

October 19, 2020

**THIRD EXTENSION OF JEFFERSON COUNTY PUBLIC HEALTH ORDER 20-007  
REQUIRING JCPH PRE-APPROVAL FOR EVENTS AND VENUES TO ALLOW  
MORE THAN THE NUMBER OF PATRONS ALLOWED UNDER PUBLIC HEALTH  
ORDER 20-35**

The Jefferson County Public Health Department (“JCPH”) is working to stop the spread of Coronavirus 2019 (“COVID-19”). To support this effort, I find it necessary to implement emergency measures to require all events and venues in Jefferson County, Colorado to submit a plan and obtain pre-approval from JCPH under the following circumstances: (1) when Jefferson County is in Level 3 of the State’s Safer-at-Home Dial, the event or venue must obtain pre-approval for the event or venue to exceed a total capacity of 25 patrons indoors or 75 patrons outdoors; (2) when Jefferson County is in Level 2 of the State’s Safer-at-Home Dial, the event or venue must obtain pre-approval for the event or venue to exceed a total capacity 100 patrons indoors or 175 patrons outdoors; and (3) when Jefferson County is in Level 1 of the State’s Safer-at-Home Dial, the event or venue must obtain pre-approval for the event or venue to exceed a total capacity 175 patrons indoors or 250 patrons outdoors.

**FINDINGS AND NECESSITY OF ORDER**

COVID-19 was first detected in Wuhan, China in late 2019, and since then has spread to over 213 countries, including the United States.

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. Persons infected with COVID-19 may become symptomatic anywhere from two to fourteen days after exposure. Symptoms include fever, cough 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.

On March 10, 2020, the Governor of Colorado declared a State of Emergency relating to the presence of COVID-19.

On March 25, 2020, the Governor of Colorado issued Executive Order D 2020-017, ordering all Coloradoans to Stay-at-Home due to the presence of COVID-19 in the state (“Stay-at-Home Order”).

On April 26, the Governor of Colorado issued Executive Order D 2020-044, Safer at Home, through May 27, 2020 (“Safer-at-Home Order”).

On June 1, 2020, the Governor of Colorado issued Executive Order D2020-091, Safer-at-Home and in the Vast, Great Outdoors (“Safer-at-Home and in the Vast, Great

Outdoors Order”), which was most recently extended by Executive Order D2020-213 until November 5, 2020.

Jefferson County’s movement from the Stay-At-Home Order to Safer-At-Home and in the Vast, Great Outdoors Order resulted in the easing of social distancing restrictions in Jefferson County.

On May 29, 2020, the Jefferson County Board of County Commissioners submitted its First Variance Request to the Colorado Department of Public Health and Environment (CDPHE) pursuant to Sixth Amended Public Health Order 20-28, which would allow Jefferson County to implement its own reopening plan under a specific framework that would allow businesses in Jefferson County additional opportunities to reopen while simultaneously applying appropriate restrictions to help prevent the spread of COVID-19 in Jefferson County.

On June 7, 2020, CDPHE approved Jefferson County’s First Variance Request. The June 7, 2020 approval contains a provision that requires Jefferson County to notify CDPHE and implement a mitigation plan if it observes a threshold of 580 cases in a two-week period. If the mitigation plan does not restore the County’s COVID-19 numbers to the baseline, then the First Variance is automatically rescinded.

On June 18, 2020, the Executive Director of CDPHE issued Seventh Amended Public Health Order 20-28, Safer at Home and in the Vast, Great Outdoors which, among other things, establishes face covering requirements and removal allowances for providers and customers of designated services, in effect through July 1, 2020, which was further amended by the Ninth Amended Public Health Order 20-28 to extend the requirement to wear face coverings to all public indoor spaces (PHO 20-28).

On September 16, 2020, the Executive Director of CDPHE issued Public Health Order 20-35, Safer at Home Dial, which supersedes and replaces Public Health Order 20-28 (PHO 20-35). PHO 20-35 includes the requirement that individuals wear face coverings in public indoor spaces as well as additional requirements for indoor and outdoor events.

People can be infected with the COVID-19 virus and be asymptomatic yet still be contagious. People can also 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. Scientific evidence shows that limiting interactions among people slows virus transmission. For this reason, CDPHE PHO 20-35 and approved variances include specific limits on the number of people that may interact in various situations.

There is substantial evidence of the continued spread of COVID-19 throughout Jefferson County. As of October 19, 2020, there were 85,302 confirmed and probable cases of COVID-19 statewide in Colorado, and 7,168 confirmed and probable cases in Jefferson County, Colorado, as well as 2,042 deaths due to COVID-19 statewide and 299 deaths in Jefferson County.

