



City Council
May 5, 2020

Addendum #1



Public Health

NOTICE OF BOULDER COUNTY PUBLIC HEALTH ORDER REQUIRING FACIAL COVERINGS IN PUBLIC WHERE SOCIAL DISTANCING CANNOT BE MAINTAINED

Pursuant to Colorado Revised Statutes (“C.R.S.”) §§ 25-1-506, 508, 509, and 516, Boulder County Public Health hereby issues this Public Health Order requiring facial coverings to be worn in public where social distancing cannot be maintained throughout Boulder County, Colorado, so as to control and slow the spread of the SARS-CoV-2 virus (“coronavirus”) and to mitigate the effects of the disease resulting therefrom (the coronavirus and the disease resulting therefrom shall be referred to herein as “COVID-19”). The goal of this Order shall be to control and reduce the spread of COVID-19, so as to maintain consistent health care capacity in Boulder County to adequately treat patients suffering from the disease.

FINDINGS

Whereas, Boulder County Public Health (“BCPH”) has public health jurisdiction over Boulder County, including all cities and towns therein. In furtherance of its jurisdiction, BCPH has the power and duty to investigate and control the causes of epidemic or communicable diseases and conditions affecting the public health within Boulder County, as well as the power and duty to close schools and public places and to prohibit gatherings of people when necessary to protect public health, and to establish, maintain, and enforce isolation and quarantine, and in pursuance thereof, to exercise physical control over property and over persons within Boulder County as BCPH may find necessary for the protection of public health; and

Whereas, COVID-19 is a respiratory illness transmitted like other respiratory illnesses through person-to-person contact or by contact with surfaces contaminated with the virus. Persons infected with COVID-19 may become symptomatic anywhere from two (2) to fourteen (14) days after exposure. Symptoms include fever, cough, shortness of breath, or difficulty breathing. Individuals with serious chronic health conditions and older adults are most at risk for becoming very ill with this disease; and

Whereas, COVID-19 was first detected in Wuhan, China, in late 2019, and since then has spread to over 180 countries and territories, including the United States. As of May 1, 2020, there are 15,768 confirmed or probable positive cases of COVID-19 statewide in Colorado and 633 confirmed or probable positive cases in Boulder County, Colorado, as well as 820 deaths related to COVID-19 statewide and 40 deaths in Boulder County; and

Whereas, on March 10, 2020, the Governor of Colorado (“Governor”), Jared Polis, declared a State of Emergency related to the presence of COVID-19 in the State of Colorado; and

Whereas, on March 14, 2020, the Chair of the Board of County Commissioners for Boulder County declared a local disaster emergency, which, on March 19, 2020, was extended by the Board of County Commissioners for Boulder County; and

Whereas, on April 17, 2020, the Governor of the State of Colorado issued Executive Order D2020-039, requiring workers in critical businesses and critical government functions to wear a non-medical mask covering their nose and mouth while at work and while serving the public, and directing the Executive Director of the Colorado Department of Public Health and Environment (“CDPHE”) to issue a public health order consistent with the directives in the Executive Order (“April 17 EO D2020-039”); and

Whereas, on April 22, 2020, the Executive Director of CDPHE, pursuant to Colorado Revised Statutes §§ 25-1.5-101(1)(a) and 25-1.5-102(1)(a)(I), issued an Order requiring employees who work in close proximity to other employees or with the public to wear a non-medical or medical face covering unless doing so would inhibit the individual’s health, and recommending that these employees should wear gloves if gloves are provided by their employer (“April 22 CDPHE Order”); and

Whereas, on April 24, 2020, the Executive Director of Boulder County Public Health issued Boulder County Public Health Order Adopting and Extending State Stay-At-Home Orders (“Boulder County Stay-At-Home Order”), extending the closure of non-critical businesses and requiring individuals within Boulder County to stay at home except for necessary travel; and

