

EXTENSION OF FOURTH AMENDED PUBLIC HEALTH ORDER

RE: ESTES VALLEY LODGING

APRIL 23, 2020

This Public Health Order is issued pursuant to Colo. Rev. Stat. §25-1-506 and other applicable authority.

On March 10, 2020, the Governor of Colorado declared a State of Emergency related to the presence of COVID-19 in the State. The Colorado Department of Public Health and Environment has confirmed that COVID-19 continues to spread throughout the State of Colorado.

On March 13, 2020, Larimer County declared a Local Disaster Emergency related to COVID-19.

On March 13, 2020, the President of the United States declared a National Emergency due to COVID-19.

On March 15, 2020 the Larimer County Public Health Director issued a Public Health Order prohibiting Events of 250 or more people and all Events at Senior Community Centers. The Larimer County Department of Public Health and Environment (“LCDHE”) has continued to monitor the situation.

On March 16, 2020, the Colorado Department of Public Health and Environment issued an order closing all bars, restaurants, theaters, gymnasiums and casinos.

On March 17, 2020 the Larimer County Public Health Director issued an order closing all bars, restaurants, theaters and gymnasiums, and restricting Events to 50 people or less.

On March 19, 2020 the Colorado Department of Public Health and Environment issued an order closing Nonessential Personal Service Facilities to the public.

On March 19, 2020, a local emergency was declared for the Town of Estes Park due to COVID-19.





On March 21, 2020 the Larimer County Public Health Director issued a Public Health Order ceasing the operations and vacating the premises of all short-term lodging in the Estes Valley.

On March 22, 2020, the Governor of the State of Colorado issued Executive Order D2020-013 ordering non-critical workplaces to reduce their in-person workforce by 50% and to implement telework capabilities to the greatest extent possible due to the presence of COVID-19 in the state (“March 22 Reduced Workforce EO”).

On March 22, 2020, the Executive Director of the Colorado Department of Public Health and Environment, pursuant to Colorado Revised Statute §§ 25-1.5-101(1)(a) and 25-1.5-102(1)(a)(I), also issued an order defining critical businesses and critical government functions that are exempt from the directives of EO D2020-013 (“March 22 CDPHE Reduced Workforce Order”).

By March 25, 2020 various jurisdictions around Colorado have issued stay-at-home orders including: the City and County of Denver, and Adams, Arapahoe, Boulder, Douglas, and Jefferson Counties.

On March 25, 2020 the Larimer County Public Health Director issued a Stay-at-Home order until April 17, 2020.

Also on March 25, 2020, Governor Polis and the Executive Director of the Colorado Department of Public Health and Environment issued a statewide Stay-at-Home Order until April 11, 2020.

On April 6, 2020 Governor Polis and the Executive Director of the Colorado Department of Public Health and Environment extended the statewide Stay-at-Home Order until April 26 2020.

On April 7, 2020 the Larimer County Public Health Director extended the Stay-at-Home order until April 26, 2020.

On April 26, 2020 the statewide and countywide Stay-at-Home orders will expire and be replaced with the state’s Safer-at-Home orders, which Larimer County plans to adopt.

The age, condition, and health of a significant portion of the population in the Estes Park area, specifically considering that the average age of residents is 55 years old, and because the COVID-19 virus appears to disproportionately affect those of older age, places it at risk of serious health complications, including death, from COVID-19. Although most individuals who contract COVID-19 do not become seriously ill, some persons with mild symptoms and asymptomatic persons with COVID-19 may place other susceptible members of the public at significant risk. A large surge in the number of persons with serious infections could compromise the capability of the healthcare system.



Visitation brings more people to the community, increases the likelihood of the rapid spread of the virus, and increases the risk to life and health in the Town and surrounding area.

The Larimer County Department of Health and Environment has confirmed cases of COVID-19 in the Estes Park area.

The Larimer County Department of Health and Environment has encouraged the Town to limit visitor services in the Town and discourage visitation, in the memorandum attached as Exhibit A.

The Chief of Staff of Estes Park Health District, the Town's hospital, has also urged the Town to shut down hotels, motels, and vacation rentals to limit the number of tourists into the Town, in the letter attached as Exhibit B.

