

PUBLIC HEALTH ORDER COVID-19 DIAL

ORDER NO. 2021-02

Pursuant to Colorado Revised Statute §§ 25-1-506, 508, and 516, the Public Health Director for the City and County of Broomfield hereby issues this Public Health Order to continue to control and reduce the spread of the novel coronavirus (“COVID-19”), to protect the public health, safety, and welfare, and to maintain consistent healthcare capacity in the City and County of Broomfield.

I. FINDINGS

Whereas, the Broomfield Department of Public Health and the Public Health Director for the City and County of Broomfield have the duty and power to investigate and control the causes of epidemic or communicable diseases and conditions affecting the public health within the City and County of Broomfield.

Whereas, COVID-19 is a respiratory illness transmitted through person-to-person contact, or by contact with surfaces contaminated with the virus, or through respiratory droplets or aerosols 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. 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, the Governor of the State of Colorado declared a state of emergency, which remains in effect. 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”).

Whereas, there is substantial evidence of the continued spread of COVID-19 throughout the City and County of Broomfield. As of April 12, 2021, there are 4,342 known positive cases, and 75 deaths. In addition, incidence rates (cases/100,000) have been over 100 per 100,000 people since February 27 and the positivity rate has been at or above 5% since April 1. Additionally, new variants that are more transmissible are circulating in Colorado. Broomfield currently has 13 known cases of B.1.1.7, 2 B.1.427/429 and 1 case of P.1.

Whereas, while Colorado has started vaccinating those who are most vulnerable to COVID-19, the Colorado Modeling Group estimates that as of April 7, 2021, only about 30% of the

population is currently immune to COVID-19; this is far short of the percentage of the population needed to reach herd immunity. Additionally, new variants that are more transmissible are circulating in Colorado. As of April 12, 42% of Broomfield residents have either initiated or completed their COVID-19 vaccine.

Whereas, scientific evidence shows that limiting interactions among people slows virus transmission and, as social distancing restrictions are relaxed, that the wearing of facial coverings by individuals while in public areas, capacity restrictions, hygienic practices, and other protocols stated herein assist in maintaining reduced virus transmission by reducing the spread of COVID-19.

Whereas, on April 16, 2021, Executive Order D-2020-235 issued by the Governor and Public Health Order 20-36 issued by CDPHE, as amended and extended, are expected to expire and the COVID-19 Dial will become non-mandatory guidance at the State level.

Whereas, various counties in the Denver Metropolitan Area desire to adopt CDPHE's COVID-19 Dial as issued on April 4, 2021, and as amended herein. As of April 16, 2021 and if the Dial is adopted, Broomfield will move to Level Blue on the Dial.

II. DEFINITIONS

A. Critical Business is any business that is designated as a critical business under the terms of the CDPHE "[Tenth Amended Public Health Order 20-36 COVID-19 Dial](#)" dated April 4, 2021.

B. Critical Government Function is any governmental function that is designated as critical under the terms of the CDPHE "[Tenth Amended Public Health Order 20-36 COVID-19 Dial](#)" dated April 4, 2021.

III. ORDER

The Director of Public Health for the City and County of Broomfield hereby enters the following order:

1. Assignment to and Movement Between Dial Levels After April 15, 2021

a. Phase 1: Moving Toward Full Re-opening - In Effect for 30 Days

- i. Level Designation: Upon devolution of statewide public health order 20-36, on April 16, 2021, Broomfield adopts the state's "Dial" framework, as modified below, and Broomfield will move from Level Yellow

to Level Blue, which is one level less protective based on the “Dial” metrics, as of April 16, 2021.

ii. **Duration:** Between April 16, 2021 and May 15, 2021, Broomfield will remain in Level Blue on the Dial.

iii. **Movement:** Broomfield will not move to a more or less protective level during this 30-day Phase I.

iv. **Restrictions:** Broomfield will be subject to the Capacity Restrictions for Level Blue located in Section III. 2. and Appendix A of this order and the Mitigation Requirements for All Sectors located in Section III. 3. of this order.

