



AMENDED PUBLIC HEALTH ORDER 2020-07-3 PROHIBITING GATHERINGS INVOLVING PERSONS AGED BETWEEN 18 AND 22 YEARS IN THE CITY OF BOULDER AND STAY-AT-HOME FOR SUBJECT PROPERTIES

Pursuant to Colorado Revised Statutes (“C.R.S.”) §§ 25-1-506, 508, 509, and 516, Boulder County Public Health (“BCPH”) hereby issues this Public Health Order setting forth guidance and requirements for all residents of the certain properties and other persons identified in Exhibit A of this Order, so as 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 ultimate goal of this Order shall be to control and slow the spread of COVID-19, so as to maintain consistent healthcare capacity in Boulder County to adequately treat patients suffering from the disease.

I. FINDINGS

Whereas, Boulder County Public Health (“BCPH”) has public health jurisdiction over Boulder County, Colorado (“Boulder County”), including all cities and towns therein. In furtherance of its jurisdiction, BCPH has the power and duty to investigate and control the causes of epidemic or communicable diseases and conditions affecting the public health within Boulder County, as well as the power and duty to close schools and public places; to prohibit gatherings of people when necessary to protect public health; to establish, maintain, and enforce isolation and quarantine; and in pursuance, thereof, to exercise physical control over property and over persons within Boulder County as BCPH may find necessary for the protection of public health; and

Whereas, COVID-19 is an illness transmitted primarily through person-to-person contact. Persons infected with COVID-19 may become symptomatic anywhere from two (2) to fourteen (14) days after exposure. Symptoms may include, but are not limited to, fever, cough, 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; and

Whereas, on March 10, 2020, the Governor of Colorado (“Governor”), Jared Polis, declared a State of Emergency related to the presence of COVID-19 in the State of Colorado; and

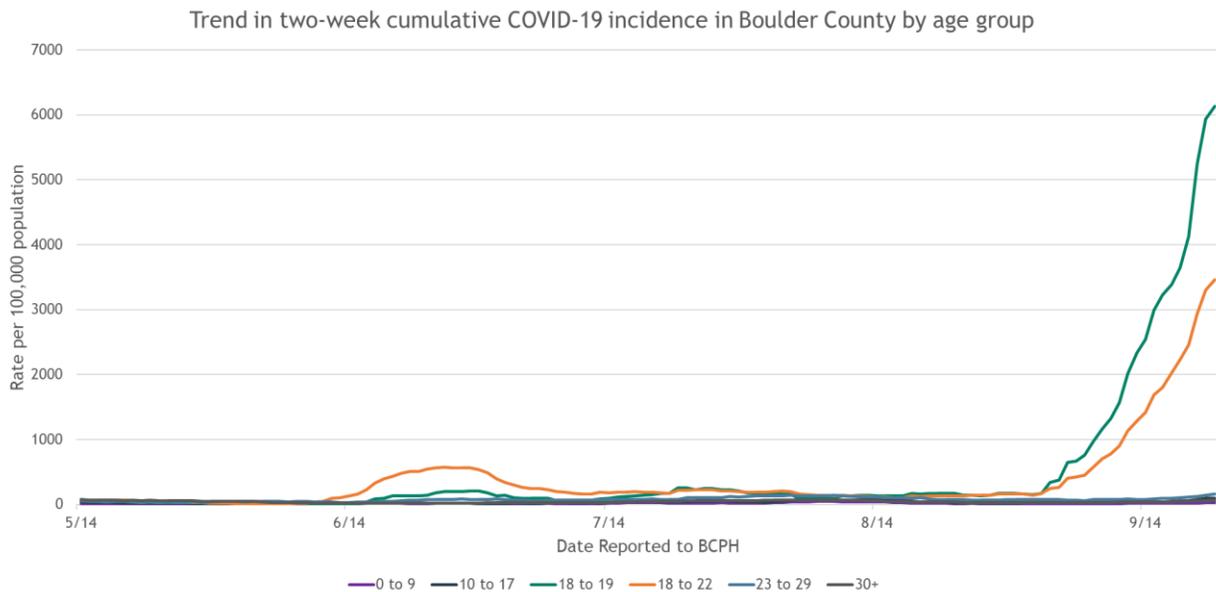
Whereas, on March 14, 2020, the Chair of the Board of County Commissioners for Boulder County declared a local disaster emergency, which, on March 19, 2020, was extended by the Board of County Commissioners for Boulder County; and

