



Public Health

PUBLIC HEALTH ORDER 2020-10-1 PROHIBITING SPECTATORS AT SPORTING EVENTS

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 persons within Boulder County 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 in order to maintain consistent health care 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 (“BOCC”) declared a local disaster emergency, which, on March 19, 2020, was extended by the BOCC; and

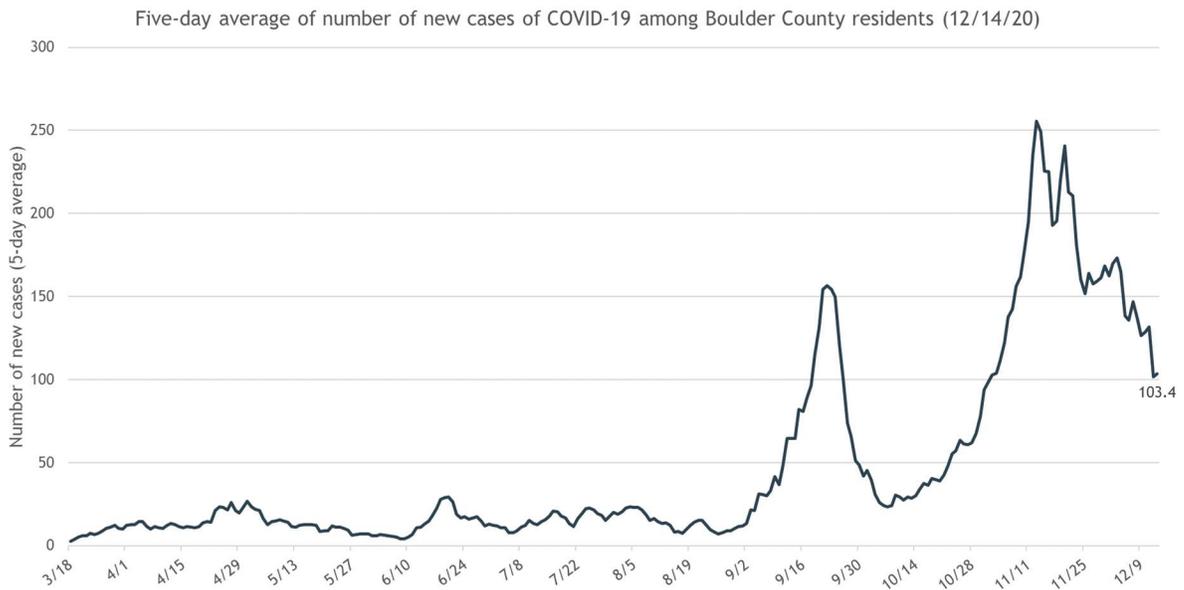
As of December 14, 2020, there have been 291,104 confirmed or probable positive cases of COVID-19 statewide in Colorado and 13,155 confirmed or probable positive cases in Boulder County, as well as 16,174 individuals hospitalized with COVID-19 in Colorado, and 3,086 deaths related to COVID-19 cases statewide; and

Whereas, as of December 14, 2020, the positivity rate for COVID-19 in the state of Colorado is 9.77%, and the five-day average positivity in Boulder County is currently 5.2%. This rate is above the 5% positivity rate recommended by the World Health Organization (“WHO”) for non-critical businesses to open; and

