

March 23, 2020

On March 10, 2020, the Governor of the State of Colorado issued an Executive Order declaring a state of disaster emergency due to the risk of spread of the novel coronavirus, now designated COVID-19.

On March 12, 2020, the Mayor of the City and County of Denver declared a state of local disaster emergency pursuant to C.R.S. § 24-33.5-701, *et seq.*, due to the risk of spread of COVID-19, which, on March 16, 2020, was extended by the City Council for the City and County of Denver through May 11, 2020 due to the risk of spread of COVID-19.

On March 13, 2020, the Executive Director of the Denver Department of Public Health & Environment (“DDPHE”), pursuant to section 24-16 of the Denver Revised Municipal Code, restricted access to certain facilities to minimize the spread of COVID-19 (“March 13 DDPHE Order”).

On March 15, 2020, the Center for Disease Control (“CDC”) recommended that all large events and mass gatherings of 50 persons or more be canceled or postponed for eight weeks to minimize the spread of COVID-19.

On March 16, 2020, the Executive Director of the Denver Department of Public Health & Environment, pursuant to section 24-16 of the Denver Revised Municipal Code, restricted additional activities, including but limited to, onsite consumption of food and beverage in restaurants and banned mass gatherings of 50 persons or more in consistency with the March 15, 2020 CDC recommendations. (“March 16 DDPHE Order”).

On March 16, 2020, the Executive Director of the Colorado Department of Public Health and Environment, pursuant to Colorado Revised Statute §§ 25-1.5-101(1)(a) and 25-1.5-102(1)(a)(I), closed bars, restaurants, theaters, gymnasiums and casinos by Notice of Public Health Order 20-22, which order was amended on March 17, March 18, and March 19, 2020 (“March 16 CDPHE Order”).

On March 18, 2020, the Governor of the State of Colorado issued an Executive Order ordering the suspension of normal in-person instruction at all public and private elementary and secondary schools in the State of Colorado due to the presence of COVID-19 (“March 18 Governor EO”).

On March 18, 2020, the Executive Director of the Colorado Department of Public Health and Environment, pursuant to Colorado Revised Statute §§ 25-1.5-101(1)(a) and 25-1.5-102(1)(a)(I), issued an order implementing physical distancing measures, which limits gatherings of individuals to no more than (10) people to slow the spread of the COVID-19 virus (“March 18 CDPHE Order”).

On March 18, 2020, the Executive Director of the Colorado Department of Public Health and Environment, pursuant to Colorado Revised Statute §§ 25-1.5-101(1)(a) and 25-1.5-102(1)(a)(I),

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amended the March 16 CDPHE Order to also include nonessential personal service facilities and racetrack and off-track pari-mutuel wagering facilities, exempt institutions of higher education in the services of meals, clarify that hotel dining services are not exempted other than in room dining services, add a definition of gymnasium, and extend the March 16 CDPHE Order through April 30, 2020 (“March 18 CDPHE Order”).

On March 21, 2020, the Executive Director of the Colorado Department of Public Health and Environment, pursuant to Colorado Revised Statute §§ 25-1.5-101(1)(a) and 25-1.5-102(1)(a)(I), amended the March 18 CDPHE Order to further clarify those activities and functions that are exempted from its physical distancing order.

On March 22, 2020, the Governor of the State of Colorado issued an Executive Order D2020-013 ordering non-critical workplaces to reduce their in-person workforce by 50% and to implement telework capabilities to the great extent possible due to the presence of COVID-19 in the state (“EO D2020-013”).

On March 22, 2020, the Executive Director of the Colorado Department of Public Health and Environment, pursuant to Colorado Revised Statute §§ 25-1.5-101(1)(a) and 25-1.5-102(1)(a)(I), also issued an order defining critical emergency personnel, infrastructure, government functions, and other activities that are exempt from the directives of EO D2020-013 (“March 22 CDPHE Order”).

NECESSITY OF THE ORDER

This Order is issued based on evidence of increasing occurrence of COVID-19 within Denver, 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 of Denver 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 Denver and the State of Colorado.

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 and to prevent the health care system from being overwhelmed. 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 Denver.

