

FIRST AMENDED PUBLIC HEALTH ORDER

March 17, 2020

This Public Health Order is issued pursuant to Colo. Rev. Stat. § 25-1-506 and other applicable authority. This Order shall apply to all of Larimer County, Colorado. All parties must follow the requirements stated herein.

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 Health and Environment (“LCDHE”) has continued to monitor the situation.

On March 16, 2020 the Governor issued an order closing all bars, restaurants, theaters, gymnasiums and casinos.

The age, condition, and health of a significant portion of the population in Larimer County 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 vulnerable 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.

Limitations on large gatherings and use of social distancing decreases the risk of COVID-19 transmission to our most vulnerable populations, and is especially important for people who are over 60 years old and those with chronic health conditions due to their higher risk of severe illness and death from COVID-19. This Order will reduce the





likelihood that many individuals will be exposed to COVID-19 at a single event, and will therefore slow the spread of COVID-19 in our communities.

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.

I. DEFINITIONS

For purposes of this Order:

Definitions. For purposes of this Order:

A. "Bar" means any indoor area that is operated and licensed under article 3 of title 44, primarily for the sale and service of alcohol beverages for on-premises consumption and where the service of food is secondary to the consumption of such alcohol beverages. C.R.S. Section 25-14-203(3).

B. "Brew pub" means a retail establishment that manufactures not more than one million eight hundred sixty thousand gallons of malt liquor and fermented malt beverages on its licensed premises or licensed alternating proprietor licensed premises, combined, each calendar year. C.R.S. Section 44-3-103(5).

C. "Cigar-tobacco bar" means a bar that, in the calendar year ending December 31, 2005, generated at least five percent or more of its total annual gross income or fifty thousand dollars in annual sales from the on-site sale of tobacco products and the rental of on-site humidors, not including any sales from vending machines. C.R.S. Section 25-14-203(4).

D. "Distillery pub" means a retail establishment: (1) Whose primary purpose is selling and serving food and alcohol beverages for on-premises consumption; and (2) That ferments and distills not more than forty-five thousand liters of spirituous liquor on its licensed premises each calendar year. C.R.S. Section 44-3-103(14).

E. "Restaurant" means an establishment, which is not a hotel as defined in subsection (21) of this section, provided with special space, sanitary kitchen and dining room equipment, and persons to prepare, cook, and serve meals, where, in consideration of this Public Health Order payment, meals, drinks, tobaccos, and candies are furnished to guests and in which nothing is sold except food, drinks, tobaccos, candies, and items of souvenir merchandise depicting the theme of the restaurant or the geographical or historic



subjects of the nearby area. C.R.S. Section 44-3-103(47).

G. "Tavern" means an establishment serving alcohol beverages in which the principal business is the sale of alcohol beverages at retail for consumption on the premises and where sandwiches and light snacks are available for consumption on the premises. C.R.S. Section 44-3-103(57).

H. "Public accommodation" for purposes of this Order is a private entity that owns, operates, leases, or leases to, a place of public accommodation. Places of public accommodation subject to this Order include bars which include taverns, brew pubs, distillery pubs, restaurants, gymnasiums, and theaters.

II. ORDER CLOSING BARS, RESTAURANTS, GYMNASIUMS AND THEATERS.

Effective March 17, 2020 at 8:00 am, and continuing for 30 days, the following places of public accommodation are closed to ingress, egress, use, and occupancy by members of the public:

1. Restaurants, food courts, cafes, coffeehouses, and other similar places of public accommodation offering food or beverage for on-premises consumption;
2. Bars, taverns, brew pubs, breweries, microbreweries, distillery pubs, wineries, tasting rooms, special licensees, clubs, and other places of public accommodation offering alcoholic beverages for on-premises consumption;
3. Cigar bars;
4. Gymnasiums;
5. Movie and performance theaters, opera houses, concert halls, and music halls; and

Places of public accommodation subject to this section are encouraged to offer food and beverage using delivery service, window service, walk-up service, drive-through service, or drive-up service, and to use precautions in doing so to mitigate the potential transmission of COVID-19, including social distancing. In offering food or beverage, a place of public accommodation subject to this section may permit up to five members of the public at one time in the place of public accommodation for the purpose of picking up their food or beverage orders, so long as those individuals are at least six feet apart from one another while on premises.

The restrictions imposed by this order do not apply to any of the following:

1. Places of public accommodation that offer food and beverage not for on-premises consumption, including grocery stores, markets, convenience stores, pharmacies, drug



stores, and food pantries, other than those portions of the place of public accommodation subject to the requirements of Section II;

2. Room service in hotels;
3. Health care facilities, residential care facilities, congregate care facilities, and juvenile justice facilities;
4. Crisis shelters or similar institutions;
5. Airport concessionaires; and
6. Any emergency facilities necessary for the response to these events.

III. GATHERINGS OF MORE THAN 50 PEOPLE PROHIBITED

- A. All Events of 50 people or more, including employees and attendees, are prohibited.

IV. FURTHER GUIDANCE AND RECOMMENDATIONS

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

LCDHE is also encouraging, but not requiring, establishments to voluntarily change their business model to continue operations. While this order prohibits on premises dining; delivery and carry out options are still available. We are also encouraging local businesses to utilize staff in what may be considered unconventional ways, such as food delivery, order processing, or cashiering duties.

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 takes effect at 8:00am on March 17, 2020 and remains in effect for 30 days, unless otherwise extended in writing.



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 MONTHS.

A handwritten signature in black ink, appearing to read "Tom Gonzales", written over a horizontal line.

Tom Gonzales, M.P.H.
Larimer County Public Health Director.