As of September 22, 2020, there have been 66,053 confirmed or probable positive cases of COVID-19 statewide in Colorado and 4,016 confirmed or probable positive cases in Boulder County, as well as 2,025 deaths related to COVID-19 cases statewide and 79 deaths in Boulder County; and

Whereas, there have been 1,392 confirmed or probable positive cases of COVID-19 among University of Colorado Boulder (“CU Boulder”) students aged between 18 and 22 years since August 24, 2020, the first day of fall semester classes at CU Boulder, representing 78% of Boulder County’s COVID-19 cases for this time period; and

Whereas, there have been 1,246 confirmed or probable positive cases of COVID-19 among persons aged between 18 and 22 years within the city of Boulder since August 24, 2020; and

Whereas, the two-week cumulative COVID-19 incidence among persons aged between 18 and 19 years exceeds 6,000 cases per 100,000 population, and among persons aged between 18 and 22 years, it is over 3,000 per 100,000 population, as shown in the graph below; and



Whereas, the five-day moving average of new case rates in Boulder County is 152.8, which is currently the highest among metro area counties and is continuing to rise; and

Whereas, there have been eight (8) confirmed outbreaks of COVID-19 at off-campus collegiate group homes since September 3, 2020, including off-campus affiliated and non-affiliated sorority and fraternity houses, and additional potential outbreaks are under investigation; and

Whereas, BCPH has determined that off-campus collegiate group homes represent a significant source of COVID-19 transmission in Boulder County, both among residents and visitors; and

Whereas, BCPH has identified residences where unlawful gatherings and other public health order violations have occurred and which pose a significant threat of disease transmission due to documented occupant behavior; and

Whereas, BCPH has determined that the majority of COVID-19 transmission within Boulder County is due to social gatherings among persons aged between 18 and 22 years in the city of Boulder, during which many individuals failed to comply with public health face covering and social distancing orders; and

Whereas, BCPH has determined that the majority of COVID-19 transmission in Boulder County is largely among the population of individuals in the city of Boulder between the ages of 18 and 22 years; and

Whereas, C.R.S. § 25-1-506(3)(b) authorizes BCPH to take action and issue notices and orders to control the spread of communicable diseases, such as COVID-19. This authority includes the establishment, maintenance, and enforcement of isolation and quarantine, as BCPH finds necessary to protect public health and to prevent further spread of diseases. This authority also includes the ability to investigate and abate nuisances, when necessary, in order to eliminate sources of epidemic or communicable diseases and conditions affecting the public health, and to investigate and control the causes of epidemic or communicable diseases and conditions affecting public health; and

Whereas, in the event of a public health emergency, C.R.S. § 25-1-509(1)(c) directs BCPH to issue orders and adopt rules consistent with the laws and rules of the state as the public health director may deem necessary for the proper exercise of powers and duties vested in or imposed upon the Boulder County Board of Health.

II. NECESSITY OF THIS ORDER

This Order is issued based on evidence of increasing occurrence and transmission of COVID-19 within Boulder County, specifically among persons aged between 18 to 22 years, including but not limited to collegiate group home occupants and visitors and occupants and visitors of residences with documented histories of public health order violations, and in particular, violations involving large gatherings without adherence to public health face coverings or social distancing orders. The dangers of COVID-19 are exacerbated because some individuals who contract the virus, especially those in the 18 to 22 year-old range, may be pre-symptomatic, asymptomatic, or have mild symptoms and may not be aware that they are carrying the coronavirus.

This Order is further based on scientific evidence and best practices regarding the most effective approaches to slow the transmission of communicable diseases generally and COVID-19 specifically, and evidence that the age, condition, and health of a significant portion of the population within Boulder County places said population at risk for serious health complications, including death, from COVID-19.

COVID-19 positive case data for Boulder County shows that at this stage of the pandemic emergency, it is essential to slow the virus among persons aged between 18 to 22 years, especially those who reside in the city of Boulder, particularly in collegiate group homes and residences with documented histories of public health order violations. By reducing the rate of potential transmission of COVID-19, this Order helps to prevent increased disease transmission across the

greater Boulder County community and preserve critical and limited healthcare capacity in Boulder County.

