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SUMMIT COUNTY COUNCIL AND ITS BOARD OF HEALTH  
IN AND FOR SUMMIT COUNTY, STATE OF UTAH

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In the matter of:	:	<b>JOINT PUBLIC HEALTH ORDER</b>
	:	<b>STAY-AT-HOME</b>
COVID-19 Pandemic within Summit County	:	Order No.: 2020-03
	:	Date: March 25, 2020
	:	Legal Authority: Utah Code §26A-1-114
	:	Utah Code §17-50-
	:	302(1)(a)(ii)
	:	Summit County Code
	:	§4-5-6(A)
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On March 12, 2020, the Summit County Health Officer (the “SCHO”) issued his Declaration of Local Public Health Emergency with regard to the COVID-19 (Coronavirus) pandemic.

On that same date, the Summit County Manager (the “Manager”) made his Declaration of Local Emergency.

The SCHO issued his Public Health Order 2020-01 on March 15, 2020, closing recreational resorts, as well as movie, cinematic, and live performance theaters and venues, and imposing limitations on restaurants, bars, taverns, and lodging.

On March 16, 2020, President Trump and the White House Coronavirus Task Force issued guidelines to help protect Americans during the global COVID-19 outbreak, which guidelines included social distancing practices and avoiding gatherings of over ten (10) individuals.

On that same date, the Health Officer of the City and County of San Francisco, California, issued his Order No. C19-07 directing individuals within his jurisdiction to shelter-in-place from March 17, 2020 to April 7, 2020 for the express intent of preventing the spread of COVID-19. California has the third highest confirmed cases of the virus in the United States.

On March 17, 2020, Joseph K. Miner, MD, the Executive Director of the Utah Department of Health, issued his State Public Health Order, which restricted certain businesses and gatherings of over ten (10) individuals.

On March 18, 2020, the Governor of New York issued his Executive Order No. 202.6, which ordered all non-essential businesses within the State of New York to decrease their on-site workforces by 50% from March 20, 2020 to April 17, 2020, so as to prevent the spread of COVID-19. New York is the epicenter of the spread of COVID-19 in the United States; having the vast majority of confirmed cases of any state and the most deaths.

On March 21, 2020, the Health Officer of Los Angeles County, California, issued his Safer at Home Order for Control of COVID-19, which prohibits all public and private gatherings, and closed all non-essential businesses from March 21, 2020 to April 19, 2020.

On the same date, Dr. Miner issued a new State Public Health Order which superseded his previous order; providing additional guidelines for the prevention of the spread of COVID-19.

On March 23, 2020, the SCHO issued Public Health Order 2020-02, which placed further restrictions on businesses and public gatherings.

On that same date, the Governor of the State of Washington ordered a statewide shelter-in-place for two weeks. Washington has the second highest number of deaths from COVID-19 in the United States.

On that same date, the Public Health Director of Pitkin County, Colorado, issued his Standing Public Health Order which directed that residents stay-at-home until April 17, 2020. That order also directed that all visitors to Pitkin County return home immediately by the fastest and safest available means. Further, non-resident homeowners were strongly encouraged to leave or not travel to Pitkin County.

A recent study of COVID-19 infection rates among ski towns in the western United States shows that while the average confirmed cases per 100,000 residents in the United States is 16, ski towns have a significantly higher rate. For example, if ski town population is mathematically projected, the United States has 16 cases per 100,000 residents, Pitkin County has 100 cases per 100,000 residents, and Summit County has the highest rate of all ski towns at 196 cases per 100,000 residents.

Utah Code §26A-1-106(2) provides that “[r]egulations or standards relating to public health or environmental health services adopted or established by a local health department may not be less restrictive than [State Department of Health orders].”

Utah Code §26A-1-114(1)(e) empowers a local health department to “close theatres, schools, and other public places and prohibit gatherings of people when necessary to protect the public health.” It further empowers the local health department to “exercise physical control over property and over individuals as the local health department finds necessary for the protection of the public health” (Utah Code §26A-1-114(1)(b)), and to do so through the issuance of “notices and orders.” Utah Code §26A-1-114(1)(k).

The Manager has authority to issue curfew and evacuation orders, so long as they are deemed necessary for the preservation of life. Summit County Code (“SCC”) §5-4-6(A)(4) & (6); §5-4-9. Any such order in excess of seven (7) days must be approved by the Summit County Council (the “Council”). SCC §5-4-6(A)(1).