b. Phase 2: Observation Period with No Restrictions - In Effect for 90 Days

i. **Level Designation:** Upon conclusion of Phase I on May 16, 2021, Broomfield will move to Level Clear - New Normal - full operations with no local restrictions.

ii. **Duration:** Between May 16, 2021 and through August 16, 2021 - approximately 90 days - Broomfield will remain at level Clear, subject to observation.

iii. **Movement:** Between May 16, 2021 and through August 16, 2021, Broomfield will either remain in Level Clear or move from Level Clear to a more restrictive Dial Level depending on the rate of hospital admissions of Broomfield residents as described in this section and Appendix A. Hospital admissions are for 7 consecutive days over a 14-day rolling average.

1) Level Clear: 0-2 hospital admissions of Broomfield residents per 100,000 population.

2) Level Blue: >2.0, up to 3.0 hospital admissions of Broomfield residents per 100,000 population.

3) Level Yellow: >3.0, up to 4.0 hospital admissions of Broomfield residents per 100,000 population.

4) Level Orange: >4.0, up to 5.0 hospital admissions of Broomfield residents per 100,000 population.

5) Level Red: More than 5.0 hospital admissions of Broomfield residents per 100,000 population.

6) Level Purple: More than 5.0 hospital admissions of Broomfield residents per 100,000 population and hospital capacity is threatened.

iv. **Restrictions:** Broomfield will follow the Capacity Restrictions for its assigned Level located in Section III. 2. and Appendix A of this order. Mitigation Requirements for All Sectors located in Section III. 3. of this order are not required under Level Clear.

2. Capacity Restrictions

- a. Capacity restrictions are set forth on Appendix A for each Level designation.
- b. Any business or activity not specifically addressed in this Order or Appendix A may operate as an indoor or outdoor event, depending on whether the business or activity is indoors or outdoors.
- c. There are no local Capacity Restrictions or Mitigation Requirements in Level Clear.

3. Mitigation Requirements for All Sectors - Levels Green, Blue, Yellow, Orange, Red & Purple

- a. All requirements in this section shall apply as indicated below unless impossible or unsafe to carry out the activity or function while complying.
- b. Critical Businesses and Critical Government Functions may continue to operate, and must comply with Distancing Requirements, all of the requirements in this Order, and any applicable executive orders or CDPHE public health orders and mandatory guidance, unless doing so would make it impossible to carry out critical functions.
- c. **Distancing Requirements**
 - i. Individuals shall maintain at least 6 feet of distance from other individuals who are non-household members. However, nothing in this section shall limit groups of up to 10 individuals from attending events together or patronizing a restaurant or bar together; and nothing in this section shall limit organized sports activities; so long as these activities comply with the requirements of this order.

- ii. Businesses and organizations shall arrange their space or seating areas to accommodate 6-foot distancing of non-household members at all times.
- iii. Businesses and organizations, including community associations and property management companies, shall close or discourage the use of shared or common indoor areas where people can congregate.
- iv. Businesses and organizations shall encourage and utilize virtual meetings where possible to reduce unnecessary in-person gatherings.
- v. Businesses and organizations shall prioritize remote work and enable it whenever practical.
- vi. Businesses and organizations shall adopt policies to reduce density, such as staggering arrivals and dismissals of employees and customers, using reservation systems, marking spaces 6-feet apart where lines tend to form, and designating separate entrances and exits.

d. Face Covering Requirements

- i. Face coverings are required pursuant to Executive Order D 2020 138, as amended and extended, and Broomfield's Mask Order (Order No. 2021-01), as amended and extended.
- ii. Employers should provide protective gear such as face shields and gloves, where appropriate, and face coverings.

e. Hygiene, Cleaning and Disinfecting

- i. Employers must require employees showing any symptoms or signs of sickness, or who has been in contact with known positive cases to stay home. Employers must ensure paid sick leave policies are consistent with state law and communicate those policies to employees.
- ii. Customers showing any symptoms or signs of sickness, or who have been in contact with known positive cases must stay home and follow isolation and quarantine guidance. Businesses should implement flexible cancellation policies to encourage customers to stay home when ill or exposed.
- iii. Follow [CDC's When and How to Wash Your Hands guidance](#).