This Order is necessary to slow the rate of potential transmission of COVID-19, and the Executive Director of BCPH, in collaboration with the Boulder County Board of Health, will re-evaluate this Order as further data becomes available.

Individuals infected with COVID-19 may be contagious before their symptoms start until their symptoms end. To help stop the spread of disease, anyone who may have been in close contact with someone with COVID-19 must be kept separate from people who are healthy; this is called “quarantine.” At this time, it is believed that symptoms of COVID-19 may appear in as few as 2 days or as long as 14 days after exposure.

III. INTENT

This Order is intended to restrict all gatherings of persons between the ages of 18 and 22 years when within the city of Boulder city limits.

It is also the intent of this Order for occupants of Subject Properties (“Stay-at-Home Residents”), identified through this Order as high-risk transmitters of COVID-19, if not already under quarantine or isolation orders, to stay at home in their place of residence to the maximum extent feasible to slow the rate of potential transmission of COVID-19 to the greatest extent possible, except for exemptions such as essential activities or travel, as authorized by this Order.

All provisions of this Order should be interpreted to effectuate this intent. Failure to comply with any of the provisions of this Order shall constitute an imminent threat to the public health, safety, and welfare of the population residing, working, or traveling in Boulder County.

IV. ORDER

Hereby finding it is essential that the spread of the novel coronavirus SARS-CoV-2, responsible for the COVID-19 disease, 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 immediate action to protect all members of the community, especially community members who are most vulnerable to COVID-19 and also health care providers and first responders, and pursuant to the statutory authority granted the Executive Director of BCPH, the following is ordered:

1. **Gatherings** of more than two persons within the city of Boulder that include any person or persons between the ages of 18 and 22 years are prohibited. Two persons gathered together must follow all public health laws and orders concerning **Face Coverings** and must comply with **Social Distancing Requirements** whenever possible.
2. **Stay-at-Home:** The following shall apply to all **Subject Properties** listed in Exhibit A:

- a. **Stay-at-Home Residents** are prohibited from leaving their **Subject Property** except for **Essential Activities** and **Essential Travel** or as required by law.
- b. If a **Stay-at-Home Resident** must leave their **Subject Property** for an **Essential Activity** or **Essential Travel**, such **Stay-at-Home Residents** are prohibited from using any mode of public transportation or rideshare (e.g. bus, plane, taxi, train, Uber, Lyft, etc.).
- c. All persons who are not a resident of a **Subject Property** are prohibited from entering on or into any **Subject Property** unless they are an **Essential Visitor**.
- d. **Stay-at-Home Residents** must stay at their residence at the **Subject Property** unless relocating to an **Alternative Location** as outlined in Paragraph 6.d.ii.
- e. If a **Subject Property** has four (4) or more residents, residents should not congregate in common areas of the **Subject Property**, should wear a **Face Covering** when in all common areas, and should maintain social distancing of at least six (6) feet from all other persons.

3. Symptom Monitoring:

- a. All **CU Students** must monitor their health daily for the following COVID-19 symptoms: Fever of 100.4°F or higher; cough; shortness of breath or difficulty breathing; chills; body aches; sore throat; headache; diarrhea; nausea; vomiting; and runny nose. Any **CU Student** who receives a positive COVID-19 test or develops COVID-19 symptoms during the term of this Order must:
 - i. Report any symptoms through the University of Colorado’s Daily Health Check at <https://www.colorado.edu/daily-health-form>.
 - ii. Comply with the following isolation requirements:
 - 1. Stay separated away from all others (i.e. isolate) until all of the following criteria are met:
 - a. No fever (of at least 100.4°F degrees), without medication, for at least twenty-four (24) hours; and
 - b. All other COVID-19 symptoms have improved; and
 - c. At least ten (10) days have passed since COVID-19 symptoms first appeared.
 - iii. Stay separated from all other people as much as possible. Use a separate bathroom, if available. If unavailable, disinfect all touched surfaces before leaving the bathroom.

- iv. Not travel except, as necessary, to seek medical care. Contact any healthcare provider prior to visiting their office so arrangements can be made to prevent exposing any persons at the healthcare provider's office.
- v. In the event of a medical emergency and the need to call 911, notify dispatch personnel that the person needing medical attention may have COVID-19. Put on a **Face Covering** before the emergency medical personnel arrives.
- vi. Follow all other isolation instructions as provided by BCPH or CU.