Whereas, the United States Centers for Disease Control and Prevention (“CDC”), Colorado Department of Public Health and Environment (“CDPHE”), and Boulder County Public Health (“BCPH”) have recommended that members of the public, when they need to interact with others outside the home and especially in settings where many people are present, should cover their mouths and noses to prevent inadvertently spreading COVID-19. One key transmission method for the COVID-19 virus is through respiratory droplets that people expel when they breathe, cough, or sneeze. Moreover, people can be infected with the COVID-19 virus and be asymptomatic yet still be contagious. People can also be contagious 48 hours before developing symptoms. Many people with COVID-19 have mild symptoms and do not recognize that they are infected and contagious and that they can unintentionally infect others; and

Whereas, the Boulder County Stay-At-Home Order is set to expire on May 8, 2020; and

Whereas, Boulder County’s moving from Stay-At-Home to Safer-At-Home will result in the easing of social-distancing restrictions in Boulder County; and

Whereas, scientific evidence shows that limiting interactions among people slows virus transmission and, as social distancing restrictions are lifted, that the wearing of facial coverings by individuals while in public areas may assist in maintaining reduced virus transmission by reducing the spread of respiratory droplets; and

Whereas, a facial covering mandate can work in concert with reduced social distancing restrictions under Safer-At-Home to minimize the spread of COVID-19 by reducing the exposure of individuals to the virus necessary to protect vulnerable populations and to prevent the health care system from becoming overwhelmed.

ORDER

Pursuant to statutory authority granted to the Executive Director of BCPH, the following is ordered:

1. Each person within Boulder County, except as specifically exempted below, must wear a Face Covering whenever they are outside their residence and unable to maintain, or when not maintaining, social distance of at least six (6) feet from any non-household members. These requirements supplement and are in addition to any social distancing orders.
2. “Face Covering,” as used in this Order, means 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. A Face Covering may be factory-made or may be handmade and improvised by using ordinary household materials. The Face Covering should fit snugly but comfortably against the side of the face; allow for breathing without restriction; and either be constructed of disposable mask materials or include multiple layers of fabric that can be laundered and machine-dried without damage or change to shape. Face Coverings must cover the nose and mouth at all times and should remain in place until taken off safely. If a worker’s Face Covering moves during work, it must be replaced with one that does not need to be frequently adjusted in order to reduce touching of the face. A Face Covering should be replaced when it becomes dirty, wet, and/or difficult to breathe through.

Note that any mask that incorporates a one-way valve (typically a raised plastic cylinder about the size of a quarter on the front or side of the mask) that is designed to facilitate easy exhaling is not a Face Covering under this Order and is not to be used to comply with this Order’s requirements. Valves of that type permit droplet release from the mask and can put others nearby at risk.

A video showing how to make a face covering and additional information about how to wear and clean Face Coverings may be found on the CDC’s website at <https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/diy-cloth-face-coverings.html>.

3. “Residence,” as used in this Order, means the real property upon which an individual resides with other members of his or her household. Residence does not include any common areas that may be used by multiple households. “Residence” also includes a motor vehicle when being used for personal use by an individual or their same household. Residence does not include any vehicle used for public transportation, paratransit vehicles, taxis, private car services, or ride-sharing vehicles when used for that purpose.
4. A Face Covering is not required as follows:
 - a. In any commercial or retail setting when any person is alone in such space (a single, fully enclosed room) when others outside of that person’s household are not present and the public does not regularly visit the room. That individual must put on a Face Covering when coworkers are located six feet or less from the individual, when being visited by a client/customer, and anywhere members of the public or other coworkers are regularly present.

- b. For any person whose health would be inhibited by wearing a Face Covering. If a person is an employee whose health would be inhibited by wearing a Face Covering while at work, they must document such concerns with their employer.
 - c. With exception of an unforeseen emergency (e.g. law enforcement officers responding to an immediate threat), first responders are required to wear a Face Covering under this Order. However, this Order does not preempt CDPHE Order 20-26, which does require first responders to wear Face Coverings.
5. This Order does not require any child aged twelve (12) years or younger to wear a Face Covering. Parents and caregivers must supervise the use of Face Coverings by children to avoid misuse. In addition, this Order advises that children **under age three years should not** wear a Face Covering due to the risk of suffocation.
 6. Nothing in this Order should be construed to preempt any State of Colorado regulations (including CDPHE Orders) concerning medical face coverings.