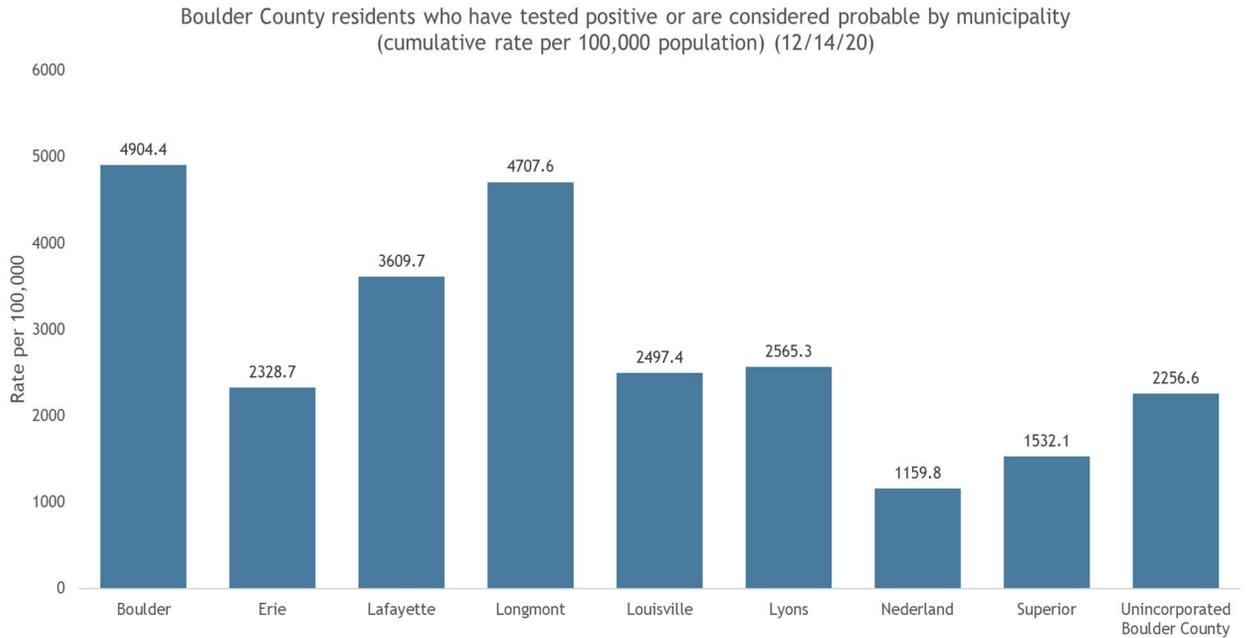
Whereas, the two-week cumulative incidence rates in Boulder County is 572.5 per 100,000, above the 350 cases per 100,000 benchmark set by the State of Colorado for Level Red: Severe Risk on the Colorado COVID-19 Dial; and

Whereas, due to the high number of COVID-19 cases in Boulder County, BCPH has been unable to contact every individual who has tested positive and, therefore, is unable to perform contact tracing for all cases, putting the community at further risk for the spread of COVID-19; and

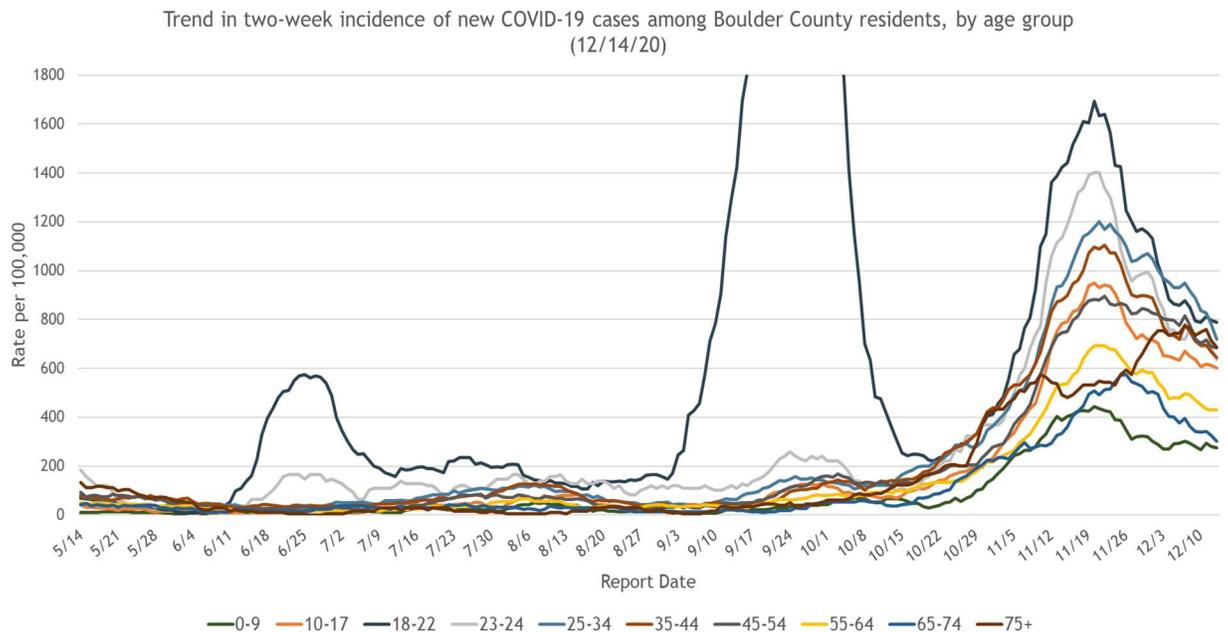
Whereas, as of December 14, 2020, the five-day average number of new COVID-19 cases among Boulder County residents is 103.4 cases per day, as shown in the graph below, and the effective reproductive number in the state of Colorado is 1.2, indicating that COVID-19 cases are still growing in the community; and



