

**FIFTH AMENDED STANDING PUBLIC HEALTH ORDER 2020-03  
REQUIRING MITIGATION PLAN OF ALL BUSINESSES  
ROUTT COUNTY BOARD OF HEALTH**

**Recitals**

A. Routt County Resolution 2009-018, established the Routt County Public Health Agency, pursuant to C.R.S. § 25-1-506, designating the Board of County Commissioners of Routt County as the Routt County Board of Health ("Board of Health").

B. Public Health has the statutory authority to investigate and control the causes of epidemic or communicable diseases and conditions affecting public health, as well as to establish, maintain, and enforce isolation and quarantine, and to exercise physical control over persons within its jurisdiction as necessary for the protection of public health. C.R.S. § 25-1-506 (3)(b)(V) and (VI).

C. Public Health has the statutory authority to close schools and public places and to prohibit gatherings of people when necessary to protect public health. C.R.S. § 25-1-506.

D. Public Health has jurisdiction for both incorporated and unincorporated Routt County. C.R.S. § 25-1-506(2)(a).

E. The Director General of the World Health Organization has declared that COVID-19 constitutes a Public Health Emergency of International Concern and characterized it as a pandemic. The Secretary of the U.S. Department of Health and Human Services has declared COVID-19 constitutes a public health emergency and on March 13, 2020, the President of the United States declared a National Emergency. On March 10, 2020, Colorado Governor Jared Polis declared a State of Disaster Emergency and that declaration continues. 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 Routt County. On March 13, 2020, Routt County declared a local disaster and that declaration continues.

F. In consultation with the Routt County Public Health Director and the Routt County Public Health Medical Officer, the Board of Health issues these orders to slow the spread of the COVID-19 virus.

G. 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 of 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 hospitals, first responders, and other healthcare services continue to provide services for those who need

them (along with utilities, human services, and businesses) 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.

**NOW, THEREFORE, IT IS ORDERED:**

1. This Order is effective within the entirety of Routt County, including all cities and towns within the County.

2. The issuance of this Order is deemed reasonable and necessary for the preservation of the public health, safety and welfare.

3. This Order applies to any individual, business or organization, including for profit or non-profit, regardless of its corporate structure, engaged in any commercial, manufacturing, or service activities (collectively "Business"). For the purposes of this Order, the term "employee" shall include owners, contractors, subcontractors, workers, and volunteers regardless of the absence of any employer-employee relationship.

**4. Face Covering Requirements.**

All employees and customers above the age of two years must cover their nose and mouth with a face-covering while indoors or when six foot social distancing cannot be maintained, unless the nature of the Business (such as dentistry or personal care) requires the removal of the face-covering.

**5. Mitigation Protocol.**

All Businesses at which there is more than one person present at any time (whether employees or members of the public) must prepare a "Mitigation Protocol" for each facility or operational location in Routt County. The Mitigation Protocol must be substantially in the form attached to this Order as Appendix A.

a. The Mitigation Protocol must be posted at or near the entrance of each facility that remains in use, and shall be easily viewable by the public and employees. A copy of the Mitigation Protocol must also be provided to each employee performing work at the facility.

b. All Businesses shall implement their Mitigation Protocol and provide evidence of its implementation to any authority enforcing this Order upon demand.

c. Any state approved variances to public health orders for Routt County are incorporated in this Order as if fully set forth herein and shall satisfy the Mitigation Protocol requirement herein. Upon expiration or rescission of a variance, such businesses shall be required to maintain a Mitigation Protocol substantially in the form attached to this Order as Appendix A.

d. For any gatherings or events at public and commercial spaces with 25 or more attendees, the Mitigation Protocol required herein shall include a self-certification form as prescribed by the Routt County Public Health Department. The self-certification form shall be submitted to Routt County Public Health at least 15 days in advance of the gathering or event.

e. Failures to develop and post a Mitigation Protocol or self-certification form as well as the inability to meet the requirements of the Mitigation Protocol and this Order may be subject to penalty or enforcement, including closure of the business.

6. The responsibility for compliance with this order shall apply to the owner of the Business and owner of the property on which the facility is located. In addition, each employee or member of the public utilizing the facilities of the Business shall be personally responsible for their own compliance with this Order.

7. Any Business that provides more stringent mitigation and social distancing requirements shall be deemed to have met the intent of this Order.

8. **Most Restrictive Standard Controls.** To the extent any State of Colorado and/or Federal orders or laws are more restrictive than what is set forth herein, such orders control.

9. **Judicial Review.** Any person aggrieved and affected by this Order has the right to request judicial review by filing an action with the Routt 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.

10. **Penalties.** Failure to comply with this Order is subject to the penalties contained in C.R.S. §§ 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 (18) months and may subject the person to a civil action for damages.

11. This Order is effective, as amended as of September 30, 2020 and is in effect through November 30, 2020, unless extended or earlier rescinded.

ORDERED THIS 30<sup>th</sup> day of September, 2020.

BY THE BOARD OF HEALTH FOR ROUTT COUNTY, COLORADO.

ATTEST:

*Kim Bonner by Barbara*

Kim Bonner,  
Routt County Clerk and Recorder

