EMERGENCY ORDER

DECLARING the creation, a of **temporary** program to allow restaurants (to include coffee shops, bakeries, food trucks) to operate in outdoor settings adjacent to their businesses to ensure social distancing regulations are being administered. Expiring October 1, 2021.

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

On March 18, 2020 the City of Englewood City Council passed Emergency Ordinance #10, Series of 2020 declaring that a public health emergency existed due to the spread of COVID-19 within the City of Englewood, and that Ordinance granted the City Manager of the City of Englewood full power and authority to take certain actions and issue orders necessary for the protection of life and property in response to COVID-19, including, but not limited to:

- Any action necessary for the protection of life and property, including, but not limited to, establishing regulations governing conduct related to the cause of the public health emergency.
- Any order to exercise such powers and functions in light of the exigencies of this public health emergency, including, but not limited to, the waiving of compliance with any time-consuming procedures and formalities, including notices, as may be prescribed by law pertaining thereto.
- Any and all other orders or undertake such other functions and activities as the City Manager reasonably believes is required under the circumstances to protect the health, safety, welfare of persons or property within the City of Englewood, or to otherwise preserve the public peace or abate, clean up, or mitigate the effects of the public health emergency.

Pursuant to Ordinance 10, Series of 2020, Section 9, [i]f any provision of this Emergency Order conflicts with the City Charter, the City Charter shall control. If any provision of this Order conflicts with any provision of the City of Englewood Municipal Code, or any provision of the City Council's Procedures and Rules of Order, this Emergency Order shall control.

NOW THEREFORE, I, J. Shawn Lewis, City Manager of the City of Englewood, Colorado, hereby order:

The following guidelines shall apply to the placement and operation of outdoor heating elements (natural gas fire pits, propane heating systems and electric heating systems) in commercial settings, including restaurants and bar establishments. No open burning of combustible materials (e.g. wood) is permitted.

OUTDOOR HEATING:

Propane Heating Device:

- Shut off valve must be in a noticeable area or a sign must be provided that identifies the location
- 10ft separation required from combustibles/flammable materials in all directions (May be reduced to 5ft with fire marshal approval following review for noncombustible materials)
- Propane storage must be outside and in secured location
- Propane heater susceptible tip over hazard must be secured and out of the path of egress
- Comply with all other guidelines, listed in City of Englewood propane heater grant application

Electric Heating Device:

- No extension cords permitted
- Tip over safety mechanism required
- Equipment rated for outdoor or indoor use required
- Multiple power strips cannot be interlinked/connected
- Each power strip must be plugged into an outlet directly, must be UL listed and must have a have breaker inside
- Trip hazard - cords must have protection guard. Rubber preferred

- Conduit to outdoor plugs preferred
- Can't obstruct egress

Tents with Heaters:

- Tents utilizing propane heating devices may only be enclosed on two sides
- Tents utilizing electric heating devices that meet UL requirements may be enclosed on four sides

Additional requirements:

- No open fire pits using fuels not approved by the Fire Marshal's office.
- No outdoor seating may block Fire Department or ADA access, and all outdoor seating shall be arranged to meet minimum egress standards as well as social distancing of a minimum of six feet (6') between seating groups/tables.
- A portable fire extinguisher must be mounted or conspicuously located within 15 feet of the outdoor heat source.

Final approval for outdoor heating contingent on site inspection with the Fire Marshal's office. Plan reviews are required prior to site inspection. {*Refer to the Colorado Department of Public Health and Environment (CDPHE) public health order 20-35 section II subsection B bullet point H for statement regarding local government oversight of fire and building requirements in permitting outdoor dining space.*}

The guidelines in this order are intended to protect the health, life and safety of the public and the occupants of establishments, and may be amended as needed at the discretion of the City of Englewood.

This Emergency Order shall expire on October 1, 2021, unless otherwise rescinded before that date.

AUTHORITY. This Emergency Order is issued pursuant to Ordinance 10, Series of 2020.

J. Shawn Lewis

J. Shawn Lewis, City Manager or Designee