Whereas, the spread of COVID-19 in Boulder County appears to be dispersed among Boulder County municipalities, as shown in the graph below; and

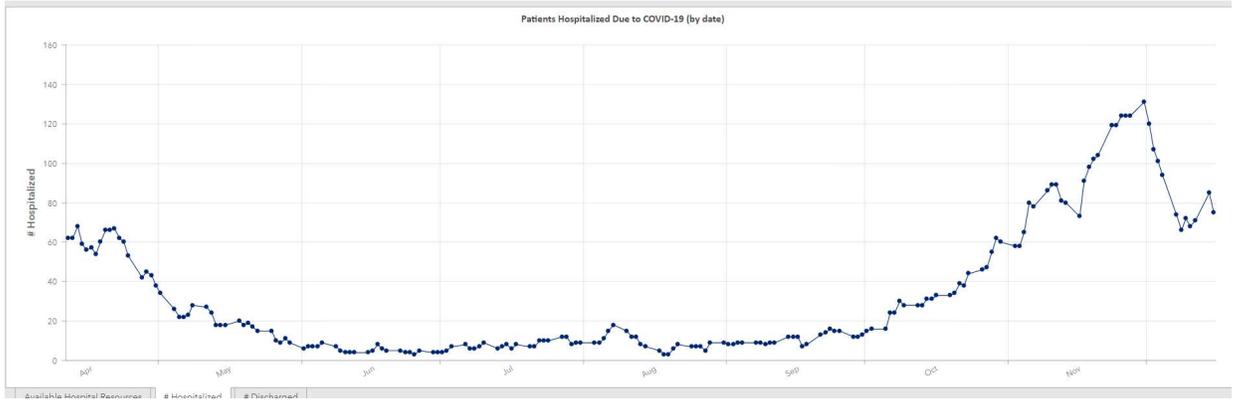


Whereas, the spread of COVID-19 in Boulder County appears to be dispersed among all age groups, as shown in the graph below; and



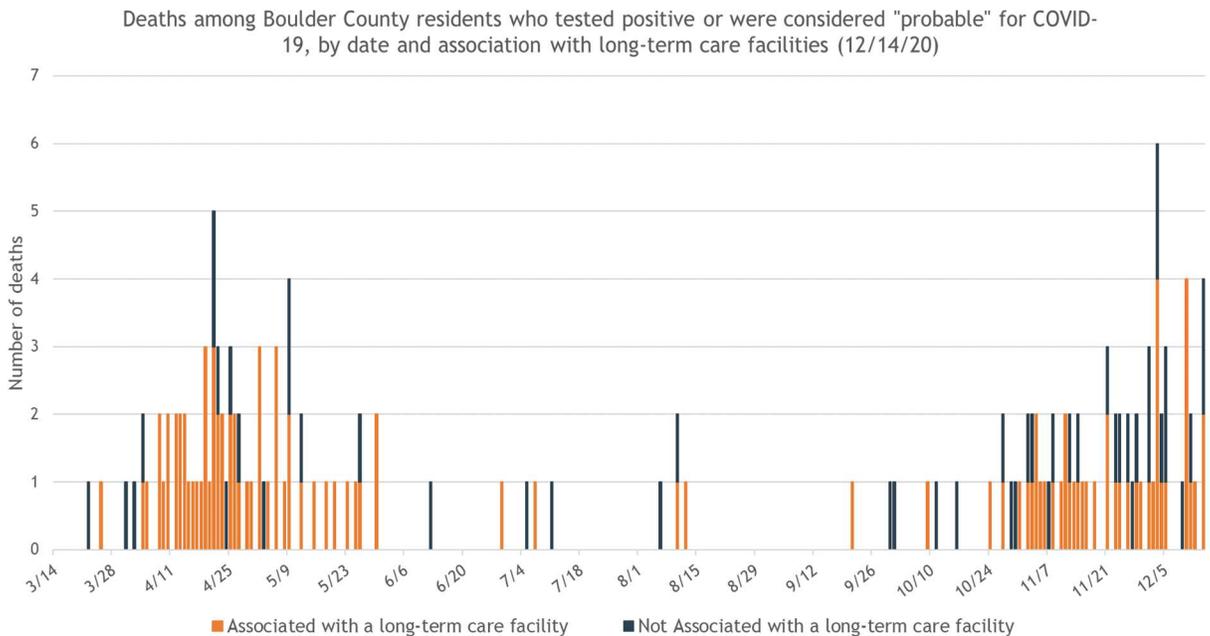
Whereas, there have been at least 16,487 people in Colorado who have been hospitalized due to COVID-19 since March 2020; and