This Order is adopted pursuant to the legal authority set forth in sections 25-1-506, Colorado Revised Statutes. Under this law, the Larimer County Public Health Director has the duty to investigate and control the causes of epidemic or communicable diseases and conditions affecting public health and to establish, maintain, and enforce isolation and quarantine, and in pursuance thereof, and for this purpose only, to exercise physical control over property and over the persons of the people within the jurisdiction of the agency as the agency may find necessary for the protection of the public health, and to close public places and to prohibit gatherings of people when necessary to protect public health.

ORDER:

Order issued on April 23, 2020,

Section 1: Every multiple-unit short-term lodging operation in the Town shall limit its occupancy to fifty percent of guest accommodations units. Every single-unit short-term lodging operation in the Town shall limit its occupancy to no more than eight persons present at the guest accommodations unit at any time. Any stricter limitation on occupancy under other state or local regulations shall continue to apply. The Estes Valley is defined by the Estes Valley Development Code and as illustrated as shown in the map attached as Exhibit C.

Section 2: Short-term lodging shall include, but not be limited to, high-intensity and low-intensity accommodations, accommodations units, hotel/motels, vacation homes, hostels, resort lodge/cabins, recreational vehicle park/campgrounds, and bed and breakfast inns. This definition is intended to be interpreted broadly, and the terms listed above shall include but not be limited to their definitions in the Estes Park Municipal Code, Estes Valley Development Code, and Estes Park Development Code. All short-term lodging shall be considered either a multiple-unit short-term lodging operation or a single-unit short-term lodging operation. A two-unit short-term lodging operation shall be considered a multiple-unit short-term lodging operation.



Section 3: Only vacation homes and bed and breakfast inns, as defined in the Estes Park Development Code, shall qualify as single-unit short-term lodging. However, vacation homes in attached multi-unit dwellings or two-unit dwellings, managed centrally with an on-site office or lobby, shall collectively be considered a multiple-unit short-term lodging operation for the purposes of this order.

Section 4: No lobby areas, breakfast areas, pools, gymnasiums, restaurants, bars, taverns, seating or lounging areas, or other shared amenities or spaces on the short-term lodging premises shall be open or accessible to accommodations guests, other than as necessary for guests to check in and out and to access their rooms. Restaurants, bars, and taverns on the premises may offer room service and pick-up service in a manner consistent with all state and local orders and regulations.

Section 5: Exceptions to this Order include: local workers; individuals experiencing symptoms of illness, or under an isolation or quarantine order from the Larimer County Department of Health and Environment; long term residents (more than 30 days) of short term rental facilities, those who can demonstrate other good cause or emergency reasons why it is imperative and unavoidable that they must remain at the site for lodging.

Section 6: There shall be no new bookings or reservations for short-term lodging exceeding these limitations during the pendency of this order. Furthermore, current reservations through May 31, 2020 exceeding these limitations shall be cancelled.

Section 7: This order shall be effective at noon, April 27, 2020, and shall remain in effect through May 31, 2020.

IV. FURTHER GUIDANCE

Further guidelines for social distance are available at www.larimer.org/health

V. GENERAL INFORMATION FOR ALL PERSONS AFFECTED BY THIS ORDER

LCDHE is tasked with protecting the health and welfare of the citizens of Larimer County, 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.

Any person aggrieved and affected by this Order has the right to request judicial review; an action with the Larimer County District Court within 90 days of the date of this Order, pursuant to section 25-1-515, Colorado Revised Statutes. However, you must continue to obey the terms of this Order while your request for review is pending.

This Order remains in effect for until May 31, 2020, unless otherwise extended in writing.



LCDHE is tasked with protecting the health and welfare of the citizens of Larimer County, 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. See sections 25-1-506. Immediate issuance of this Order is necessary for the preservation of public health, safety, or welfare.

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, OR OTHER REMEDIES AVAILABLE BY LAW.

A handwritten signature in black ink that reads "Thomas R. Gonzales".

Tom Gonzales, MPH
Larimer County Health Director