

November 20, 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.

Since that time, the Executive Director of the Denver Department of Public Health & Environment (“DDPHE”), pursuant to section 24-16 of the Denver Revised Municipal Code, has issued numerous public health orders to mitigate the spread of COVID-19 within the City and County of Denver. These public health orders have restricted access to certain facilities; restricted mass gatherings of people; closed restaurants and bars to in-person services; and implemented stay at home requirements and critical business operations. In conjunction with steps taken by the Governor and the Colorado Department of Public Health and Environment, these measures all act in concert to minimize the spread of COVID-19 by reducing the exposure of individuals to the virus.

On September 15, 2020, the Executive Director of the Colorado Department of Public Health and Environment (“CDPHE”) issued Public Health Order 20-35 (“CDPHE PHO 20-35”). On September 18, 2020, DDPHE adopted CDPHE PHO 20-35 and all CDPHE amendments thereto.

On November 2, 2020, CDPHE issued Public Health Order 20-36 (“CDPHE PHO 20-36”), which supersedes and replaces CDPHE Public Health Orders 20-32 and 20-35. On November 3, 2020, DDPHE adopted CDPHE PHO 20-36 and rescinded and superseded its order dated September 18, 2020.

On November 6, 2020, DDPHE issued a public health order (“Home by 10 Order”), that created additional measures to help reduce the spread of COVID-19.

On November 17, 2020, CDPHE amended CDPHE PHO 20-36 (“First Amended PHO 20-36”). The First Amended PHO 20-36, created, among other things, a new Level Red: Severe Risk and a new Level Purple: Extreme Risk. On November 17, 2020, CDPHE informed the City and County of Denver that it will be moved to Level Red: Severe Risk, effective Friday, November 20, 2020 at 5 p.m.

Given CDPHE’s First Amended PHO 20-36 and its decision to move the City and County of Denver to Level Red: Severe Risk, which are cumulatively more restrictive than the Home by 10 Order, **DDPHE hereby rescinds the Home by 10 Order.**

All individuals and businesses in the City and County of Denver shall comply with the applicable requirements under PHO 20-36. Additionally, the following activities are banned in the City and County of Denver until further notice:

1. Spectators are prohibited at all non-professional sporting events, including all post-secondary and Colorado High School Activities Association (CHSAA) sanctioned sporting events. All other recreational sports activities, including organized recreational youth and adult league sports, practices, games, and tournaments, are hereby prohibited.
2. Bars may only allow on-premises consumption of alcohol via seated table service and must provide food from a licensed retail food establishment, following the Restaurant requirements in CDPHE PHO 20-36. All other Bars are closed to ingress, egress, use, and occupancy by members of the public, but may offer alcoholic beverages through delivery service, window service, walk-up service, drive-through service, drive-up service, or curbside delivery, before 10:00 p.m. and pursuant to CDPHE PHO 20-36.
 - a. “Bar” means a bar, tavern, brew pub, brewery, microbrewery, distillery pub, winery, tasting room, special licensee, club, and other place of public accommodation serving alcoholic beverages licensed pursuant to Articles 3, 4, and 5 of Title 44 of the Colorado Revised Statutes and, if serving food, only snacks and not kitchen-prepared meals.
 - b. In order to qualify for this exemption, bars using on-site food service must use an on-premises licensed retail food kitchen that provides a full food menu and not just snacks or microwaved snack items.
 - c. In order to qualify for this exemption, bars using off-site food service must use a licensed retail food establishment (such as a food truck or neighboring restaurant) located within a 10-minute delivery radius to the licensed premises.
 - d. Bars must make meals available at all times that alcohol beverages are served for on-premises consumption.
 - e. Bars must keep parties together, ensure that parties do not mix or mingle with each other, and ensure that parties remain seated except when necessary. Parties are limited to members of the same household and minimum spacing of 6 feet apart.
3. In addition to the requirement for restaurants and bars to cease alcoholic beverage sales to end consumers for on-premises consumption at 8:00 p.m., restaurants and bars shall also cease on-premises consumption of alcohol by 10 p.m., and all premises licensed under

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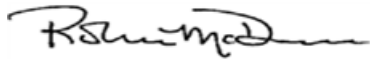
Articles 3, 4, and 5 of Title 44 of the Colorado Revised Statutes must cease alcohol delivery and sales for off-premises consumption by 10 p.m.

If at any time CDPHE determines that the City and County of Denver is moved to a more restrictive level, more restrictive measures shall govern.

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.

This order shall become effective at 5:00 p.m. on Friday, November 20, 2020 and shall remain in effect until rescinded, superseded, or amended in writing by the Executive Director of the Department of Public Health & Environment.

Issued by:



Robert M. McDonald
Public Health Administrator, City & County of Denver
Executive Director, Denver Dept of Public Health & Environment