

May 15, 2021

ORDER

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 the COVID-19 virus. More than twelve months later, the City and County of Denver remains under this local disaster declaration.

On April 16, 2021, the Colorado Department of Public Health and Environment (“CDPHE”) issued PHO 20-38, implementing new requirements to mitigate the spread of COVID-19. On April 16, 2021, the Executive Director of the Denver Department of Public Health & Environment (“DDPHE”) issued a public health order (“PHO”) adopting CDPHE PHO 20-38.

On May 2, 2021, CDPHE issued an amended PHO 20-38 (“Amended PHO 20-38”). On May 14, 2021, CDPHE issued Second Amended PHO 20-38.

This order hereby adopts PHO 20-38 and all subsequent amendments, thereto. This order also rescinds and replaces the DDPHE PHO, dated April 16, 2021.

In addition to the requirements established in the Second Amended PHO 20-38, all outdoor ticketed, seated event venues in excess of 30,000 square feet require DDPHE approval for increases to their current capacity allowances.

When more than 100 people are gathered in a room in a Public Indoor Space, the setting may operate at 100% capacity not to exceed 500 people, with 6 feet distancing required between parties of unvaccinated people or when vaccination status is unknown.

Indoor Events, seated or unseated, where more than 500 people are gathered in a room (excluding staff) in a Public Indoor Space must seek a variance through DDPHE and must obtain final approval from CDPHE. “Public Indoor Space” means any enclosed indoor area that is publicly or privately owned, managed, or operated to which individuals have access by right or by invitation, expresses or implied, and that is accessible to the public, services as a place of employment, or is an entity providing services. Public Indoor Spaces does not mean a person’s residence, including a room in a motel or hotel or a residential room for students at an educational facility.

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,

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and administrative actions, fees, fines, sentences, penalties, judgments, and remedies and may do so simultaneously or in succession.

If not rescinded, superseded, or amended in writing by the Executive Director of the Department of Public Health & Environment, this Order will be effective immediately and expire on June 1, 2021.

Issued by:

Robert McDonald

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

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