Whereas, as of December 15, 2020, there are 75 people hospitalized for COVID-19 in Boulder County, exceeding the peak of hospitalizations that occurred in March and April 2020, as shown by the graph below, which indicates hospitalizations in Boulder County by date; and



Whereas, there have been 3,969 deaths among COVID-19 cases in Colorado since March 2020; and

Whereas, there have been 154 deaths among COVID-19 cases in Boulder County since March 2020, as shown in the graph below; and



Whereas, recent state modeling estimates that 1 out of every 40 people in Colorado is currently infectious with COVID-19; and

Whereas, with respect to spectators at sporting events, the Centers for Disease Control & Prevention (“CDC”) has determined that the higher the transmission of COVID-19 in the community, the higher the risk of transmission of COVID-19 at sporting events; and

Whereas, the CDC has found that the greater the number of sporting events that someone attends, the greater the risk that COVID-19 will spread; and

Whereas, the CDC encourages sports programs to limit attendance by non-essential visitors, including families, volunteers, and spectators; and

Whereas, Boulder County is currently in Level Red: Severe Risk under State Public Health Order 20-36, as amended; and

Whereas, under Level Red: Severe Risk, indoor events, indoor dining, and personal social gatherings are all prohibited under state order; and

Whereas, C.R.S. § 25-1-506(3)(b) authorizes BCPH to take action and issue public health 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 of Colorado 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. The dangers of COVID-19 are exacerbated because some individuals who contract the SARS CoV-2 virus 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. By reducing the rate of potential transmission of

COVID-19, this Order helps to preserve critical and limited health care 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.

III. INTENT

This Order is intended to reduce the number of close contacts among persons in Boulder County, particularly in settings where people gather for prolonged periods of time.

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 healthcare providers to handle the influx of new patients and safeguard public health, and because the risk of the rapid spread of COVID-19 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. **No Spectators at Sporting Events:** Spectators are not permitted at adult and high school-level sporting events in Boulder County, including those sanctioned by the Colorado High School Activities Association (“CHSAA”). Spectators are not permitted at any professional sports events in Boulder County as that term is used in CDPHE Order 20-36, including sporting events at postsecondary institutions.
2. **Work from Home:** Boulder County Public Health strongly encourages all employers in Boulder County, of both critical and non-critical workplaces, to identify all individuals who can work from home either part-time or full-time and immediately encourage such individuals to work from home to the greatest extent possible.
3. **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 in Boulder County. 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 provide 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 noon on December 16, 2020, and shall expire when Boulder County is moved to Level Orange by the Colorado Department of Public Health and Environment (“CDPHE”) unless the Order is extended or modified by BCPH.

DONE AND SIGNED, as the official Order of the Executive Director of Boulder County Public Health on this 16th day of December, 2020, at the authorization and direction of the Boulder County Board of Health.



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

December 16, 2020

Date