Utah Code §17-50-302(1)(a)(ii) authorizes a county to “exercise a power, or perform a function that is reasonably related to the safety, health, morals, and welfare of county inhabitants, except as limited or prohibited by statute.”

As of March 26, 2020, the United States Centers for Disease Control and Prevention (the “CDC”) indicated that there are over 460,000 confirmed cases of COVID-19 worldwide with over 62,000 of those cases in the United States, including 346 in Utah, with 97 in Summit County.

Models suggest that if current conditions persist, assuming no further measures are enacted, the health care system within the State of Utah will reach maximum capacity within two weeks or less.

On March 25, 2020, the Utah Academy of Family Physicians called on state and local leaders to issue stay-at-home orders for every community to slow the spread of COVID-19 cases, stating “We are gravely concerned about the impact of COVID-19 on the public and on practicing family physicians providing primary care in Utah. We need to take these steps now to keep our health care system from breaking down under the strain of the coming surge . . . Urgent action is required if we are to keep primary care workforce protected and healthy enough to respond to his pandemic.”

Summit County (the “County”) with a population of 42,000 residents is the epicenter for COVID-19 in the State of Utah, having nearly a third of all Utah cases, as well as reporting the first case of community spread in the state. While data is ever emerging, the County’s rate of occurrence of confirmed COVID-19 cases generally rivals that of New York City and continues to grow exponentially. In fact, the County’s per capita rate is twenty times greater than the second most affected county, Salt Lake County.

The County's unique position as both a major tourist destination and a large second home community adds to the public health risk, as non-residents have been sources of the COVID-19 spread within the County.

The County has an important and substantial interest in protecting the health of its citizens and visitors from the spread of the COVID-19 virus.

The SCHO, Council, and Manager jointly find that there is a continuing and immediate threat to the public health of County residents and visitors from the spread of the COVID-19 virus, which necessitates this Joint Public Health Order (this "Order"), which Order and its restrictions are no greater than necessary to carry out the purpose of preventing the spread of COVID-19 within the County.

This Order applies countywide, both to the unincorporated and incorporated portions of the County.

**THEREFORE, PURSUANT TO UTAH CODE §26A-1-114, UTAH CODE §17-50-302, SUMMIT COUNTY CODE §5-4-6, AND SUMMIT COUNTY CODE OF HEALTH §1-1-10(b), BE IT HEREBY ORDERED BY RICHARD C. BULLOUGH, PHD, SUMMIT COUNTY HEALTH OFFICER, THE SUMMIT COUNTY COUNCIL, AND THOMAS C. FISHER, SUMMIT COUNTY MANAGER, IN CONSULTATION WITH THE SUMMIT COUNTY BOARD OF HEALTH, AS FOLLOWS:**

Section 1.     **Purpose.** The intent of this Order is to ensure that the maximum number of people self-isolate in their places of residence to the maximum extent feasible, while enabling essential services to continue, to slow the spread of COVID-19 to the maximum extent possible. When people need to leave their places of residence, whether to obtain or perform vital services, or to otherwise facilitate authorized activities necessary for continuity of social and commercial life, they should at all times reasonably possible comply with Social Distancing Requirements as defined in Section 7 below. All provisions of this Order should be interpreted to effectuate this intent.

Section 2.     **Stay-at-Home Order.** All individuals currently living within Summit County, Utah (the "County") are ordered to stay at their place of residence. To the extent individuals are using shared or outdoor spaces, they must at all times as reasonably possible maintain Social Distancing Requirements when they are outside their residence. All persons may leave their residences only for "Essential Activities," "Essential Governmental Functions," "Essential Travel," or to operate "Essential Businesses" (as all are defined in Section 7 below). Individuals experiencing homelessness are exempt from this Section (but should use COVID-19 risk mitigation practices).

Section 3.     **Business Closures.** All businesses with a facility in the County, except Essential Businesses (as defined below in Section 7), are required to cease all activities at facilities located within the County except “Minimum Basic Operations” (as defined in Section 7 below). For clarity, businesses may also continue operations so long as their employees or contractors are performing activities at their own residences (i.e., working from home) and customers are not entering their residences for such business activity. All Essential Businesses are strongly encouraged to remain open. To the greatest extent feasible, Essential Businesses shall comply with Social Distancing Requirements, as defined in Section 7, including by maintaining six-foot social distancing for both employees and members of the public, including, but not limited to, when any customers are standing in line.

