

**PUBLIC HEALTH ORDER
LIMITING GATHERINGS, ALCOHOL SALES AND IMPOSING A CURFEW IN
ADAMS COUNTY**

Pursuant to C.R.S. §§ 25-1-506, 508, 509, and 516, the Tri-County Health Department (“TCHD”) hereby issues this Public Health Order in Adams County 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, to protect the public health, safety, and welfare, to maintain consistent healthcare capacity in Adams County and to lower the level of COVID-19 to Safer at Home Level Yellow metrics.

FINDINGS

Whereas, TCHD has public health jurisdiction over Adams County. In furtherance of its jurisdiction, TCHD has the power and duty to investigate and control the causes of epidemic or communicable diseases and conditions affecting the public health within its jurisdiction, 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 TCHD’s jurisdiction as it may find necessary for the protection of public health.

Whereas, COVID-19 is a respiratory illness transmitted like other respiratory illness through person-to-person contact, or by contact with surfaces contaminated with the virus, or through respiratory droplets that people expel when they breathe, cough, or sneeze. Persons can be infected with COVID-19 and be asymptomatic yet still contagious. Persons can 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. Persons infected with COVID-19 may become symptomatic anywhere from two to fourteen days after exposure. Symptoms include fever, cough and/or 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.

Whereas, due to the presence of COVID-19 in Colorado, states of emergency were declared by the State of Colorado and those states of emergency continue. In an effort to control and reduce the spread of COVID-19, various executive orders have been issued by the Governor of Colorado, and various public health orders have been issued by the Colorado Department of Public Health and Environment (“CDPHE”) and TCHD.

Whereas, there is substantial evidence of the continued spread of COVID-19 throughout Adams County. As of November 5, 2020, there are 17,107 known positive cases in Adams County with a two-week incidence rate of 797/100,000 population, and a test positivity rate of 12.7%. Modeling data from the School of Public Health indicates that 1.2% of persons in Adams County are currently infected by COVID-19, presenting a substantial risk of transmission to others. In addition, hospitalization rates are steadily increasing, with a hospital admission rate of 2.4/100,000 per week as of November 5, four times higher than in early September and the highest rate for Adams County since early April.

Whereas, Adams County hospital capacity is under greater duress, with only 18.5% of ICU beds and only 13% of overall inpatient beds free as of November 5. Currently across the TCHD area, 10% of all hospital inpatients have COVID infection, and areas hospitals are increasingly reporting concerns about projected staffing shortages. The most recent modeling data from the School of Public Health projects that statewide ICU capacity could be exceeded, by late December, creating the potential need for use of rationing of care through adoption of Crisis Standards of Care.

Whereas data collected from TCHD case investigations indicate that personal gatherings and restaurants are the most commonly cited locations of exposure of persons newly infected with COVID-19 in Adams County.

Whereas, scientific evidence shows that limiting interactions among people slows virus transmission and, as social distancing restrictions are lifted, that minimizing the gatherings of people assists in maintaining reduced virus transmission by reducing the spread of respiratory droplets.

Whereas the CDPHE issued [Public Health Order 20-36 COVID-19 Dial](#) on November 2 2020. Although Adams County moved into Level Orange effective October 28, 2020, rates of infection have continued to rise over the past 7 days. Adams County is now substantially above the incidence rate that leads to a Stay at Home Order, which requires a substantial additional reduction in business and other community activity, and is in urgent need of additional measures to prevent being moved by CDPHE to the Stay at Home Level.