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This Order also is issued in light of the existence of 148 confirmed cases of COVID-19 in Denver, as well as at least 591 confirmed cases and at least seven deaths in the State of Colorado as of 10:00 a.m. on Monday, March 23, 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 weeks. This Order is necessary to slow the rate of spread and the Executive Director, in collaboration with the Mayor, will re-evaluate it as further data becomes available.

INTENT

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 to slow the spread of COVID-19 to the greatest extent possible, while enabling the continuation of essential services, businesses and travel necessary to protect public health and safety, and for the continuity of social and commercial life.

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 Physical Distancing Requirements as defined in **Section 6**, below. All provisions of this Order should be interpreted to effectuate this intent. Failure to comply with any of the provisions of this Order constitutes an imminent threat and creates an immediate menace to public health.

ORDER

Hereby finding it is essential that the COVID-19 virus 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 quick action to protect all members of the community, especially including our members most vulnerable to COVID-19 and also health care providers, this **"STAY AT HOME"** ("Order") requires all individuals anywhere in the City and County of Denver to shelter in place – that is, stay at home – except for certain essential activities and work to provide essential business and government services or perform essential public infrastructure construction, including housing.

Consistent with the Governor's Executive Order declaring a state of disaster emergency, the Mayor's declaration of local disaster emergency, CDC's guidance, and pursuant to the authority granted the Executive Director of the Denver Department of Public Health & Environment in section 24-16 of the Denver Revised Municipal Code, the following is ordered:

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1. All individuals anywhere in the City and County of Denver (“Denver”) are ordered to stay at their place of residence. To the extent individuals are using outdoor spaces, they must at all times as reasonably possible maintain physical distancing of at least six feet from any other person when they are outside their residence. All persons may leave their residences only for Essential Activities, Essential Governmental Functions, or to operate Essential Businesses, all as defined in Section 6, below. Individuals experiencing homelessness are exempt from this section, but are strongly urged to obtain shelter, and governmental and other entities are strongly urged to make such shelter available as soon as possible and to the maximum extent practicable (and to use COVID-19 risk mitigation practices in their operation).
2. All businesses with a facility in Denver, except Essential Businesses as defined below in Section 6, are required to cease all activities at facilities located within Denver, except Minimum Basic Operations, as defined in Section 6. For clarity, businesses may also continue operations consisting exclusively of employees or contractors performing activities at their own residences (e.g., working from home). All Essential Businesses are asked to remain open. To the greatest extent feasible, Essential Businesses shall comply with Physical Distancing Requirements as defined in Section 6, below, including by maintaining six-foot physical distancing for both employees and members of the public, including, but not limited to, when any customers are standing in line.
3. All public and private gatherings of any number of people occurring outside a single household or living unit are prohibited, except for the limited purposes as expressly permitted in Section 6. Nothing in this Order prohibits the gathering of members of a household or living unit.
4. All travel, including, but not limited to, travel on scooter, motorcycle, automobile, or public transit, except Essential Travel and Essential Activities as defined below in Section 6, is prohibited. People may use public transit only for purposes of performing Essential Activities or to travel to and from work to operate Essential Businesses, perform Minimum Basic Operations, or maintain Essential Governmental Functions. People riding on public transit must comply with Physical Distancing Requirements as defined in Section 6 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.
5. Additionally, the Executive Director of DDPHE strongly encourages all Essential Businesses allowed under this Order to take all available practical measures to safeguard the particularly vulnerable population of individuals aged 60 and over by developing a schedule to establish separate hours of operation so that those individuals can patronize the businesses in a manner that insulates them from other members of the population.

6. **Definitions and Exemptions.**

- a. **Essential Activities.** 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 (including, but not limited to, pets), 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 Physical Distancing Requirements as defined in this Section, such as, by way of example and without limitation, walking, hiking, biking or running. For purposes of outdoor activity, Denver parks will remain open to the public to engage in walking, hiking, biking, running, and similar outdoor activities but all playgrounds, golf courses, tennis courts, basketball courts, picnic areas, and other similar areas conducive to public gathering shall be closed. Additionally, the allowable outdoor activities in this Order do not include group sports and activities that would violate the Physical Distancing Requirements as defined in this Section, such as, by way of example and without limitation, football games or volleyball games.
 - iv. To perform work providing essential products and services at the site of 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. **Healthcare Operations.** For purposes of this Order, individuals may leave their residence to work for or obtain services at any “Healthcare Operations” including, but not limited to:

