



**NOTICE OF COUNTYWIDE PUBLIC HEALTH ORDER  
REGARDING THE COVID-19 PANDEMIC (OPHA NO. 10)**

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. 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.
7. 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.
8. 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.



9. 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.
10. All jurisdictions remain under a disaster emergency and many state and local orders have been implemented to attempt to control the spread of COVID-19 in Colorado.
11. On July 3, 2020 Ouray County issued a mandatory indoor public place mask order which extended outdoors for those waiting in line to enter indoor public places (OCPHA No. 9).
12. On July 16, 2020 Jared Polis, the Honorable Governor of the State of Colorado, issued Executive Order D 2020 138 which requires mandatory masks in all indoor public places (Mandatory Indoor Mask Order). Please see attached Exhibit A for reference.
13. OCPHA No. 9 is duplicative of the Mandatory Indoor Mask Order and is repealed and replaced with OCPHA No. 10 which follows the Governor's Mandatory Indoor Mask Order but more restrictive as to requiring masks be worn outside the premises of indoor public places where persons may gather in line to enter or otherwise congregate.
14. This emergency order is necessary to preserve the public health safety and welfare by protecting against the spread of COVID-19 and to prevent an uptick in new cases which may jeopardize any variances the County has or may apply for in the future to remain open.

#### **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 State and/or Federal orders. 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"** 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, 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.

**"Public Indoor Space"** means any enclosed indoor area that is publicly or privately owned, managed, or operated to which individuals have access by right or by invitation, expressed or implied, and that is accessible to the public, serves as a place of employment, or is an entity providing services. Public Indoor Space does not mean a person's residence, including a room in a motel or hotel or a residential room for students at an educational facility.

### II. Outdoor Face Covering Order.

1. All persons are required to wear a Face Covering while waiting in line to enter any Public Indoor Space or when congregating outside of any Public Indoor Space.
2. **Exceptions.** Nothing herein shall require the wearing of face coverings by the following persons under this Order:
  - a. Individuals ten (10) years old and younger;
  - b. Individuals who cannot medically tolerate a face covering; or
  - c. Individuals who are hearing impaired or otherwise disabled or who are communicating with someone who is hearing impaired or otherwise disabled and where the ability to see the mouth is essential to communication.

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 any other local public health orders and take effect at 6:00 PM on July 28, 2020, and its requirements remain in effect until 12:00 AM on August 27, 2020, unless otherwise

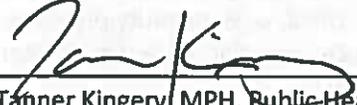


extended in writing by the Public Health Director. This order shall be known as Ouray County Public Health Agency Order No. 10. (OCPHA No. 10).

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 THROUGH EDUCATION AND WARNING NOTICES PRIOR TO THE ISSUANCE OF ANY CITATIONS OR COMMENCEMENT OF LEGAL ACTION.**

**ANY ONE FAILING TO COMPLY WITH THIS ORDER MAY BE 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.**

  
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Tanner Kingery/ MPH, Public Health Director

Date: July 28, 2020

JARED POLIS  
GOVERNOR



136 STATE CAPITOL  
DENVER, COLORADO 80203

TEL 303-866-2471  
FAX 303-866-2003

## D 2020 138

### EXECUTIVE ORDER

#### **Amending and Extending Executive Orders D 2020 039, D 2020 067, D 2020 092, and D 2020 110 Ordering Individuals in Colorado to Wear Non-Medical Face Coverings**

Pursuant to the authority vested in the Governor of the State of Colorado and, in particular, pursuant to Article IV, Section 2 of the Colorado Constitution and the relevant portions of the Colorado Disaster Emergency Act, C.R.S. § 24-33.5-701 *et seq.* (Act), I, Jared Polis, Governor of the State of Colorado, hereby issue this Executive Order amending and extending Executive Orders D 2020 039, D 2020 067, D 2020 092, and D 2020 110 ordering individuals in Colorado to wear a medical or non-medical face covering due to the presence of coronavirus-2019 (COVID-19) in Colorado.

#### **I. Background and Purpose**

On March 5, 2020, the Colorado Department of Public Health and Environment's (CDPHE) public health laboratory confirmed the first presumptive positive COVID-19 test result in Colorado. Since then, the number of confirmed cases has continued to climb, and there is community spread throughout the State. We have seen over 37,000 infections and lost over 1,700 Coloradans. I verbally declared a disaster emergency on March 10, 2020, and on March 11, 2020, I issued the corresponding Executive Order D 2020 003, as amended by Executive Orders D 2020 018, D 2020 032, D 2020 058, D 2020 076, D 2020 109, and D 2020 125. On March 25, 2020, I requested that the President of the United States declare a Major Disaster for the State of Colorado, pursuant to the Stafford Act. The President approved that request on March 28, 2020.

My administration, along with other State, local, and federal authorities, has taken a wide array of actions to mitigate the effects of the pandemic, prevent further spread, and protect against overwhelming our health care resources. While we have seen indications that our efforts to "flatten the curve" are working, transmission of the virus continues to threaten Coloradans' way of life and livelihoods and current data shows a recent increase in COVID infections. As we take steps to return Coloradans to work, we must continue to take measures to facilitate reopening the economy while protecting public health by taking steps to incorporate best practices to protect individuals from infection.