ORDER

Pursuant to the statutory authority granted the Executive Director, and Public Health Director, of TCHD, the following is ordered:

1. Spectators are prohibited at all sporting events including Colorado High School Activities Association (CHSAA) sanctioned sporting events.
2. A nighttime curfew is imposed in all public places within Adams County, including streets and public rights-of-way, from 10:00 p.m. until 5:00 a.m. the following day.
 - a. During the hours of curfew, any business that is not a **Critical Business**, as defined in Public Health Order 20-36, must be closed to the public. Employees and individuals providing goods or services to the business are not considered members of the public for purposes of this Order. Restaurants must be closed to in-person dining but may offer curbside and delivery services.
 - b. During the hours of curfew, all persons are prohibited from using, standing, sitting, traveling or being present on any public street or in any public place, with the following exceptions:
 - i. Providing or accessing **Necessary Activities** as defined in Public Health order 20-36, except that this does not include engaging in outdoor activity;

- ii. Providing or accessing a **Critical Government Function** as defined in Public Health Order 20-36;
 - iii. Providing or accessing a **Critical Business** as defined in Public Health Order 20-36;
 - iv. Engaging in **Necessary Travel** as defined in Public Health Order 20-36
3. Restaurants must limit party size to 6 people or less from no more than 2 households. Restaurants are encouraged to place a time limit on diners in order to maximize table turnover during hours of operation.
4. All alcohol beverage sales, service, and consumption must cease at 10:00 P.M.
5. As required by Public Health Order 20-36, all **Critical Businesses, non-Critical Businesses** and **Critical Government Functions** must adopt work from home or telework policies for any operations that can be done remotely.

Other Public Health Orders Related to COVID-19

This Order is intended to be and shall be read and construed in concert with and as a supplement and addition to all federal, state and local laws and orders related to COVID-19.

To the extent any federal, state, or local municipal orders or laws are more restrictive than what is set forth herein, such orders or laws control.

Local municipal governments within TCHD's jurisdiction retain the authority to issue and enforce equally or more restrictive orders than are set forth herein.

ADVISEMENT AND ADDITIONAL INFORMATION

Along with CDPHE, TCHD is tasked with protecting the health, safety, and welfare of the citizens of Adams, Arapahoe, and Douglas Counties as it relates to epidemic and communicable diseases, including COVID-19. This Order is necessary to control transmission of that disease to persons and to maintain consistent healthcare capacity in TCHD's jurisdiction. Immediate issuance of this Order is necessary for the preservation of public health, safety, and welfare.

If you have questions regarding this Order, please contact TCHD at 303-220-9200 or view the COVID-19 information on TCHD's website at www.tchd.org.

Members of the public can report suspected violations of this public health order by contacting TCHD at 303-220-9200. Please do not call 911 to report violations of this public health order.

TCHD will attempt to seek voluntary compliance through education, technical assistance and warning notices. However, this Order may be enforced by any appropriate legal means. It is unlawful for any person to willfully violate, disobey, or disregard this Order. Any person who does so may be subject to the penalties provided in C.R.S. §§25-1-516 and 18-1.3-501. In addition, if you do not comply with this Order, TCHD may seek a court order in Colorado state district court to enforce this Order and/or to restrain or enjoin any violation of this Order.

Any business open to the public that violates this Order may be subject to the suspension or revocation of its license by the appropriate licensing authority as provided by law.

Any person aggrieved and affected by this Order is entitled to Colorado state district court judicial review of this Order pursuant to and in accordance with C.R.S. §25-1-515. However, the aggrieved and affected person must continue to comply with the terms of this Order while his, her, or its request for judicial review is pending.

If any part or provision of this Order or the application thereof to any person or circumstance is held to be invalid, the remainder of this Order, including the application of such part or provision to other persons or circumstances, shall not be affected and shall continue in full force and effect. To this end, the parts and provisions of this Order are severable.

This Public Health Order shall be in effect at 10:00 P.M. on November 7, 2020 and shall expire in 30 days unless earlier amended, extended, rescinded, or superseded in writing by the Executive Director of TCHD.

DONE AND SIGNED, as the official Order of the Medical Director and Public Health Officer (“Executive Director”) of the Tri-County Health Department on November 6, 2020.

TRI-COUNTY HEALTH DEPARTMENT

A handwritten signature in black ink that reads "John M. Douglas, Jr., M.D." with a stylized flourish at the end.

By: John M. Douglas, Jr., M.D.
Executive Director