iv. Follow [CDC's Cleaning and Disinfecting Your Facility guidance](#).

f. Ventilation

i. Businesses and organizations shall ensure proper ventilation and maximize ventilation by adopting strategies such as opening windows whenever possible and upgrading air filters.

g. Signage

i. Businesses, organizations, community associations and property management companies shall post signage that face coverings are required to enter any public indoor space per the requirements of Executive Order D 2020 138, as amended, or per the requirements of a local public health order.

ii. Businesses and organizations shall post signage on good hygiene practices, including washing hands and distancing.

iii. Businesses and organizations shall post signage reminding individuals to maintain physical distance.

iv. Businesses and organizations shall post signage prohibiting anyone showing any symptoms or signs of sickness from entering.

v. All signage should be easy to follow and in languages employees and customers understand.

h. Personal Social Gatherings

i. Indoor Personal Social Gatherings should follow [CDC guidance on gatherings](#).

4. Business 5 Star Certification Programs

This Order allows businesses within Broomfield to operate at Level Blue from April 16, 2021 to May 16, 2021. After May 16, 2021, businesses may operate at Level Clear, unless the Public Health Director moves Broomfield to a more restrictive Dial level pursuant to Section III.1.b.iii of this Order. As a result, Broomfield will suspend the Back to Business 5 Star Certification Program.

5. This Order may be enforced and penalties may be imposed pursuant to C.R.S. §§ 25-1-114, 25-1-114.5 and 25-1-516, or as otherwise allowed by law.

6. To the extent any federal, state, or local regulations, orders, or laws are more restrictive than the requirement of this Order, the more restrictive shall control.

7. This Order shall become effective at 12:01 a.m. on April 16, 2021, and shall terminate at 11:59 p.m. on August 16, 2021, or until it is extended, rescinded, superseded, or amended in writing by the Broomfield Public Health Director. Questions regarding this Order may be directed to the Broomfield Public Health Department at publichealth@broomfield.org or 720.887.2220.

Issued by:
The Director of Public Health
City and County of Broomfield

A handwritten signature in black ink that reads "Jason Vahling". The signature is written in a cursive style with a large, sweeping loop at the end.

Jason Vahling
Issued - April 13, 2021

APPENDIX A:

	Level Clear: New Normal	LEVEL BLUE: CAUTION	LEVEL YELLOW: CONCERN	LEVEL ORANGE: HIGH RISK	LEVEL RED: SEVERE RISK	LEVEL PURPLE: EXTREME RISK
Metric for Phase 2 – Hospital Admissions per 100,000 Over a 7-day period	0-2	2 -3	3 -4	4-5	>5	>5 and Hospital Capacity is Threatened Statewide
HIGH RISK POPULATIONS	No local capacity restrictions. Must still be attentive to hygiene and sanitation and must ensure paid leave policies meet state law requirements to ensure employees remain home when sick.	Use caution Eligible for worker benefits and mandatory prioritization for remote work	Advised to Stay at Home Eligible for worker benefits and mandatory prioritization for remote work	Strongly advised to Stay at Home Eligible for worker benefits and mandatory prioritization for remote work	Stay at Home Eligible for worker benefits and mandatory prioritization for remote work	Stay at Home Ordered Eligible for worker benefits and mandatory prioritization for remote work
PERSONAL GATHERING SIZE		Indoor personal gatherings should follow the CDC guidance on gatherings .	Indoor personal gatherings should follow the CDC guidance on gatherings .	Up to 10 people from no more than 2 households	None; gatherings of 2+ people from different households prohibited	None; gatherings of 2+ people from different households prohibited
CHILDCARE		Open	Open	Open	Open	Open
P-12 SCHOOLS		In-person.	In-person suggested, hybrid, or remote as appropriate.	In-person suggested, hybrid, or remote as appropriate.	P-5: in person suggested, hybrid, or remote as appropriate; Middle school: in-person, hybrid, or remote suggested; High school: hybrid or remote suggested.	In-person, hybrid, or remote as appropriate.
HIGHER EDUCATION		In-person.	In-person, hybrid, or remote as appropriate.	In-person, hybrid, or remote as appropriate.	Remote suggested, limited in-person when necessary.	Remote suggested, very limited in-person when necessary.