Along with CDPHE, BCPH is tasked with protecting the health and welfare of the citizens of Boulder County by investigating and controlling cases of epidemic and communicable disease. This Order is necessary to control the transmission of disease to others. Immediate issuance of this Order is necessary for the preservation of public health, safety, or welfare.

If you have questions regarding this Order, please contact the BCPH Call Center at 720-776-0822 or view the COVID-19 information on BCPH’s website at BoCo.org/COVID-19.

This BCPH Public Health Order shall be in effect from May 9, 2020, at 12:01 a.m., and continuing until midnight on May 26, 2020, unless earlier amended, extended, or rescinded by the Executive Director of BCPH.

FAILURE TO COMPLY WITH THIS ORDER IS SUBJECT TO PENALTIES CONTAINED IN C.R.S. §§ 25-1-114 and 25-1-516, INCLUDING A FINE OF UP TO FIVE THOUSAND DOLLARS (\$5,000.00) AND IMPRISONMENT IN THE COUNTY JAIL FOR UP TO ONE YEAR.



Jeffrey J. Zayach, MS
 Executive Director
 Boulder County Public Health

 May 2, 2020
 Date

APPROVED BY BOULDER COUNTY BOARD OF HEALTH: May 2, 2020

Emergency Order 2020-15 (amended)

CITY OF BOULDER ORDER RELATED TO DECLARATION OF LOCAL DISASTER EMERGENCY

A disaster emergency was declared by the city manager on March 14, 2020. The city council confirmed and extended the emergency declaration until further notice at the March 16, 2020 special council meeting. Pursuant to Section 2-2.5-7 "Powers" B.R.C. 1981, the city manager finds a need to issue this order in order to protect the health, safety and welfare of persons or property within the city or to otherwise preserve the public peace or abate, clean up or mitigate the effects of any disaster emergency.

On March 24, 2020, the city manager issued Emergency Order 2020-6 directing residents of the city to stay at home. The order provided for closure of parks facilities that would encourage or require gatherings of residents that would put those residents and our community at risk.

On March 25, 2020, Boulder County Public Health issued an order directing residents of Boulder County to stay at home.

On March 25, 2020, the city manager issued Emergency Order 2020-9 repealing Emergency Order 2020-6 to avoid confusion.

On March 26, 2020, The Colorado Department of Health and Environment issued Public Health Order 2020-24 implementing executive order D 2020 17 directing residents of the State of Colorado to stay at home. Public Health Order 2020-24 allows "Critical Businesses" to continue operations.

On April 22, 2020, Jill Hunsaker Ryan, Executive Director, Colorado Department of Health and Environment, issued Public Health Order 20-26 requiring all employees of Critical Businesses who work in close proximity to other employees or with the public to wear non-medical face coverings.

City of Boulder Emergency Order 2020-4 prohibits any person from violating "any emergency order issued by the Colorado Department of Health and Environment, Executive Order issued by the Governor of the State of Colorado or order issued by Boulder County Public Health."

Section 2-2.5-7 "Powers" B.R.C. 1981 authorize the city manager to "Require the closing of businesses when, in the absence of such action, there would be an imminent danger that the life, health, safety, and/or welfare of persons or the physical security of property within the city might be seriously compromised" and to "Require members of the public to wear or use personal protective equipment if there would be a substantial danger that life, health, safety, and/or welfare of persons might be seriously comprised in the absence of the use of such personal protective equipment."

I find that the operation of critical businesses without requiring all present to wear face mask presents an imminent threat to life, health, safety and welfare of persons in our community.

Accordingly, effective immediately no person shall operate any public accommodation, unless all persons therein including, employees, vendors and customers are required to wear non-medical face coverings as required by Public Health Order 20-26. Provided, however, that employees who do not come into contact with the public are not required to wear such face coverings;

No person shall enter or remain in any public accommodation without wearing a non-medical face covering;

No person shall be in violation of this order if;

- (a) if the person is wearing a medical face covering;**
- (b) if the person is not wearing a face covering but has received written instructions from a physician stating that wearing a mask could impair the person's ability to breathe; or**
- (c) if the person is undergoing a medical or dental procedure that requires access to the person's mouth or nose; and**

For the purpose of this order "public accommodation" means any place of business engaged in any sales to the general public and any place that offers services, facilities, privileges, or advantages to the general public, including any outside courtyard or patio in which service is provided.