Section 4.     **Public and Private Gatherings Prohibited.** All public and private gatherings of any number of people are prohibited, but this restriction shall not apply to members of the same household or living unit, and excepting for the limited purposes as expressly permitted in Section 7. Nothing in this Order prohibits the gathering of members of a household or living unit.

Section 5.     **Travel Restrictions.** All travel, including, but not limited to, travel on foot, bicycle, scooter, motorcycle, automobile, or public transit, except “Essential Travel” and “Essential Activities” (as each is defined below in Section 7), is prohibited. People must use public transit only for purposes of performing Essential Activities or to travel to and from work for the purpose of working at the Essential Businesses or maintaining Essential Governmental Functions. People riding on public transit must comply with Social Distancing Requirements as defined in Section 7 below, to the greatest extent feasible. This Order allows travel into or out of the County to perform Essential Activities, operate Essential Businesses, or maintain Essential Governmental Functions.

Section 6.     **Evidentiary Basis of Restrictions.**

A.     This Order is issued based on evidence of the rapidly increasing occurrences of COVID-19 within the County, scientific evidence and best practices regarding the most effective approaches to slow the transmission of communicable diseases generally and COVID-19 specifically, the unique position of the County as a major resort destination and second home community, and evidence that the age, condition, and health of a significant portion of the population of the County places it at risk for serious health complications, including death, from COVID-19. Due to the outbreak of the COVID-19 virus in the general public, which is now a pandemic according to the World Health Organization, there is a public health emergency throughout the County. Making the problem worse, some individuals who contract the COVID-19 virus have no symptoms or have mild symptoms, which means they may not be aware they carry the virus. Because even people without symptoms can transmit the disease,

and because evidence shows the disease is easily spread, gatherings can result in preventable transmission of the virus. The scientific evidence shows that at this stage of the emergency, it is essential to slow virus transmission as much as possible to protect the most vulnerable populations and to prevent the health care system from being overwhelmed, as the County has only a single hospital. One proven way to slow the transmission is to limit interactions among people to the greatest extent practicable. By reducing the spread of the COVID-19 virus, this Order helps preserve critical and limited healthcare capacity in the County.

B. This Order also is issued in light of the existence of 97 confirmed cases of COVID-19, as of March 26, 2020, including a significant and increasing number of suspected cases of community transmission and likely further significant increases in transmission. Widespread testing for COVID-19 is not yet available but is expected to increase in the coming days. Ski areas in the western United States, including the County, have a much higher rate of confirmed cases than the rest of the United States or other areas of Utah, which exacerbates the health risks to County residents. While Public Health Order 2020-01 required the closure of ski resorts in Summit County, it is likely that the virus accelerated its entry into the community prior to the closure and that undetected cases within Summit County remain unusually high for its population. This Order is necessary to slow the rate of spread.

**Section 7. Definitions and Exemptions.**

A. For purposes of this Order, individuals may leave their residence only to perform any of the following “Essential Activities.” But people at high risk of severe illness from COVID-19 and people who are sick are urged to stay in their residence to the extent possible except as necessary to seek medical care.

i. To engage in activities or perform tasks essential to their health and safety, or to the health and safety of their family or household members, such as, by way of example only and without limitation, obtaining medical supplies or medication, visiting a health care professional, or obtaining supplies they need to work from home.

ii. To obtain necessary services or supplies for themselves and their family or household members, or to deliver those services or supplies to others, such as, by way of example only and without limitation, canned food, dry goods, fresh fruits and vegetables, pet supply, fresh meats, fish, and poultry, and any other household consumer products, and products necessary to maintain the safety, sanitation, and essential operation of residences.

iii. To engage in outdoor activity, provided the individuals comply with Social Distancing Requirements as defined in this Section, such as, by way of example and without limitation, walking, hiking, or running. Do not congregate in groups at trailheads, parks or recreational areas.

iv. To perform work providing essential products and services at an Essential Business or to otherwise carry out activities specifically permitted in this Order, including Minimum Basic Operations.

v. To care for a family member or pet in another household.