Because of this increase in cases, on July 14, 2020, I issued JCPH Order 20-005, which required all persons in Jefferson County to wear face coverings in public settings when six-foot social distancing could not be maintained. Subsequently, on July 16, 2020, Governor Polis issued a similar, though not identical, Executive Order requiring all persons in the State of Colorado to wear face coverings in Indoor Public Settings. See EO D 2020-138, as amended and extended by EO D 2020 164 ("State Mask Order"). As a result of the state-wide order, I issued JCPH Order 20-006, which rescinded JCPH Order 20-005. All persons in Jefferson County must follow the State Mask Order.

While the State Mask Order regarding face coverings is helpful, additional regulation of outdoor events is necessary to slow the spread of COVID-19. Additionally, even though PHO 20-28, and now PHO 20-35, mandated that attendees at indoor and outdoor events wear face coverings, not all businesses in Jefferson have required large event attendees to wear face coverings. Therefore, on July 24, 2020, I issued JCPH 20-008 to supplement the provisions of the State Mask Order. JCPH 20-008 requires all individuals to wear a face covering when they are outside their Residence and when they are unable to maintain at least six feet of distance from non-household members.

As of July 20, 2020, Jefferson County's COVID-19 numbers were approaching the threshold set by CDPHE in Jefferson County's First Variance that would require a mitigation plan and potentially lead to the rescission of Jefferson County's First Variance. At that time, I found it necessary to implement additional measures in Jefferson County to minimize the spread of COVID-19 with the goal of maintaining the number of new COVID-19 cases below the baseline threshold so that Jefferson County can retain its First Variance.

On July 20, 2020, I issued JCPH 20-007 to further limit the spread of COVID-19 by creating requirements for large events. By requiring a pre-approved written plan for large events, JCPH can ensure that the event sponsor and venue take appropriate steps to protect those in Jefferson County from further spread of COVID-19 at large events. This action serves the dual purpose of allowing businesses to continue operations under the First Variance while minimizing the spread of COVID-19 by ensuring that events or venues with a large number of attendees have appropriate plans in place to reduce the risk of transmission of COVID-19 as necessary to protect vulnerable populations and to prevent the health care system from becoming overwhelmed.

On September 15, 2020, Governor Polis announced a new dial framework under which counties may move into less restrictive phases of the Safer-at-Home Order, thereby balancing the need to minimize spread of COVID-19 with the need to re-open the economy safely. This Order is intended to help maintain that balance by allowing larger events to take place in Jefferson County when they can be operated consistently with the State's PHO 20-35.

As of October 19, 2020, Jefferson County is again approaching the threshold set by CDPHE in Jefferson County's First Variance that would require a mitigation plan and

potentially lead to the rescission of the First Variance. Additionally, under the new Dial framework, Jefferson County is also approaching the threshold set forth in PHO 20-35 that would require a mitigation plan and potentially lead to the County being moved to Level 3 of the Dial if its metrics do not improve. At this time, I find it necessary to continue implementing measures to minimize the spread of COVID-19 with the goal of maintaining the number of new COVID-19 cases below the baseline threshold so that Jefferson County can retain its First Variance and its status in Level 2 of the Safer at Home Dial.

Because the spread of COVID-19 is still a threat to Jefferson County, I hereby extend JCPH 20-007 for an additional thirty days, subject to additional extension, modification, or rescission.

### **INTENT**

The intent of this Order is to ensure that events or venues with more than one designated activity have sufficient operational plans to regulate social distancing and ensure appropriate cleaning and hygiene practices to minimize the spread of COVID-19 to greatest extent possible, while enabling the continuation of social and commercial life.

CDPHE PHO 20-35 allows for different attendance levels at events depending on which level a county is in. Counties at level three may permit indoor venues to allow up to 25 people per room and outdoor venues to allow up to 75 people per designated activity with certain additional requirements. PHO 20-35 at ¶ II.B.2.k & l. Counties at level two may permit indoor venues to allow up to 100 people per room and outdoor venues to allow up to 175 people per designated activity with certain additional requirements. PHO 20-35 at ¶ II.C.2.k & l. Counties at level one may permit indoor venues to allow up to 175 people per room and outdoor venues to allow up to 250 people per designated activity with certain additional requirements. PHO 20-35 at ¶ II.B.2.k & l. Under these provisions, venues may create separate designated activities or areas, and thus exceed the cap on the number of attendees at a single venue. PHO 20-35 at Appendix I.I.A. PHO 20-35 contains multiple requirements for designated activities, including, but not limited to, a required minimum amount of 50 feet of spacing between designated activities, separate entrances and exits, and traffic flow management between the designated activities. Because of the high potential for interaction of people between designated activities, and thereby increasing the potential spread of COVID-19, the intent of this Jefferson County Public Health Order 20-007 is to ensure that each event or venue with more than one designated activity has an appropriate plan to ensure that all of PHO 20-35's requirements are met. All provisions of this Order should be interpreted to effectuate this intent. Failure to comply with any of the provisions of this Order constitutes an imminent threat and creates an immediate menace to public health.