4. Testing:

- a. All **CU Students** who have tested positive for COVID-19 or are experiencing symptoms of COVID-19, including mild symptoms, such as cough and shortness of breath, will be required to isolate in accordance with CDPHE Public Health Order 20-35 for the duration of their isolation period in addition to following all Stay-at-Home requirements of this Order.¹ Such students are not permitted to travel to **Alternate Location**, as described in Paragraph 6.d.ii. Furthermore, **CU Students** who test positive for COVID-19 must follow all isolation instructions provided by BCPH and CU.
- b. Any **CU Student** that tests positive for COVID-19 and does not receive isolation instructions from BCPH or CU within two (2) days must report their positive test results to notify CU at 303-735-0017 or contacttracing@colorado.edu.
- c. A negative COVID-19 test (whether surveillance, diagnostic, or otherwise) will not relieve any person from complying with the requirements of this Order. A positive COVID-19 antibody test will not relieve any person from complying with the requirements of this Order.

5. Cooperation:

- a. All **CU Students** must cooperate with BCPH and CU Boulder contact tracing and case investigation efforts.
- b. Each off-campus **Stay-at-Home Resident** must report their name and address of residence to the City of Boulder at residents@bouldercolorado.gov within 24 hours of the issuance of this Order.

6. Definitions:

¹ Any individual who tests positive or develops symptoms of COVID-19, including early or mild symptoms, must remain isolated (away from others) for at least ten (10) days. An individual may be released from isolation when they are: 1) fever-free, without medication, for twenty-four (24) hours; 2) other symptoms have improved; AND 3) at least ten (10) days have passed since COVID-19 symptoms first appeared.

- a. **CU Campus** means any and all real property owned or occupied by CU Boulder.
- b. **CU Student(s)** means any person who is enrolled as a student at CU Boulder in any capacity, irrespective of level of enrollment (i.e. amount of course hours, part-time, full-time), as of the date of issuance of this Order and who resides within Boulder County.
- c. **Essential Activities.** For purposes of this Order, **Stay-at-Home Residents** may leave their **Subject Property** only to perform any of the following **Essential Activities**:
 - i. Seek medical care, including COVID-19 testing.
 - ii. Obtain necessary supplies by way of curbside pickup or contactless delivery. Necessary supplies include food; pet supplies; medical supplies; other household consumer products; and products or equipment necessary to maintain the safety, sanitation, and essential operation of the residence. Dining outside of the **Subject Property**, whether at a business or another residence, is strictly prohibited.
 - iii. Engage in outdoor exercise alone and at least six (6) feet social distancing from all other persons at all times. **Stay-at-Home Residents** must remain within walking distance of their **Subject Property** and must make every effort to avoid all other people. **Stay-at-Home Residents** may not participate in outdoor exercise with any group in any form. **Stay-at-Home Residents** must wear a **Face Covering** at all times. Outdoor exercise includes, by way of example, walking, hiking, biking, and running.
 - iv. Activities necessary to cast a ballot in the fall 2020 General Election. BCPH strongly encourages **Stay-at-Home Residents** to vote by mail. For questions on vote by mail, contact the Boulder County Clerk & Recorder’s Office at 303-413-7740 or vote@bouldercountyvotes.org.
- d. **Essential Travel.** For purposes of this Order, **Essential Travel** will include travel for any of the following purposes. Individuals engaged in any **Essential Travel** must comply with all **Social Distancing Requirements**, as defined in this Section.
 - i. Any travel necessary to perform **Essential Activities**, except that **Stay-at-Home Residents** may not travel for outdoor exercise by motorized means.
 - ii. **Alternative Location:** Any travel to an alternative stay-at-home (quarantine) location (“**Alternative Location**”) within a five-hour drive without stopping, so long as the **Stay-at-Home Resident** continues to comply with the Stay-at-Home requirements of this Order and any additional quarantine requirements as established by the local jurisdiction.