RESTAURANTS		100% capacity; 6 feet between parties.	50% capacity or 150 people 6ft between parties outdoors, per local zoning.	25% capacity or 50 people 6ft between parties outdoors, per local zoning.	Indoor dining closed. Take out, curbside, delivery, or to go, outdoor/ open air with only groups of same household is open.	Indoor and outdoor dining closed. Take out, delivery, or to go is open.
LAST CALL FOR ON-PREMISE		2 a.m.	1 a.m.	12 a.m.	10 p.m.	No on-premise service.
SMOKING LOUNGES		50% capacity or 25 people.	50% capacity or 10 people.	25% capacity or 10 people.	Closed.	Closed.
NON-CRITICAL MANUFACTURING		75% capacity.	50% capacity or 50 people (or up to 100 with calculator)	25% capacity or 50 people.	25% capacity or 50 people.	10% capacity or 25 people.
OFFICES		75% capacity.	75% capacity, remote work is strongly encouraged.	25% capacity, remote work is strongly encouraged.	10% capacity, remote work is strongly encouraged.	Remote work or Closed.
BARS		25% capacity or 75 people.	Closed.	Closed.	Closed.	Closed.
GYMS/FITNESS		100% capacity; 6 feet between parties.	50% capacity or 50 people (or up to 100 with calculator).	25% capacity or 50 people.	10% capacity or 10 people indoors per room, or outdoors in groups less than 10. Reservations required.	Virtual, or 10 person capacity outdoors per activity.
GROUP SPORTS AND CAMPS		50 -person capacity per activity. Camps limited to 25 participants indoors and 50 outdoors.	25 - person capacity per activity. Camps limited to 10 participants indoors and 25 outdoors.	10 person capacity per activity. Camps should be conducted virtually or with no more than 10 participants outdoors.	Virtual, or 10 person capacity outdoors with 6ft distancing.	Virtual, or 10 person capacity outdoors with 6ft distancing. Camps are closed.

CRITICAL AND NON-CRITICAL RETAIL		75% capacity.	75% capacity.	50% capacity with increased curbside pick-up, and delivery. Dedicated senior and at-risk hours encouraged.	50% capacity with increased curbside pick-up, and delivery. Dedicated senior and at-risk hours encouraged.	Non-critical retail closed. Curbside pick-up and delivery OK. Critical may operate at 50% capacity but should make significant efforts to reduce the number of people in-store as much as possible.
PERSONAL SERVICES		50% capacity or 50 people.	50% capacity or 50 people.	25% capacity or 25 people.	25% capacity or 25 people.	Closed.
LIMITED HEALTH CARE SETTINGS		50% capacity or 50 people.	50% capacity or 50 people.	25% capacity or 25 people.	25% capacity or 25 people.	10% capacity or 25 people.
INDOOR UNSEATED EVENTS AND ENTERTAINMENT		50%, 175 people.	50%, 50 people no calculator or up to 150 with calculator.	25%, 50 people with calculator.	Closed. Educational institutions including museums, aquariums and zoos may operate indoors at 25% capacity or 25 people.	Closed.
INDOOR SEATED EVENTS AND ENTERTAINMENT		100% capacity with 6 feet distancing.	50% capacity or 150 people.	25% capacity or 50 people.	Closed. Educational institutions including museums, aquariums and zoos may operate indoors at 25% capacity or 25 people.	Closed.
CASINOS		Same as indoor events.	Same as indoor events.	Same as indoor events.	Closed.	Closed.
OUTDOOR SEATED AND UNSEATED EVENTS AND ENTERTAINMENT		100% with 6ft distancing.	50% capacity or 175 people.	25% capacity or 75 people, with calculator for unseated.	25% capacity or 75 people, with calculator for unseated.	Closed.

OUTDOOR GUIDED SERVICES		100% with 6ft distancing.	50% capacity or 10 people.	25% capacity or 10 people.	25% capacity or 10 people.	25% capacity or up to 10 only in your own household.
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