

There are several differences between the County Variance Protocol and the Seventh Amended PHO 20-28; this list is not exhaustive but reflects the most common retail food operator inquiries and concerns:

- Capacity
 - County Variance Protocol restricts indoor seating to 50% of the posted occupancy code limit ensuring a minimum of 28 square feet per person not to exceed more than 175 people at a given time.
 - State Guidance restricts restaurant capacity at 50% and maxes out at 50 people. Outdoor service is encouraged and restaurants are instructed to work with local authorities to get authorizations for expanding space and follow social distancing requirements (6 feet between tables and differing parties, employees must wear facial coverings, disinfect and deep clean all shared surfaces between seatings).
 - Restaurants are defined as where patrons go for the primary purpose of dine-in service.
 - State guidance allows 25% and also maxes out at 50 people.
 - Bars are defined as where patrons go for the primary purpose of beverage consumption.
- Mask Requirements
 - Routt County PHO 20-03:
 - All employees and customers must cover their nose and mouth with a face-covering, unless the nature of the Business require the removal of the face-covering. While encouraged, masks are not required for individuals actively engaged in physical exercise so long as the social distancing requirements set forth herein and all other state and local mitigation protocols are observed.
 - Routt County Variance Protocol:
 - All employees will wear face masks. (see CDPHE guidelines on mask use)
 - Seventh Amended PHO 20-28:
 - Mask requirement modification to align with other sections of the PHO. Previously it did not address employee health situations. It now reads:
 - “Require employees to wear face coverings at all times, except where doing so would inhibit that individual’s health, in which case reasonable accommodations should be pursued to maintain the safety and health of all parties, or when the work space allows for 6 feet distancing at all times, and encourage the use of gloves when in contact with customers or goods.”
- Bar Service
 - County Variance Protocol prohibits bar seating and bar service and states that all bar stools be removed or blocked off. What defines ‘bar service’? Operators have questioned if there are no seats, and customers are not allowed to congregate in front of a bar, how does the service of a drink differ from that prepared at a coffee shop or elsewhere across a counter?
 - State Guidance states:
 - “Do not seat people in the bar if it is being used to prepare food or drink. If the bar area is not being used to prepare food or drink, parties could sit there under the same distancing requirements as a regular table.”
- Live Music
 - County Variance Protocol prohibits live music during this phase of re-opening.
 - Seventh Amended PHO 20-28:

- “Performers in a restaurant or bar must maintain a minimum of 25 feet of distance from the patrons.”
- “Participants (e.g., players, performers, actors, competitors, entertainers, etc.) in events should have their symptoms checked, and participants who have been in close contact with an exposed symptomatic person (within 6 feet for at least 10 minutes) should not participate and should self-quarantine.”
- “Adopt seating and spacing modification to increase physical distance from a performer.”
- “Where necessary, install barriers to minimize travel of aerosolized particles from performers, or implement alternative placement of performers.”
- “Maximize physical spacing between performers on stage.”
- “Performers should use a separate entrance/exit than patrons when possible.”
- “Disinfect high touch areas and equipment such as: microphone, instruments, props, etc., between uses.”

It should be advised that all Public Health Orders and Guidance (attached) be reviewed by affiliated parties prior to discussion. Safer at Home Restaurant & Food Services guidance can be found at this [link](#).

Further clarification on Live Music per the Colorado Restaurant Association:

Live Music Clarification

We know many of you have questions about whether live music is allowable. We've received following parameters from a Denver city attorney that give additional clarity on the public health orders after speaking with the Governor's office:

1. Live entertainment is allowed.
2. All performers and members of the entertainment group (singers, band, roadies, stage hands) must wear masks at all times.
3. This means that band members who play a wind instrument are disallowed.
4. This also means that singers must wear a mask when they're singing.
5. The entertainment must be socially distanced from the audience and from each other.
6. The entertainment may not touch each other or the audience, and the audience may not touch the performers (e.g., strip clubs must not allow patrons to touch the performers to deposit money/tips for the