



**NOTICE OF COUNTYWIDE PUBLIC HEALTH ORDER
REGARDING THE COVID-19 PANDEMIC (OCPHA NO. 12)**

This Order sets forth requirements and guidelines for personal responsibility and additional mask-wearing mandates to maintain the low level of 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 16, 2020, the Board of County Commissioners of Ouray County, Colorado declared a Local Disaster Emergency due to COVID-19.
4. 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 since March 10, 2020.
5. While Ouray County residents have been getting vaccinated in high rates, 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 continue to the low transmission rates in the county.
6. On May 2, 2021, Governor Polis extended the statewide mask order which relaxes mask-wearing mandates for counties in level green with very low transmission rates, like Ouray County.
7. 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.
8. Ouray County Board of Health and the Public Health Director have determined that a stricter mask-wearing order is necessary within Ouray County to prevent an increase in transmission rates within Ouray County as additional visitors for the 2021 tourist season come to the county.
9. Data such as rate of community spread, level of vaccination in the County after the full efficacy date, regional trends including availability of EMS personnel and health infrastructure such as hospital capacity, and how busy the tourist season will be in 2021, are factors considered in issuing this county-



wide mandatory mask order and such order shall be reviewed every thirty (30) days or less as data dictates.

10. This emergency order is necessary to continue to preserve the public health, safety, and welfare by protecting against the spread of COVID-19 and to prevent an uptick in new cases in the county while the vaccination roll out continues.

LEGAL AUTHORITY

11. This Order is adopted pursuant to the legal authority set forth in C.R.S. § 25-1-506, 508, and 509, 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

12. 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) may be 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 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. Indoor Face Covering Order.

1. All persons are required to wear a Face Covering within 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 (11) years old and younger.
 - b. Individuals who cannot medically tolerate a face covering.
 - 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.
 - d. When seated at a food service establishment.
 - e. Individuals who enter a business or receive services and are asked to temporarily remove a face covering for identification purposes.
 - f. Individuals who are officiating or participating in a life rite or religious service, giving a speech for broadcast or an audience.
 - g. Individuals who are alone in a room or with others from the individual's household.
 - h. Individuals who are actively engaged in a public safety role, such as law enforcement officers, firefighters, or emergency medical personnel.

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 May 7, 2021, and its requirements remain in effect until 12:00 AM on June 6, 2021, unless otherwise extended in writing by the Public Health Director. This order shall be known as Ouray County Public Health Agency Order No. 12. (OCPHA No. 12).

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.

ANYONE FAILING TO COMPLY WITH THIS ORDER MAY BE SUBJECT TO THE PENALTIES CONTAINED IN C.R.S. § 25-1-516 AND 18-1.3-501, INCLUDING A FINE OF UP TO FIVE THOUSAND (5,000) DOLLARS AND IMPRISONMENT IN THE COUNTY JAIL FOR UP TO EIGHTEEN (18) MONTHS.



Tanner Kingery, MPH, Public Health Director

Date: May 7, 2021

