#)²⁰ website. Where the applicable guidance of Eagle County conflicts with an Order or guidance provided by the State of Colorado as to the COVID-19 pandemic, Eagle County’s Order or guidance applies unless otherwise indicated.

5. Additional Employer Responsibilities

- a. Employers do not need to and should not require negative test results or a medical release for anyone that has completed the Self-Isolation requirements in Section (IV)(A)(1), above, or the Self-Quarantine requirements in Section (IV)(A)(2), above, each as applicable.
- b. Employers should not recommend testing for other employees without consultation with ECPHE, or otherwise require a negative test result as a condition of employment.

G. Social Distancing Protocol for Disease Prevention Required for All Open Businesses and Services

¹⁴ <https://tinyurl.com/ECMedicalCare>
¹⁵ <https://tinyurl.com/ECLodging>
¹⁶ <https://tinyurl.com/ECPoolsSpas>
¹⁷ <https://tinyurl.com/ECCamps>
¹⁸ <https://tinyurl.com/ECEventPlanning>
¹⁹ <https://tinyurl.com/ECPlacesOfWorship>
²⁰ <https://covid19.colorado.gov/safer-at-home>

1. Prior to opening, all employers or facility operators must prepare a “Social Distancing Protocol” for each of their open facilities or operational locations in Eagle County. The [Social Distancing Protocol](#)²¹ must address the social distancing and disease prevention requirements in Section IV(H), below.
2. The Social Distancing Protocol must be provided to each employee performing work at the facility. Businesses are not required to provide a copy of the Social Distancing Protocol to Eagle County unless specifically requested.
3. All employers must implement the Social Distancing Protocol and provide it, evidence of its implementation, and any other information the Director of ECPHE deems relevant to the issue of compliance with this Order upon demand by ECPHE or any authority enforcing this Order.

H. Additional Social Distancing and Disease Prevention Requirements for All Open Businesses and Services

1. All open businesses must employ, at a minimum, the social distancing and disease prevention requirements that apply to all employees, customers, attendees and guests in Section IV(H)(4), unless this Order or applicable guidance referenced in this Order provides otherwise.
2. Businesses may impose additional, reasonable social distancing and COVID-19 disease prevention measures as a requirement for employees, customers, guests, or attendees to enter or participate in their businesses or facilities. Businesses may deny entry to or otherwise refuse to serve individuals who refuse to comply with such additional requirements, subject to federal and state laws.
3. Employers are encouraged to make safer accommodations, including

²¹ <https://tinyurl.com/ECSocialDistancingProtocols>

tele-work, where possible for employees at greater risk of severe disease from COVID-19 (aged 65 years or older or have chronic lung disease, moderate to severe asthma, serious heart conditions, are immunocompromised, are pregnant, or are otherwise considered at high risk by a licensed healthcare provider).

4. Businesses must implement the following social-distancing and disease prevention measures:
 - a. Employees must be screened for COVID-19 Symptoms each day and excluded if symptomatic as described in the self-isolation requirements in Section IV(A)(1).
 - b. Employers must ensure that employees, customers, attendees and guests can easily maintain a minimum six-foot distance from each other. Achieving adequate social distance may require limiting the number of persons who can enter or participate in a business or facility at any one time.
 - i. Persons may be within six feet for momentary circumstances to accept payment, deliver goods, walk past, or perform otherwise necessary tasks.
 - ii. Persons may be within six feet where the nature of the business makes closer proximity to a person necessary, such as in the provision of personal services.
 - iii. Household members do not need to maintain six feet of distance amongst themselves, but still must maintain the required distance from others.
 - c. Employers must ensure²² that employees, customers, guests, and attendees wear Face Coverings within their establishment or facility:
 - i. When entering and while inside businesses or other indoor public spaces.

²² If a client refuses to comply with the expectations of this public health order and refuses to vacate the premises, businesses may call law enforcement to enforce trespassing and/or public health violations.

- ii. In outdoor places only where persons are unable to maintain at least six feet of separation from non-household members for 15 minutes or longer.
- iii. When entering or utilizing public transportation.
- iv. Exceptions. Face Coverings are not required:
 - A. For persons under two years of age.
 - B. For child care centers and summer camps where ECPHE Industry Specific Guidance provides otherwise.
 - C. When seated for dining or consumption within a restaurant or bar.
 - D. Where wearing a Face Covering would inhibit an individual's health due to an existing health condition.
 - E. When receiving personal or health services that require access to the mouth or nose, including but not limited to dentistry or dermatology.
 - F. When exercising in a gym or fitness center when wearing a face covering is not physically possible.
 - G. Within an indoor workplace setting when the general public is not present AND when persons can maintain at least 6 feet of physical distance from other people at all times.
- d. Employers must ensure that employees comply with [CDPHE Public Health Order 20-31](#),²³ if applicable, related to the use of gloves.
- e. Where lines may form at a facility, six-foot increments at a minimum must be marked on the ground or floor establishing where individuals should stand to maintain adequate social distance.
- f. [Signs at the entrance of a facility must be posted](#)²⁴ informing all employees and customers that they should: avoid entering the facility if they have a cough or fever; maintain a minimum six-foot distance from one another; sneeze and cough into one's elbow or a tissue; and not shake hands or engage in any unnecessary physical contact.

²³ <https://drive.google.com/file/d/1sB190acmezlOj51DQQ4wS7bHyXZ985zr/view>

²⁴ The sign template is available here: <https://tinyurl.com/ECSignForBusiness>

- g. Hand sanitizer, soap and water, or effective disinfectant must be made available at or near the entrance of the facility and in other appropriate areas for use by customers, attendees, guests, the public, and employees, and in locations where there is high-frequency employee interaction with members of the public (e.g. cashiers).
- h. Contactless payment systems should be provided, or, if not feasible to do so, all payment portals, pens, and styluses must be disinfected after each use.
- i. Other high-touch surfaces should be regularly disinfected and environmental cleaning guidelines from the US Centers for Disease Control and Prevention (CDC) must be followed (e.g., clean and disinfect high touch surfaces daily or more frequently).
- j. Vehicles, other than those used for public transit or emergency response, that transport multiple employees of a business or its guests or attendees are a higher-risk environment. To reduce the risks of COVID-19 exposure, the following requirements apply:
 - i. In addition to employees, guests and attendees must be screened for COVID-19 Symptoms each day and be excluded if symptomatic, as described in the self-isolation requirements in Section IV(A)(1).
 - ii. Employees, guests, and attendees must use hand sanitizer upon entering the vehicle and must wear a Face Covering when in vehicles with more than one person.
 - iii. The number of passengers must be limited to 50% of a vehicle's occupancy to increase the distance between passengers to the largest extent possible.
 - iv. Windows must remain open and/or ventilation must be increased.
 - v. Vehicles must have high-touch surfaces disinfected daily.

V. GENERAL INFORMATION FOR ALL PERSONS AFFECTED BY THIS ORDER

ECPHE is tasked with protecting the health and welfare of the citizens of Eagle 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 Eagle 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.

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. EAGLE COUNTY PUBLIC HEALTH AND ENVIRONMENT ALSO RESERVES THE RIGHT TO SEEK ANY OTHER REMEDIES AVAILABLE BY LAW.

Heath Harmon
Public Health & Environment Director


