

**PUBLIC HEALTH ORDER**  
**LIMITING GATHERINGS AND ALCOHOL SALES IN ARAPAHOE 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 Arapahoe 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 Arapahoe County and to lower the level of COVID-19 to maintain Safer at Home Level 1 metrics.

**FINDINGS**

Whereas, TCHD has public health jurisdiction over Arapahoe 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 Arapahoe County. As of October 16, 2020, there are 10,986 known positive cases in Arapahoe County with a two-week incidence rate of 193/100,000 population and a test positivity rate of 5.1%.

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 [Second Amended Public Health Order 20-35](#) Safer at Home Dial on October 8, 2020. Per the metrics in the Dial, Arapahoe County exceeded the Level 1 incidence threshold on September 18, 2020 and was notified on October 2, 2020 that its status was in jeopardy. This order is being issued in order to prevent movement in the Dial to Level 2 and the further restrictions that this change would require in Arapahoe County.

## ORDER

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

1. Personal gatherings are limited to no more than 10 individuals. Nothing in this order prohibits the gathering of members living in the same household.
2. Restaurants and bars as permitted to operate per CDPHE Order 20-35 shall cease alcohol beverage sales to end consumers for on-premises consumption and for takeout at 11:00 P.M.
3. All Non-Critical Office-Based Businesses are encouraged to further increase remote work options and reduce in-person work to the greatest extent possible.

A **Personal Gathering** is any gathering that does not fall under the category of **Regulated Gathering**. Personal Gatherings include, but are not limited to, all public or private gatherings as defined in CDPHE's Amended Public Health Order 20-35 whether on private or public property. Gatherings on residential property are personal social gatherings for purposes of this order, unless an exclusion applies.

**Regulated Gathering:** a gathering of customers or participants in any activity permitted pursuant to Appendix B, C, D, E, F, G, H, I, J, K of CDPHE Order 20-35 that is not a public or private gathering pursuant to CDPHE Order 20-35. By way of example, regulated gatherings include classes at commercial gyms and studios, organized concerts, permitted events and other professionally organized events.

A **Personal Gathering** does not include:

1. Employees and volunteers of any business, government, nonprofit, or not-for-profit entity while performing work for such entity;
2. any school sanctioned educational activity
3. any life rites, such as weddings, graduations, funerals, other religious rites, and worship services, as authorized by and conducted in strict compliance with CDPHE Public Health Order 20-35;
4. organized events that meet the criteria in Appendix I of CDPHE Order 20-35 for Indoor and Outdoor Events;
5. participation in any activity required by law.

Individuals participating in gatherings must follow all public health laws and orders concerning Face Coverings and must comply with Social Distancing Requirements whenever possible.

## **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](http://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.

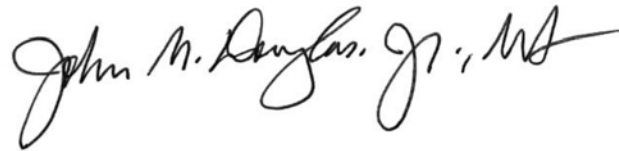
Any person aggrieved and affected by this Order is entitled to Colorado state district court judicial review of this Order pursuant to and in accordance with C.R.S. §25-1-515. However, the aggrieved and affected person must continue to comply with the terms of this Order while his, her, or its request 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 11:00 P.M. on October 16, 2020, and shall expire on 11:59 P.M. Sunday, November 1, 2020 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 October 16, 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