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- i. Hospitals, clinics, and walk-in health facilities
 - ii. Medical and dental care, excluding elective procedures
 - iii. Research and laboratory services
 - iv. Medical wholesale and distribution
 - v. Home health care companies, workers, and aides
 - vi. Pharmacies,
 - vii. Pharmaceutical and biotechnology companies
 - viii. Behavioral health care providers
 - ix. Nursing homes, residential health care, or congregate care facilities
 - x. Medical supplies and equipment manufacturers and providers, or any related and/or ancillary healthcare services
 - xi. Veterinary care, livestock services, and all healthcare services provided to animals
 - xii. Animal shelters and pet boarding services
 - xiii. This exemption shall be construed broadly to avoid any impacts to the delivery of healthcare, broadly defined.
 - xiv. "Healthcare Operations" does not include health clubs, fitness and exercise gyms, and similar facilities.
- c. **Essential Infrastructure.** 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:
- i. Utilities, including power generation, fuel supply, and transmission
 - ii. Water, sewer, gas, sanitation, and electrical services
 - iii. Construction operations and projects, including commercial and residential construction (especially affordable housing or housing for individuals experiencing homelessness), government construction for public infrastructure and facilities, construction necessary to support or maintain the operation of any Essential Business, and renovation or restoration construction services. Construction businesses must develop and strictly implement written Physical Distancing protocols
 - iv. Skilled trades such as electricians and plumbers
 - v. Other related firms and professionals who provide services necessary to maintain the safety, sanitation, and essential operation of residences
 - vi. Airport operations (including passenger and cargo operations and services)
 - vii. Oil refining, oil and gas operations
 - viii. Roads and highways
 - ix. Public transportation
 - x. Solid waste collection and removal
 - xi. Internet and telecommunications systems, including the provision of essential global, national, and local infrastructure for computing services, business infrastructure, communications, and web-based services

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- d. **Essential Governmental Functions.** For purposes of this Order, personnel working for or to support Essential Businesses are categorically exempt from this Order and nothing in this Order shall prohibit any individual from performing or accessing “Essential Governmental Functions,” which means all services needed to ensure the continuing operation of the government agencies and departments, and provide for the health, safety, transportation, and welfare of the public. Therefore, individuals may leave their residence to provide operate, and support “Essential Governmental Functions,” including, but not limited to:
- i. Public safety personnel
 - ii. Law enforcement
 - iii. Fire prevention and response
 - iv. Building code enforcement
 - v. Airport and transportation personnel
 - vi. Security personnel
 - vii. Emergency management and response
 - viii. Emergency dispatchers
 - ix. Public and environmental health functions
 - x. Court personnel
 - xi. Military personnel and supporting essential civilian personnel
 - xii. Colorado State Legislature
 - xiii. Colorado state, county, and municipal courts
 - xiv. Denver City Council
 - xv. Other Denver City boards, commissions, and quasi-judicial proceedings
 - xvi. All Essential Governmental Functions shall be performed in compliance with Physical 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. **Essential Businesses.** For the purposes of this Order, individuals may leave their residence to work for or obtain services at any “Essential Businesses,” which for purposes of this order means:
- i. Healthcare Operations, Essential Infrastructure, and Essential Governmental Functions;
 - ii. Grocery stores, certified farmers’ markets, farm and produce stands, supermarkets, food banks, convenience stores, and other establishments engaged in the retail sale of canned food, dry goods, fresh fruits and vegetables, pet supply,

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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 and plant cultivation, including farming, livestock, and fishing;
- iv. Businesses that provide food, shelter, and physical 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;
- 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 physical 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 delivery, take out or drive thru as clarified in the Executive Director’s public health order, dated March 16, 2020 and as amended March 17, 2020, and the Governor’s Executive Order, also dated March 16, 2020. 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 take-away basis only. Restaurants and other facilities that prepare and serve food or beverages at airports may provide on-site dining, but must comply with Physical Distancing Requirements. Except for employees and volunteers who must eat meals during their work shift, schools and other entities that provide food services under this