B. For purposes of this Order, individuals may leave their residence to work for or obtain services at any “Healthcare Operation,” including hospitals, clinics, dentists, pharmacies, physical therapy clinics and services, pharmaceutical and biotechnology companies, other healthcare facilities, healthcare suppliers, home healthcare services providers, mental health providers, or any related and/or ancillary healthcare services. Healthcare Operation also includes veterinary care and all healthcare services provided to animals. This exemption shall be construed broadly to avoid any impacts to the delivery of healthcare, broadly defined. Healthcare Operations does not include fitness and exercise gyms and similar facilities. With respect to physical therapy clinics and services, the restrictions and limitations in Public Health Order 2020-02 shall continue to apply. Non-urgent medical, dental, and veterinary procedures are restricted per Utah Department of Health orders.

C. For purposes of this Order, individuals may leave their residence to provide any services or perform any work necessary to the operations and maintenance of “Essential Infrastructure,” including, but not limited to, public works construction, residential and commercial construction, airport operations, water, sewer, gas, electrical, oil refining, roads and highways, public transportation, solid waste collection and removal, internet, and telecommunications systems (including the provision of essential global, national, and local infrastructure for computing services, business infrastructure, communications, and web-based services), provided that they carry out those services or that work in compliance with Social Distancing Requirements as defined this Section, to the extent possible. In residential and commercial construction and the regulation of construction sites, the restrictions and limitations in Public Health Order 2020-02 shall continue to apply.

D. For purposes of this Order, all first responders, emergency management personnel, emergency dispatchers, court personnel, and law enforcement

personnel, and others working for or to support Essential Businesses are categorically exempt from this Order. Further, nothing in this Order shall prohibit any individual from performing or accessing “Essential Governmental Functions.” Essential Government Functions means all services needed to ensure the continuing operation of government agencies and provide for the health, safety and welfare of the public. All Essential Governmental Functions shall be performed in compliance with Social Distancing Requirements as defined this Section, to the extent possible.

E. For the purposes of this Order, covered businesses include any for-profit, non-profit, or educational entities, regardless of the nature of the service, the function they perform, or its corporate or entity structure.

F. For the purposes of this Order, “Essential Businesses” means:

i. Healthcare Operations and Essential Infrastructure;

ii. Grocery stores, supermarkets, food banks, convenience stores, and other establishments engaged in the retail sale of canned food, dry goods, fresh fruits and vegetables, pet supply, fresh meats, fish, and poultry, and any other household consumer products (such as cleaning and personal care products). This includes stores that sell groceries and also sell other non-grocery products, and products necessary to maintaining the safety, sanitation, and essential operation of residences;

iii. Food cultivation, including farming, livestock, and fishing;

iv. Businesses that provide food, shelter, and social services, and other necessities of life for economically disadvantaged or otherwise needy individuals;

v. Newspapers, television, radio, and other media services;

vi. Gas stations and auto-supply, auto-repair, and related facilities;

vii. Banks and related financial institutions;

viii. Hardware stores;

ix. Plumbers, electricians, exterminators, and other service providers who provide services that are necessary to maintaining the safety, sanitation, and essential operation of residences, Essential Activities, and Essential Businesses. Public Health Order 2020-02 as it pertains to construction sites shall apply;



x. Businesses providing mailing and shipping services, including post office boxes;

xi. Educational institutions—including public and private K-12 schools, colleges, and universities—for purposes of facilitating distance learning or performing essential functions, provided that social distancing of six-feet per person is maintained to the greatest extent possible;

xii. Laundromats, dry cleaners, and laundry service providers;

xiii. Restaurants and other facilities that prepare and serve food, but only for curbside pick-up and drive-thru service. The provisions of Public Health Order 2020-01, as it applies to restaurants, bars, and taverns shall continue to apply. Schools and other entities that typically provide free food services to students or members of the public may continue to do so under this Order on the condition that the food is provided to students or members of the public on a pick-up and takeaway basis only. Schools and other entities that provide food services under this exemption shall not permit the food to be eaten at the site where it is provided, or at any other gathering site;

xiv. Businesses that supply products needed for people to work from home;

xv. Businesses that supply other Essential Businesses with the support or supplies necessary to operate;

xvi. Businesses that existed on March 12, 2020, which had as part of their local and state permits on that date, the shipment or delivery of groceries, food, goods or services directly to residences. Third-party food delivery services, as set forth in Public Health Order 2020-01, continue to be prohibited;

xvii. Airlines, taxis, and other private transportation providers providing transportation services necessary for Essential Activities and other purposes expressly authorized in this Order;

xviii. Home-based care for seniors, adults, or children;

xix. Residential facilities and shelters for seniors, adults, and children;

xx. Professional services, such as legal or accounting services, when necessary to assist in compliance with legally mandated activities;

xxi. Child day care centers and facilities providing services that enable employees exempted in this Order to work as permitted. The restrictions and limitations in Public Health Order 2020-02 shall continue to apply.