We have learned that widespread mask use is a low cost and highly effective way to reduce the spread of COVID-19 infections by as much as 65%. Broad adoption of mask wearing in Colorado may have significant economic benefits by allowing the State to prevent re-closures of businesses and schools and, ultimately, return to our normal lives more quickly. A recent study from Goldman Sachs concluded that a federal mask mandate could save the U.S. economy

from taking a 5% hit to the Gross Domestic Product (GDP). At this time, thirty-nine Colorado counties and municipalities already have mandatory mask orders in place.

Under Executive Order D 2020 110, mask wearing is mandatory for employees, contractors, and others providing services for Mass Transportation Operations and Critical Businesses as well as for State and county employees and the individuals they serve at Government Offices and Facilities. These requirements remain intact with this Executive Order.

This Executive Order amends and extends Executive Orders D 2020 039, D 2020 067, D 2020 092, and D 2020 110 to protect Coloradans by requiring individuals in Colorado to wear a non-medical face covering over their nose and mouth, subject to several exceptions.

## **II. Amendments**

Executive Order D 2020 110 is amended as follows:

1. Strike the words “have discretion to” in Paragraph II.D.
2. After Paragraph F, add the following new Paragraphs G through R:
  - G. Except as permitted by Paragraphs L, M, and N, below, all individuals over ten (10) years old must wear a face covering over their nose and mouth when entering or moving within any Public Indoor Space, as such term is defined in Paragraph R of this Executive Order, or while using or waiting to use the services of any taxi, bus, light rail, train, car service, ride-sharing or similar service, or Mass Transportation Operations.
  - H. Any individual who endangers the health of others by knowingly entering or remaining in a Public Indoor Space, as such term is defined in Paragraph R of this Executive Order, in violation of the terms of this Executive Order may be subject to civil or criminal penalties, including but not limited to prosecution for trespass.
  - I. Except as permitted by Paragraphs L, M, and N, below, to protect workers, customers, and the community, no owner, operator, or manager of a Public Indoor Space, as such term is defined in Paragraph R of this Executive Order, may provide service to individuals or allow an individual to enter or move within that Public Indoor Space, unless the individual is wearing a face covering as required by this Executive Order.
  - J. Owners, operators, or managers of Public Indoor Spaces, as such term is defined in Paragraph R of this Executive Order, must post signs at entrance(s) instructing individuals of their legal obligation under this Executive Order to wear a face covering when entering or moving within a Public Indoor Space.

- K. A State or local department or agency that learns that a business licensee is in violation of this Executive Order will consider whether the public health, safety or welfare requires summary, temporary suspension of the business's license to operate (including but not limited to a liquor license).
- L. The following individuals are exempt from the requirements of this Executive Order:
- Individuals ten (10) years old and younger; or
  - Individuals who cannot medically tolerate a face covering.
- M. Individuals performing the following activities are exempt from the requirements of this Executive Order while the activity is being performed:
1. Individuals who are hearing impaired or otherwise disabled or who are communicating with someone who is hearing impaired or otherwise disabled and where the ability to see the mouth is essential to communication;
  2. Individuals who are seated at a food service establishment;
  3. Individuals who are exercising alone or with others from the individual's household and a face covering would interfere with the activity;
  4. Individuals who are receiving a personal service where the temporary removal of the face covering is necessary to perform the service;
  5. Individuals who enter a business or receive services and are asked to temporarily remove a face covering for identification purposes;
  6. Individuals who are actively engaged in a public safety role such as law enforcement, firefighters, or emergency medical personnel;
  7. Individuals who are officiating at a religious service; or
  8. Individuals who are giving a speech for broadcast or an audience.
- N. Counties that complete certification for Protect Our Neighbors may choose to be exempt from Paragraphs G through N, and R of this Executive Order.
- O. Nothing in this Executive Order should be construed to prevent individuals from wearing a surgical-grade mask or other, more protective face covering to cover the nose and mouth if that type of mask or more protective face covering is appropriate under industry standards.

- P. Nothing in this Executive Order prevents a county or municipality from adopting more protective standards than those contained in this Executive Order.
- Q. Except as modified by this Executive Order, all Executive Orders or Public Health Orders, including Public Health Order 20-31, issued due to COVID-19 and that are currently in effect shall remain in full force and effect as originally promulgated.
- R. For the purposes of this Executive Order, Public Indoor Space means any enclosed indoor area that is publicly or privately owned, managed, or operated to which individuals have access by right or by invitation, expressed or implied, and that is accessible to the public, serves as a place of employment, or is an entity providing services. Public Indoor Space does not mean a person's residence, including a room in a motel or hotel or a residential room for students at an educational facility.

**III. Duration**

Executive Order D 2020 039, as extended by Executive Order D 2020 067, and as amended and extended by Executive Orders D 2020 092, D 2020 110, and this Executive Order, shall expire thirty (30) days from July 16, 2020, unless extended further by Executive Order. In all other respects, Executive Order D 2020 039, as amended and extended by Executive Orders D 2020 067, D 2020 092, and D 2020 110, shall remain in full force and effect as originally promulgated.



GIVEN under my hand and the Executive Seal of the State of Colorado, this sixteenth day of July, 2020

A handwritten signature in blue ink that reads "Jared Polis".

Jared Polis  
Governor