This order is necessary to prevent the assembly of large groups of people which will present a risk of infection during the disaster emergency. Once issued, this order may be changed from time to time during the period of a declared disaster emergency based upon the discretion of the city manager.

Enforcement: Pursuant to Section 2-2.5-8 "Adherence to Emergency Orders" B.R.C. 1981, Police, code enforcement and such other law enforcement and peace officers as may be authorized by the city manager shall be authorized to enforce the orders, rules and regulations made or issued pursuant a declared disaster emergency.

Notice: All members of the public shall be deemed to have been given notice of the restrictions contained within a declaration upon its dissemination to the news media or publication on city websites or by use of other means of publicity.

Violation of Order: During the period of a declared disaster emergency, a person shall not:

- (1) Enter or remain upon the premises of any establishment not open for business to the general public, unless such person is the owner or authorized agent of the establishment;
- (2) Violate any of the orders duly issued by the city manager or designee pursuant to such declaration; or
- (3) Willfully obstruct, hinder or delay any duly authorized city officer, employee or volunteer in the enforcement or exercise of the provisions of this chapter, or of the undertaking of any activity pursuant to this chapter.

DATE: April 30 2020, 10:55 am a.m. / p.m.

Jane S. Brautigam

City Manager or other Authorized
City Official as designated by
Chapter 2-2.5 "Civil Emergencies and Disasters" B.R.C.,
1981.

May 1, 2020

On March 10, 2020, the Governor of the State of Colorado issued an Executive Order declaring a state of disaster emergency due to the risk of spread of the novel coronavirus, now designated COVID-19.

On March 12, 2020, the Mayor of the City and County of Denver declared a state of local disaster emergency pursuant to C.R.S. § 24-33.5-701, *et seq.*, due to the risk of spread of COVID-19, which, on March 16, 2020, was extended by the City Council for the City and County of Denver through May 11, 2020 due to the risk of spread of COVID-19.

Since that time, the Executive Director of the Denver Department of Public Health & Environment (“DDPHE”), pursuant to section 24-16 of the Denver Revised Municipal Code, has issued numerous public health orders to implement measures to mitigate the spread of COVID-19 within the City and County of Denver.

These public health orders have restricted access to certain facilities; restricted mass gatherings of people; closed restaurants and bars to in-person services; and implemented stay at home requirements and critical business operations. In conjunction with steps taken by the Governor and the Colorado Department of Public Health and Environment, these measures all act in concert to minimize the spread of COVID-19 by reducing the exposure of individuals to the virus.

The United States Centers for Disease Control and Prevention (“CDC”), Colorado Department of Public Health and Environment (“CDPHE”), and the DDPHE have recommended that members of the public, when they need to interact with others outside the home, and especially in settings where many people are present, should cover the mouth and nose to prevent inadvertently spreading COVID-19. One key transmission method for the COVID-19 virus is through respiratory droplets that people expel when they breathe, cough, or sneeze. Moreover, people can be infected with the COVID-19 virus and be asymptomatic but still be contagious. People can also be infected and contagious 48 hours before developing symptoms when they are pre-symptomatic. Many people with COVID-19 have mild symptoms and do not recognize they are infected and contagious, and they can unintentionally infect others.

On March 25, 2020, the Governor of the State of Colorado issued an Executive Order D2020-017 ordering Coloradans to Stay at Home due to the presence of COVID-19 in the state and directing the Executive Director of the Colorado Department of Public Health and Environment to issue a public health order consistent with the directives in the executive order (“EO D2020-017”).

On March 25, 2020, the Executive Director of CDPHE, pursuant to Colorado Revised Statute §§ 25-1.5-101(1)(a) and 25-1.5-102(1)(a)(I), issued an order implementing the Stay at Home requirements, which was subsequently amended on March 26, March 27, April 1, and April 9, 2020 (“April 9 Fourth Updated CDPHE Stay at Home Order”).