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- 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 and learn from home, including technology suppliers providing hardware or software essential for communication or connectedness.
 - xv. Businesses that supply other essential businesses with the support or supplies necessary to operate;
 - xvi. Businesses that ship or deliver groceries, food, goods or services directly to residences;
 - xvii. Indoor/outdoor malls are closed except to the extent that they must remain open to allow operation of and access to Essential Businesses;
 - xviii. Licensed marijuana stores, so long as written Physical Distancing protocols are developed and strictly implemented to limit the number of people on the licensed premises at the same time;
 - xix. Licensed liquor stores, so long as written Physical Distancing protocols are developed and strictly implemented to limit the number of people on the licensed premises at the same time;
 - xx. Airlines, taxis, other private transportation providers, and transportation support, including automobile or bicycle repair shops, providing transportation services necessary for Essential Activities and other purposes expressly authorized in this Order;
 - xxi. Home-based care for seniors, adults, or children. Nanny and babysitting services shall not be permitted under this Order unless the nanny or babysitter (1) resides in the home of the senior, adult, or children for whom they are providing care, (2) provides medical care to the senior, adult, or children, or (3) is providing care in order to allow parents or guardians of a senior, adult or children to work for an Essential Business or perform an Essential Government Function;
 - xxii. Residential establishments and facilities, including hotels, motels, and shelters for seniors, adults, and children;
 - xxiii. Professional services, such as legal, insurance, accounting, real estate, and tax preparation services, including ancillary and supporting services;

xxiv. Faith-based establishments and houses of worship, including but not limited to, churches, synagogues, chapels, and mosques; however, these institutions are strongly encouraged to implement an electronic platform for services and/or more frequent services with smaller congregations.

xxv. Childcare facilities providing services that enable employees exempted in this Order to work as permitted. To the extent possible, and in accordance with existing law, childcare facilities must operate under the following mandatory conditions:

1. Childcare must be carried out in stable groups of 10 or fewer (“stable” means that the same 10 or fewer children are in the same group each day).
2. Children shall not change from one group to another.
3. If more than one group of children is cared for at one facility, each group shall be in a separate room. Groups shall not mix with each other.
4. Childcare providers shall remain solely with one group of children.

g. **Minimum Basic Operations.** For the purposes of this Order, “Minimum Basic Operations” include the following activities, so long as employees comply with Physical 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.
- iii. The minimum necessary activities to facilitate employees of the business being able to continue filling online product orders and to process customer orders remotely.

h. **Essential Travel.** 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 Physical 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, or to operate or provide goods and services for Essential Infrastructure.

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- 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 Denver. Individuals are strongly encouraged to verify that their transportation out of Denver remains available and functional prior to commencing such travel.
- i. **Residence.** For purposes of this Order, residences include hotels, motels, shared rental units, and similar facilities.
 - j. **Physical Distancing Requirements.** For purposes of this Order, Physical Distancing Requirements includes all of the following: (1) Maintaining at least six-foot physical distancing from other individuals; (2) washing hands with soap and water for at least twenty seconds as frequently as possible or using hand sanitizer when hand-sinks are not available, covering coughs or sneezes (into the sleeve or elbow, not hands); (3) regularly cleaning high-touch surfaces; and (4) not shaking hands.

7. Pursuant to section 24-24 of the Denver Revised Municipal Code, it is unlawful for any person to fail to comply with this Order. Any person who fails to comply with this Order may also be subject to a civil penalty of up to nine hundred ninety-nine dollars (\$999.00) per violation. Enforcement actions are intended to be cumulative in nature and Denver may pursue one or more civil, criminal, and administrative actions, fees, fines, sentences, penalties, judgments, and remedies and may do so simultaneously or in succession.

8. This Order shall become effective at 5:00 p.m. on March 24, 2020 and will continue until 5:00 p.m. on April 10, 2020, or until it is extended, rescinded, superseded, or amended in writing by the Executive Director of the Department of Public Health & Environment.

9. If any provision of this Order, or its application to any person or circumstance, is held to be invalid, then the remainder of the Order, including the application of such part or provision to other persons or circumstances, shall not be affected and shall continue in full force and effect. To this end, the provisions of this Order are severable.

10. Questions regarding this Order may be directed to 3-1-1. Within Denver, dial 3-1-1. Outside Denver, dial 720-913-1311.

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