1. **Notification of Relocation:** A **Stay-at-Home Resident** who is a **CU Student** intending to stay at home (quarantine) at an **Alternative Location** must, prior to relocating, notify CU at 303-735-0017 or contacttracing@colorado.edu and provide the following information:
 - a. **Stay-at-Home Resident's** name;
 - b. Address of the **Subject Property**;
 - c. Address of the **Alternative Location** where the **Stay-at-Home Resident** intends to stay at home (quarantine); and
 - d. Mode of transportation the **Stay-at-Home Resident** intends to use to travel to the **Alternative Location**.
 2. Once a **Stay-at-Home Resident** chooses to stay at an **Alternative Location**, they may not return to the **Subject Property** for any reason for the duration of this Order.
 3. Individuals who are in isolation (i.e. tested positive for COVID-19 or are exhibiting COVID-19 symptoms) may not move to an **Alternative Location**.
 4. **Stay-at-Home Residents** must notify all other occupants of the **Alternative Location** of this Order prior to commencing travel to such **Alternative Location**.
 5. BCPH may prohibit a **Stay-at-Home Resident** from relocating to an **Alternative Location** consistent with the intent of this Order.
- e. **Essential Visitor** means any visitors providing licensed medical care. House directors, housekeeping, cooking service providers, and CU Boulder dormitory employees for **Subject Properties** are also considered **Essential Visitors** for **Subject Properties** that have already contracted for these arrangements.
- f. **Face Covering** means a facial covering or mask 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. Mesh, netting, or similarly porous material does not meet the requirements or definition of a **Face Covering**. A **Face Covering** may be factory-made or may be handmade and improvised by using ordinary household materials.
- i. The **Face Covering** must fit snugly but comfortably against the side of the face; allow for breathing without restriction; and must either be constructed of

disposable mask materials or include multiple layers of fabric that can be laundered and machine-dried without damage or change to shape.

- ii. **Face Coverings** must cover the nose and mouth at all times and must remain in place until taken off safely. If a worker's **Face Covering** moves during work, it must be replaced with one that does not need to be frequently adjusted in order to reduce touching of the face. A **Face Covering** must be replaced when it becomes dirty, wet, and/or difficult to breathe through.
- iii. Any mask that incorporates a one-way valve (typically a raised plastic cylinder about the size of a quarter on the front or side of the mask) that is designed to facilitate easy exhaling is not a **Face Covering** under this Order and is not to be used to comply with this Order's requirements. Valves of that type can permit droplet release from the mask and put others nearby at risk.
- iv. A video showing how to make a **Face Covering** and additional information about how to wear and clean **Face Coverings** may be found on the CDC's website at <https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/diy-cloth-facecoverings.html>. A video showing how to make a face covering and additional information about how to wear and clean **Face Coverings** may be found on the CDC's website at <https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/diy-cloth-facecoverings.html>.
- g. A **Gathering** is more than two individuals coming together or being physically near each other for any shared and common purpose, including socializing or participating in any activity together, including but not limited to shopping, dining, or exercising.
 - i. A **Gathering** does not include: 1) employees of any business, government, nonprofit, or not-for-profit entity while performing work for such entity; 2) activities undertaken pursuant to jury summons, lawful subpoena, or order of a court; 3) any educational activity explicitly permitted by CU, Naropa University, Auguste Escoffier School of Culinary Arts, Boulder Massage Therapy Institute, Thai Healing Art Institute, Montessori Education Center of the Rockies, Dr. Ida Rolf Institute, and any other education institution in the city of Boulder as approved by BCPH; 4) any life rites, such as wedding ceremonies, graduation ceremonies, funerals, other religious rites, and worship services, as authorized by and conducted in strict compliance with CDPHE Public Health Order 20-35; 5) any programs that serve adults with disabilities; or 6) any activity required by law.
 - ii. Members of the same **Household** while in their shared **Household** space (e.g. a dorm room) together are not considered a gathering.