G. For the purposes of this Order, “Minimum Basic Operations” include the following, provided that employees comply with Social Distancing Requirements as defined this Section, to the extent possible, while carrying out such operations:

i. The minimum necessary activities to maintain the value of the business’s inventory, ensure security, process payroll and employee benefits, or for related functions.

ii. The minimum necessary activities to facilitate employees of the business being able to continue to work remotely from their residences.

H. For the purposes of this Order, “Essential Travel” includes 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 related to the provision of or access to Essential Activities, Essential Governmental Functions, Essential Businesses, or Minimum Basic Operations.

ii. Travel to care for elderly, minors, dependents, persons with disabilities, or other vulnerable persons.

iii. Travel to or from educational institutions for purposes of receiving materials for distance learning, for receiving meals, and any other related services.

iv. Travel to return to a place of residence from outside the jurisdiction.

v. Travel required by law enforcement or court order.

vi. Travel required for non-residents to return to their place of residence outside the County. Individuals are strongly encouraged to verify that their transportation out of the County remains available and functional prior to commencing such travel.

I. For purposes of this Order, residences include hotels, motels, shared rental units, and similar facilities.

J. For purposes of this Order, “Social Distancing Requirements” includes maintaining at least six-foot social distancing from other individuals, washing hands with soap and water for at least twenty seconds as frequently as possible or

using hand sanitizer, covering coughs or sneezes (into the sleeve or elbow, not hands), regularly cleaning high-touch surfaces, and not shaking hands.

**Section 8. Visitors.** Visitors to Summit County are directed to return home immediately upon the issuance of this Order, no later than April 1, 2020, by the fastest and safest available means, and persons considering visiting Summit County should remain home. Although non-resident homeowners are expressly exempt from this Section, non-resident homeowners are strongly encouraged to leave or not travel to Summit County. Non-resident homeowners should know and be advised that the local infrastructure, especially the health care infrastructure, is not equipped for an influx of part-time residents in a time of global pandemic.

**Section 9. Conflicts.** Except as set forth in this Order, Public Health Order 2020-01 and Public Health Order 2020-02 shall remain in full force and effect, and unamended. In the event of any conflict between this Order and Public Health Order 2020-01 or Public Health Order 2020-02, this Order shall control.

**Section 10. Effective Date; Duration.** This Order shall become effective at 12:01 a.m. on March 27, 2020, and will continue to be in effect until 11:59 p.m. on May 1, 2020, or until it is extended, rescinded, superseded, or amended in writing. This Order shall re-evaluated in fourteen (14) calendar days.

**Section 11. Publication.** This Order shall be on file for public inspection with the Summit County Clerk and the Summit County Health Department.

**Section 12. Enforcement.** The County Sheriff and Chiefs of Police within the County are directed to ensure compliance with and enforce this Order. Notwithstanding such, the purpose of this Order is to protect individuals' health and not to hold them criminally liable. Discretion will be used in the citing and prosecution of violations of this Order.

ORDERED, APPROVED, ADOPTED, and PASSED, and published, this 25<sup>th</sup> day of March, 2020.

ATTEST:

**SUMMIT COUNTY COUNCIL**

\_\_\_\_\_  
Kent Jones  
Summit County Clerk

\_\_\_\_\_  
Doug Clyde, Chair

APPROVED AS TO FORM

\_\_\_\_\_  
Margaret H. Olson  
Summit County Attorney

VOTING OF COUNTY COUNCIL:

Councilmember Carson \_\_\_\_\_

Councilmember Robinson \_\_\_\_\_

Councilmember Clyde \_\_\_\_\_

Councilmember Armstrong \_\_\_\_\_

Councilmember Wright \_\_\_\_\_

**BY ORDER OF THE SUMMIT COUNTY MANAGER**

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Thomas C. Fisher  
Summit County Manager

**BY ORDER OF THE SUMMIT COUNTY HEALTH OFFICER**

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Richard C. Bullough, PhD  
County Health Officer