## ORDER

Hereby finding it is essential that the COVID-19 virus be slowed to protect the ability of public and private health care providers to handle the influx of new patients and safeguard public health, and because the risk of the rapid spread necessitates quick action to protect all members of the community, especially including our members most vulnerable to COVID-19 and also health care providers, this **LARGE EVENT ORDER** ("Order") requires all venues and events in Jefferson County that have more than one designated activity for purposes of Appendix I of PHO 20-35 to submit to JCPH for pre-approval a written plan that documents how the event sponsor or venue will ensure compliance with the provisions of PHO 20-35, as it may be amended from time to time, including but not limited to a required minimum amount of 50 feet of spacing between designated activities, separate entrances and exits, face covering requirements, and traffic flow management. These requirements supplement and are in addition to any social distancing orders and face covering requirements contained in any public health order or guidance issued by CDPHE.

Consistent with the Governor's Executive Order, CDC's guidance, and pursuant to the authority granted the Executive Director of Jefferson County Public Health in C.R.S. §§ 25-1-506(3)(b) and 25-1-509(1)(c), the following is ordered:

1. All venues or events in Jefferson County that have more than one designated activity for purposes of PHO 20-35 are required to submit to JCPH for pre-approval a written plan that documents how the event sponsor or venue will ensure compliance with the provisions of PHO 20-35, including but not limited to a required minimum amount of 50 feet of spacing between designated activities, separate entrances and exits to each designated activity area, face covering requirements, a traffic flow management plan between each designated activity area and the overall event, and a plan for monitoring compliance with and enforcing this public health order during the event by the event sponsor.
2. The event sponsor must contact JCPH at HealthEPRReports@jeffco.us to obtain pre-approval for the event or venue. The proposed plan must be submitted no later than fourteen (14) days before the event to allow JCPH sufficient time for review and comment on the plan and the event sponsor's time to provide revisions to the proposed plan. No person or business in Jefferson County may host an event in Jefferson County without pre-approval from JCPH if the event or venue would exceed the maximum total capacity of 25 attendees inside or 75 attendees outside while the County is in level three; 100 attendees inside or 175 attendees outside while the County is in level two; or 175 attendees inside or 250 attendees outside while the County is in level one.
3. The event sponsor may see the level the County is currently in by visiting <https://covid19.colorado.gov/data/covid-19-dial/covid-19-dial-dashboard>.
4. Under this Order, JCPH shall have sole discretion to approve or reject a specific plan.

5. Along with CDPHE, JCPH is tasked with protecting the health and welfare of citizens of Jefferson County by investigating and controlling cases of epidemic and communicable disease. This Order is necessary to control the transmission of disease to others. Immediate issuance of this Order is necessary for the preservation of public health, safety, or welfare. JCPH will attempt to seek voluntary compliance through education, technical assistance, and warning notices. However, this Order may be enforced by any appropriate legal means.
6. This Order has the effect of law. Pursuant to C.R.S. §§ 25-1-114.1 and 25-1-516, it is unlawful for any person to fail to comply with this Order. Any person who fails to comply with this Order may also be subject to a fine of up to one thousand dollars (\$1,000.00) per violation and imprisonment in the county jail for up to one year. For violations of this Order, JCPH 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.
7. Any business open to the public that fails to obtain JCPH approval before hosting an event with the number of attendees in excess of those permitted by PHO 20-35 may be subject to the suspension or revocation of its license by the appropriate licensing authority as provided by law.
8. Preemption and Conflicts. This Order is in addition to all executive orders issued by the Governor of Colorado and all public health orders and guidance documents issued by CDPHE. If there is conflict between this Order and any executive order, CDPHE public health order or local public health order, the most restrictive order applies.
9. This third extension of JCPH 20-007 is effective as of 12:01 a.m. on October 21, 2020, and will continue until midnight on November 20, 2020, or until it is extended, rescinded, superseded, or amended in writing by the Executive Director of Jefferson County Public Health or the Jefferson County Board of Health.
10. If any provision of this Order, or its application to any person or circumstance, is held to be invalid, then the remainder of the 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 provisions of this Order are severable.

**Issued by:**



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**Mark B. Johnson, MD, MPH**  
**Executive Director**  
**Jefferson County Public Health**

**October 19, 2020**  
**Date**