Denver Department of Public Health & Environment
101 W Colfax Ave, Suite 800 | Denver, CO 80202
www.denvergov.org/PublicHealthandEnvironment
p. 720-913-1311 | f. 720-865-5531 | @DDPHE

On April 17, 2020, the Governor of the State of Colorado issued an Executive Order D2020-039 requiring workers in critical businesses and critical government functions to wear a non-medical mask covering their nose and mouth while at work and while serving the public, and directing the Executive Director of CDPHE to issue a public health order consistent with the directives in the executive order (“April 17 EO D2020-039”).

On April 22, 2020, the Executive Director of CDPHE, pursuant to Colorado Revised Statute §§ 25-1.5-101(1)(a) and 25-1.5-102(1)(a)(I), issued an order requiring employees who work in close proximity to other employees or with the public to wear a non-medical or medical face covering unless doing so would inhibit the individual’s health, and recommending that these employees wear gloves if gloves are provided by their employer (“April 22 CDPHE Order”).

Hereby finding that wearing a face covering, in combination with physical distancing of at least 6 feet and frequent hand-washing, may reduce the risk of transmitting the COVID-19 virus when in public and engaged in necessary activities by reducing the spread of respiratory droplets, this **“FACE COVERING ORDER”** (“Order”) requires that people wear Face Coverings in certain public settings as further described below.

Consistent with the above guidance and information, and pursuant to the authority granted to the Executive Director of DDPHE in section 24-16 of the Denver Revised Municipal Code, the following is ordered:

1. **“Face Covering,”** as used in this Order, means a covering made of cloth, fabric, or other soft or permeable material, without holes, that covers the nose and mouth and surrounding areas of the lower face. A Face Covering may be factory-made, or may be handmade and improvised from ordinary household materials. The Face Covering should fit snugly but comfortably against the side of the face, include multiple layers of fabric, allow for breathing without restriction, and be able to be laundered and machine-dried without damage or change to shape. Face Coverings need to cover the nose and mouth at all times and should remain in place until taken off safely. If a worker’s Face Covering moves during work, it needs to be replaced with one that does not need to be frequently adjusted to reduce touching of the face. Face Coverings should be replaced when it becomes dirty, wet, and/or difficult to breathe through.

Note that any mask that incorporates a one-way valve (typically a raised plastic cylinder about the size of a quarter on the front or side of the mask) that is designed to facilitate easy exhaling is not a Face Covering under this Order and is not to be used to comply with this Order’s requirements. Valves of that type permit droplet release from the mask, putting others nearby at risk.

A video showing how to make a face covering and additional information about how to wear and clean Face Coverings may be found at the website of Centers for Disease Control and Prevention, at <https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/diy-cloth-face-coverings.html>.

2. Except as specifically exempted below, all members of the public, including children three (3) years of age or older, must wear a Face Covering outside their home or other place they reside in the following situations:

- a. When they are inside, or in line to enter, any retail or commercial business.
- b. When they are inside, or in line to enter, any location or facility to seek or receive services from Critical Government Functions, as defined in the April 9 Fourth Updated CDPHE Stay at Home Order.
- c. When they are obtaining services at Healthcare Operations, as defined in the April 9 Fourth Updated CDPHE Stay at Home Order – including, but not limited to, hospitals, clinics, and walk-in health facilities, dentists, pharmacies, blood banks, other healthcare facilities, behavioral health providers, and facilities providing veterinary and similar healthcare services for animals – unless directed otherwise by an employee or worker at the Healthcare Operation; or
- d. When they are waiting for or riding on public transportation (including without limitation any bus, RTD bus, or RTD light rail), paratransit, or while they are riding in a taxi, private car service, or ride-sharing vehicle.

3. Drivers or operators of any public transportation, paratransit vehicle, taxi, private car service, ride-sharing vehicle, or any other vehicle for hire must wear a Face Covering while driving or operating such vehicle, regardless of whether a member of the public is in the vehicle, to reduce the spread of respiratory droplets in the vehicle at all times. This Order does not require any person to wear a Face Covering while driving alone, or exclusively with other members of the same family or household, in a motor vehicle.

