

**RESCINDING PARK COUNTY BOARD OF HEALTH ORDER NO. 21-02
ISSUING PARK COUNTY BOARD OF HEALTH ORDER 21-03**

RECITALS

1. Park County Resolution No. 2009-09, established the Park County Public Health Agency pursuant to Section 25-1-506, C.R.S., designating the Board of County Commissioners of Park County as the Park County Board of Health ("Board of Health").

2. Due to the increasing incidence of COVID-19 in the general public, the designation of pandemic by the World Health Organization, the Declaration of a Disaster Emergency by Governor Polis on March 10, 2020, and a National Emergency by the President of the United States on March 13, 2020, and previous PHOs issued by the Executive Director of the Colorado Department Public Health and Environment, which include PHO 20-20 (Restricting Visitors all Colorado Skilled Nursing Facilities, Assisted Living Residences and Intermediate Care Facilities); PHO 20-22 (Closing Bars, Restaurants, Theaters, Gymnasiums, Casinos, Noncritical Personal Services Facilities, and Horse Track and Off-Track Betting Facilities Statewide); and PHO 20-23 (Implementing Social Distancing Measures).

3. On March 19, 2020, Park County declared a Local Disaster Emergency related to COVID-19.

4. On March 25, 2020, the Governor of Colorado issued Executive Order 2020-017 ordering all Coloradans to stay at home.

5. As of the date of this order, the Governor has issued Executive Order D 2021 045 extending Executive Orders D 2020 003, D 2020 018, D 2020 032, D 2020 058, D 2020 076, D 2020 109, D2020 125, D 2020 152, D 2020 176, D 2020 205, D 2020 234, D 2020 258, D2020 264, D 2020 268, D 2020 284, D 2020 290, D 2020 296, D 2021 009, D 2021 022, and D 2021 028 Declaring a Disaster Emergency Due to the Presence of Coronavirus Disease 2019 in Colorado and Executive Order D 2021 035, extending Executive Orders D 2020 039, D 2020 067, D 2020 092, D 2020 110, D 2020 138, D 2020 164, D 2020 190, D 2020 219, D 2020 237, D 2020 245, D 2020 276, D 2020 281, and D 2021 007 Ordering Individuals in Colorado to Wear Non-Medical Face Coverings

6. As of the date of this Order, the Executive Director of the Colorado Department of Public Health and Environment issued the seventh amended Public Health Order 20-36. This Order supersedes and replaces Public Health Orders 20-32 and 20-35, as amended.

7. As of the date of this Order, Park County is listed as "Level Blue: Caution" as defined in the Seventh Amended PHO 20-36 and subject to the metrics and restrictions identified in Seventh Amended PHO 20-36. Park County's level on the COVID-19 Dial may be revised during the duration of this PHO 21-03. The County acknowledges the metrics and restrictions of its current COVID-19 Dial level as determined by the CDPHE, and as may be amended.

8. Executive Orders 2020-044 and 2020-091 expressly allow a local public health

authority to issue an order more protective of public health than Executive Order 2020-044. To the extent provisions in a local public health order are more protective of public health than the amended Executive Order 2020-044 and 2020-091, or any Colorado Public Health Order issued pursuant to an Executive Order, such provisions in the local public health order shall remain in full force and effect.

9. This Order is adopted pursuant to the legal authority set forth in Sections 25-1-506 and 25-1-508, C.R.S. Under these laws, the Park County Board of Health (the “Board”) has the power to develop and promote public policies needed to secure the conditions necessary for a healthy community.

10. To the extent any ambiguity exists between this Order and any statement made by Park County 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.

11. For the avoidance of doubt, this Order controls over any executive order issued by the Governor of Colorado to the extent it becomes more restrictive than the executive orders thus far issued by the Governor of Colorado and the Colorado Department of Public Health and Environment.

ORDER

1. **Effective Area.** This Public Health Order No. 21-03 (“Order”) shall apply to all unincorporated areas of Park County, Colorado (including State and Federal public lands) and all incorporated (municipal) areas that do not have their own public health agency, to wit: Town of Alma and Town of Fairplay.

2. **Effective Date and Time, Limitations.** This Order is in effect until April 7, 2021.

3. **COVID-19 Dial.** Executive Order 2021-023 and Seventh Amended PHO 20-36 are hereby incorporated herein. Park County acknowledges the State/CDPHE has set the current metrics and restrictions of its current COVID-19 Dial level as determined by the CDPHE, and as may be amended.

4. **Ordering Individuals in Colorado to Wear Non-Medical Face Coverings Enforcement.** Pursuant to Executive Order D 2020 138 as amended and extended by Executive Order D 2020 164, D 2020 190, D 2020 219, D 2020 237 , D 2020 245, D 2020 276, D 2020 281, D 2021 007, and D 2021 035, all individuals must wear face coverings in public indoor spaces, as that term is defined in the Executive Order 2020 138, unless the individual is 10 years of age or younger, cannot medically tolerate a face covering, or is performing one of the enumerated activities in Section II.M of Executive Order D 2020 138 as amended and extended. Individuals are urged by the Governor to wear non-medical cloth face coverings that cover the nose and mouth whenever in public.

5. **Purpose.** This Order is being issued to contain the spread of COVID-19 and limit the risks of dangerous health conditions from it, including without limitation containing the spread of the COVID-19 virus and preventing its further spread in Park County and protecting the health, safety and welfare of Park County residents, Park County public safety responders, and the public generally.

6. **Legal Authority.** This Order is adopted pursuant to the legal authority set forth in sections 25-1-506 and 25-1-508, Colorado Revised Statutes as well as all other applicable laws, rules, regulations, orders and declarations. Under this authority, the Board has the power and duty to immediately issue this Order and is deemed reasonable and necessary under the existing circumstances and necessary for the preservation of the public health, safety and welfare of Park County, its citizens and the general public.

7. **Most Restrictive Standards.** To the extent any State of Colorado and/or Federal orders or laws are more restrictive than what is set forth herein, such orders and laws control. Individuals should be aware that new orders from Governor Polis and the Colorado Department of Public Health and Environment (“CDPHE”) have been and continue to be issued on matters related to the COVID-19 pandemic. All members of the public are responsible for following all applicable orders including this Order and being aware of the existence of State penalties for non-compliance. Additionally, the Board may legally require and implement more restrictive standards, requirements, and orders for Park County than what the State of Colorado or the Federal government may require. To the extent this Order is more restrictive than orders from the State of Colorado or Federal government, this Order controls.

8. **General Information for all Persons.** The Board of Health strongly recommends that everyone within Park County comply with the Governor’s Executive Order, D 2021 023, Extending Executive Orders D 2020 235, D 2020 265, and D 2020 289 Establishing Directives for the COVID-19 Dial Framework Order and Amended Public Health Order 20-36.

9. **Penalties.** Failure to comply with this Order is subject to the fines contained in Sections 25-1-516 and 18-1.3-501, Colorado Revised Statutes, including a fine of up to five thousand (\$5,000).

ADOPTED this ___ day of March, 2021, at a meeting of the Park County Board of Health.

Richard Elsner, Chairman

Amy Mitchell, Commissioner

Ray Douglas, Commissioner

ATTEST:

Debra Green
Park County Clerk and Recorder

Received and Approved:

Lynn Ramey, Public Health Director

Date

Tom McGraw, Sheriff

Date