- iii. For students of K-12 schools, a **Gathering** does not include participation in activities or classroom learning provided by or sanctioned by the K-12 school or K-12 program. Students currently completing their K-12 education may also participate in activities with other members of their **Household**.
 - h. **Household** means the residential unit where an individual resides. For a single-family house, apartment, or similar housing occupied by four (4) or fewer unrelated persons, the entire home is considered one **Household**.
 - i. For on-campus residence halls (dormitories) and off-campus congregate housing (e.g. sorority and fraternity houses) with more than four (4) unrelated occupants, a person's **Household** consists of such person and any persons with whom they share a room in which they sleep (i.e. roommates). As a result, congregate housing such as residence halls (dormitories), sorority houses, and fraternity houses will likely have multiple **Households**.
 - i. **Stay-at-Home Resident(s)** means a person who resides at a **Subject Property**. **Stay-at-Home Residents** do not include minor dependents who reside with the adult or adults legally responsible for them, and **Stay-at-Home Resident** does not include the adult(s) responsible for the minor dependent(s).
 - i. Any person who believes that the contents of this Order may subject them to food insecurity or housing insecurity should notify BCPH via the BCPH Call Center at 720-776-0822, and BCPH will work with that person to determine if they should receive limited exemption from this Order.
 - j. **Social Distancing Requirements**, for purposes of this Order, include all of the following: 1) Maintaining at least six (6) feet social distancing from other individuals; 2) washing hands with soap and water for at least twenty (20) seconds as frequently as possible or using hand sanitizer when hand-sinks are not available; 3) covering coughs or sneezes (i.e. into the sleeve or elbow, not the hands); 4) regularly cleaning high-touch surfaces; and 5) not shaking hands.
 - k. **Subject Property(ies)** means a parcel of real property as identified by address in Exhibit A. A **Subject Property** may consist of multiple **Households**.
7. **Relationship to Other Orders** (including isolation or quarantine orders or instructions): In the event of a conflict between this Order and any other Public Health Order or Executive Order, the most protective applicable order shall control.
- a. Nothing in this Order shall be construed to relieve an individual of the requirements of an isolation or quarantine instruction or Order issued by Boulder County Public Health.
 - b. Nothing in this Order should be construed to preempt any local Public Health Orders.

- c. Nothing in this Order shall be construed to prevent a municipality from adopting more protective standards than those contained in this Order.

This Order is necessary to control the transmission of COVID-19 to others. Immediate issuance of this Order is necessary for the preservation of public health, safety, or welfare. Individuals have a right to request judicial review of this Order by filing an action with Boulder County District Court pursuant to C.R.S. § 25-1-515. However, any such individual must continue to obey the terms of this Order while their request for judicial review is pending.

BCPH is available to answer questions regarding this Order and available resources for support. The BCPH Call Center can be reached at 720-776-0822.

FAILURE TO COMPLY WITH THIS ORDER IS SUBJECT TO PENALTIES CONTAINED IN C.R.S. §§ 25-1-114 and 25-1-516, INCLUDING A FINE OF UP TO FIVE THOUSAND DOLLARS (\$5,000.00) AND IMPRISONMENT IN THE COUNTY JAIL FOR UP TO EIGHTEEN (18) MONTHS.

This Order is in effect at 4:00 p.m. MST on September 24, 2020, and shall expire at noon (12:00 p.m.) MST on October 8, 2020, unless extended or modified by BCPH.

DONE AND SIGNED, as the official Order of the Executive Director of the Boulder County Public Health Department on this 28th day of September, 2020, at the authorization and direction of the Boulder County Board of Health.



Jeffrey J. Zayach, MS
Executive Director
Boulder County Public Health

September 28, 2020

Date

EXHIBIT A: Stay-at-Home Addresses

Subject Properties shall include the properties located at the following addresses in Boulder, Colorado:

1. 1120 10th Street, Unit B
2. 1125 10th Street
3. 1150 College Avenue
4. 1200 College Avenue, #224
5. 1350 College Avenue, #302
6. 1350 College Avenue, #306
7. 1100 Pennsylvania Avenue
8. 1715 Aurora Avenue
9. 1511 Broadway
10. 1205 College Avenue
11. 1019 14th Street
12. 1080 14th Street
13. 1131 University Avenue
14. 1045 14th Street
15. 1043 Pleasant Street
16. 1005 Broadway
17. 1146 12th Street
18. 911 17th Street
19. 1162 12th Street
20. 1058 13th Street
21. 1015 15th Street
22. 1011 16th Street
23. 1025 15th Street
24. 1128 Pennsylvania Avenue
25. 935 16th Street
26. 1333 University Avenue
27. 1134 University Avenue
28. 890 11th Street
29. 1002 University Avenue
30. 1122 12th Street
31. 1441 Broadway
32. 1127 Broadway
33. 1012 12th Street
34. 1114 12th Street
35. 1044 13th Street
36. 1029 Broadway
37. 1111 College Avenue