4. All retail and commercial businesses, as well as entities and organizations with workers performing Critical Government Functions, must:

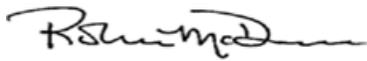
- a. Require their employees, contractors, owners, and volunteers to wear a Face Covering at the workplace and when performing work off-site any time the employee, contractor, owner, or volunteer is:
 - i. interacting in person with any member of the public;
 - ii. working in any space visited by members of the public, such as by way of example and without limitation, reception areas, grocery store or pharmacy aisles, service counters, public restrooms, cashier and checkout areas, waiting rooms, service areas, and other spaces used to interact with the public, regardless of whether anyone from the public is present at the time;
 - iii. working in any space where food is prepared or packaged for sale or distribution to others;

- iv. working in or walking through common areas such as hallways, stairways, elevators, and parking facilities; or
 - v. in any room or enclosed area when other people (except for members of the person's own household or residence) are present.
- b. Take reasonable measures, such as posting signs, to remind their customers and the public of the requirement that they wear a Face Covering while inside of or waiting in line to enter the business, facility, or location. Businesses and organizations performing Critical Government Functions must take all reasonable steps to prohibit any member of the public who is not wearing a Face Covering from entering and, if those efforts are unsuccessful, must not serve that person and must seek to remove that person.
- c. A Face Covering is not required when:
- i. A person is in a personal office (a single room) where others outside of that person's household are not present as long as the public does not regularly visit the room, but that individual must put on a Face Covering when coworkers are working within six feet, when being visited by a client/customer, and anywhere members of the public or other coworkers are regularly present.
 - ii. Wearing a Face Covering would inhibit the individual's health. Workers with health issues that preclude them from wearing a Face Covering must document those concerns with their employer.

Pursuant to section 24-24 of the Denver Revised Municipal Code, it is unlawful for any person to fail to comply with this Order. Any person who fails to comply with this Order may also be subject to a civil penalty of up to nine hundred ninety-nine dollars (\$999.00) per violation. Enforcement actions are intended to be cumulative in nature and Denver may pursue one or more civil, criminal, and administrative actions, fees, fines, sentences, penalties, judgments, and remedies and may do so simultaneously or in succession.

This Order shall become effective at 12:00 a.m. on May 6, 2020 and will continue until further notice.

Issued by:



Robert M. McDonald
Public Health Administrator, City & County of Denver
Executive Director, Denver Dept of Public Health & Environment

ORDER REQUIRING FACE COVERINGS IN PLACES OF PUBLIC ACCOMMODATION
IN THE TOWN OF SUPERIOR, COLORADO

WHEREAS, on March 15, 2020, the Town declared a local disaster emergency under the Colorado Disaster Emergency Act, C.R.S. § 24-33.5-701, *et seq.* (the "Act");

WHEREAS, the basis for the emergency declaration, the COVID-19 pandemic, continues; and

WHEREAS, this order is necessary to prevent the further spread of COVID-19 in places of public accommodation.

NOW, THEREFORE, IT IS HEREBY ORDERED as follows:

1. Commencing on May 4, 2020, no person shall operate any public accommodation unless all persons therein, including employees, vendors and customers, are required to wear non-medical face coverings; provided, however, that employees who do not come into contact with the public are not required to wear such face coverings.

2. Commencing on May 4, 2020, no person shall enter or remain in any public accommodation without wearing a non-medical face covering.

3. No person shall be in violation of this Order if the person is wearing a medical or surgical face covering.

4. No person shall be in violation of this Order if, because of a disability, such person is unable to wear a face covering.

5. For purposes of this Order, "public accommodation" means any place of business engaged in any sales to the general public and any place that offers services or facilities to the general public.

IT IS FURTHER ORDERED that this Order shall be given prompt and general publicity, filed immediately with the Town Clerk, and a copy of it shall be sent to the Boulder County Clerk and Recorder, the Jefferson County Clerk and Recorder and the Colorado Office of Emergency Management.

ADOPTED this 1st day of May, 2020.

Clint Folsom

Clint Folsom, Mayor

ATTEST
THE TOWN OF SUPERIOR
SEAL
Phyllis L. Harlan
Phyllis L. Harlan, Town Clerk
COLORADO