



**NOTICE OF COUNTYWIDE PUBLIC HEALTH ORDER
REGARDING THE COVID-19 PANDEMIC (OCPHA ORDER NO. 9)**

This Order sets forth requirements and guidelines for personal responsibility and additional mandates to slow the spread of COVID-19 in Ouray County.

FINDINGS

The Public Health Director finds:

1. Corona Virus Disease 2019 ("COVID-19") is a highly contagious virus that has spread worldwide and is causing serious illness or death in certain cases, particularly in, but not limited to, the elderly or persons with underlying health condition.
2. On March 10, 2020 Jared Polis, the Honorable Governor of the State of Colorado, declared a State of Emergency for the entire State of Colorado in response to COVID-19 as the number of cases in Colorado and in the United States of America increased, and Governor Polis also announced numerous emergency measures to protect public health, safety and welfare.
3. On March 11, 2020 the World Health Organization ("WHO") declared the worldwide outbreak of COVID-19 a "global pandemic", surpassing the stage of "global health emergency" declared by the WHO on January 30, 2020 due to the worldwide spread of COVID-19.
4. On March 13, 2020, the President of the United States, Donald J. Trump, declared a national state of emergency due to COVID-19.
5. On March 16, 2020 the Board of County Commissioners of Ouray County, Colorado declared a Local Disaster Emergency due to COVID-19.
6. As of July 2, 2020, the Colorado Department of Public Health and Environment (CDPHE), there are 33,352 known cases of COVID-19 in Colorado and 1,521 Coloradans have died due to COVID-19. There is clear evidence that some individuals who contract COVID-19 have no symptoms or have very mild symptoms, which means they are likely unaware they carry the virus. Asymptomatic individuals can transmit the disease, and evidence shows the disease is easily spread, making gatherings of people a potential source of COVID-19 transmission.
7. The presence of visitors to Ouray County from many communities throughout the state, surrounding states, and the country, if unregulated, may introduce increased illness into the community, imposing burdens on the local economy, local workers, our health care system, public services, first responders, food supplies and other essential services during the ongoing COVID-19 pandemic.
8. In the absence of a widely available vaccine and/or treatment, community mitigation tools, such as physical distancing, face coverings, hand washing, self-quarantining and isolating if sick and reporting symptoms to public health officials, are necessary to reduce the spread of COVID-19 to protect health and save lives.



9. A key transmission route for COVID-19 is by droplet spread of saliva from the mouths of people, when speaking, coughing or sneezing and research shows some evidence that covering your mouth and nose when around others, reduces the rate of infection of the virus through droplet spread by as much as 33%, according to Andrew D. Yeowell, MD, Emergency Medicine Specialist at Montrose Memorial Hospital in Montrose, Colorado.
10. Ouray County Public Health Medical Director, Joel T. Gates, DO, has studied CDC modeling predictions concerning rates of infection with and without face coverings and he believes a face covering order for Ouray County is appropriate when social distancing is not achievable given the significant increase in visitors and spread happening throughout the county.
11. Many business owners throughout Ouray County have experienced increased altercations with customers who refuse to cover their face when inside the business such that an order regarding face coverings indoors is necessary.
12. In the commercial areas of Ouray County there are often gatherings of people waiting in line outside local business establishments without face coverings such that an order requiring face coverings when waiting in line outside business establishments is necessary.
13. At this time an order requiring face coverings in all indoor public settings or public transportation and if people are gathered outside an indoor public setting waiting to enter, in Ouray County, is necessary, urgent, and consistent with the powers to promote public health or suppression of disease.
14. This emergency order is necessary to preserve the public health safety and welfare given the July 4th holiday weekend is imminent and there are significant number of tourists in Ouray County; coupled with a recent uptick in new cases which may jeopardize any variances the County has obtained from the State of Colorado concerning opening further.

LEGAL AUTHORITY

15. This Order is adopted pursuant to the legal authority set forth in sections 25-1-506 and 25-1-508, 25-1-509, Colorado Revised Statutes, as well as all other applicable laws, rules, regulations, orders and declarations. Under this authority, the Public Health Director has the duty to investigate and control the causes of the epidemic or communicable diseases and conditions affecting public health; to establish, maintain, and enforce isolation and quarantine; to exercise physical control over the property and over the persons of the people within the territorial limits of Ouray County; and to prohibit the gatherings of people to protect the public health; all as the Public Health Director may find necessary for the protection of the public health. Issuance of this Order is deemed reasonable under the existing circumstances and necessary for the immediate preservation of the public health, safety and welfare of Ouray County citizens.

MOST RESTRICTIVE STANDARD CONTROLS



16. The requirements of this Order shall be in addition to any and all local, State and/or Federal orders. In the event that any such other orders or laws are more or less restrictive than what is set forth herein, the more restrictive orders control. Individuals should be aware that Executive Orders from the Governor of Colorado and State Public Health Orders from the Director of the Colorado Department of Public Health and Environment (CDPHE) are being issued on a regular basis, and all members of the public are responsible for following the Governor's orders, CDPHE orders, and local orders.

ORDER

I. Definitions. For purposes of this Order:

"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, bandanas, 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.

II. Face Covering Order.

1. All persons 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 Ouray County:
 - a. 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, including any outside courtyard, patio, seating, waiting or parking area associated with the place of business or place of service in which any kind of delivery, pick up or other service is provided;
 - b. Any County, City of Ouray or Town of Ridgway owned or operated building or indoor facility of any kind; and
 - c. Any public transportation.
2. **Exceptions.** Nothing herein shall require the wearing of face coverings by the following persons under this Order:
 - a. 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;
 - b. 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;
 - c. Persons 3 years of age or younger or children within a childcare facility;
 - d. 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



- e. 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.** Pursuant to Federal Centers for Disease Control and Prevention (CDC) guidance, the public is strongly encouraged to wear cloth Face Coverings that:

- a. Fit snugly but comfortably against the side of the face;
- b. Are secured with ties or ear loops;
- c. Include multiple layers of fabric;
- d. Allow for breathing without restriction; and
- e. Are able to be laundered and machine dried without damage or change to shape.

More Information on making face coverings can be found at [CDC.gov](https://www.cdc.gov)

The requirements of this Order supplant other local public health orders and take effect at 6: 00 PM on July 3, 2020, and all requirements remain in effect at 12:00 AM on August 1, 2020, unless otherwise extended in writing by the Public Health Director. This order shall be known as Ouray County Public Health Agency Order No. 9. (OCPHA Order No. 9).

OCPHA is tasked with protecting the health and welfare of the citizens of 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. Immediate issuance of this Order is necessary for the preservation of public health, safety, or welfare.

THE COUNTY WILL SEEK VOLUNTARY COMPLIANCE OF THIS THROUGH EDUCATION AND WARNING NOTICES PRIOR TO THE ISSUANCE OF ANY CITATIONS OR COMMENCEMENT OF LEGAL ACTION.

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 (18) MONTHS.

Tanner Kingery, MPH, Public Health Director

Date: July 3, 2020