EMERGENCY ORDER

Declaring

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 orders a temporary waiver of Englewood Municipal Code 5-3C-3(A), Unlawful to Possess Open Container of Intoxicating Liquor in Public, in conformance with the following regulations and restrictions:

The consumption of alcohol beverage is temporarily permitted on the below described designated public rights of way so long as, and only so long as, such alcohol beverage has been purchased in a manner authorized by State law and as described below, and is being consumed by persons legally permitted by applicable state law to consume alcoholic beverage, all in accordance with Executive Order D 2020 093(II)(Q), June 5, 2020.

Designated public rights of way (i.e. Designated Zone) for the temporary public consumption of alcohol pursuant to this Emergency Order:

Beginning at the intersection of West Eastman Avenue and South Broadway, then South on South Broadway to East Girard Avenue, then East on East Girard Avenue to the South Lincoln Street Alley, then South along the South Lincoln Street Alley to East Hampden Avenue, then West to South Broadway, then South on South Broadway to the on-ramp from South Broadway to Westbound Highway 285, then Northwest along Westbound Highway 285 to a point of intersection along a line extending from W. Hampden Avenue to the seating area on the West side of the Little Dry Creek Plaza pond, then East along said line to the South Acoma Street alley, then North along the South Acoma Street alley to East Girard Avenue, then East to South Broadway, then North along South Broadway to South Floyd Avenue, then West on South Floyd Avenue to South Acoma Street, then North on South Acoma Street to West Eastman Avenue, then East on West Eastman Avenue to the point of beginning.
Such designated zone does not include the following properties:

Any Private or Business Parking lots.

Limitations and restrictions:

- Alcohol drinks must be purchased from licensed establishments located within the Designated Zone.
- Alcohol beverages shall be in a cup or other container closed securely with a lid taped securely to the cup or other container. A plastic lid complies with this regulation so long as any holes in the lid are sealed securely with tape, no straw is inserted through the lid, and the contents of the cup or other container shall be affixed with a label containing a warning statement, with a minimum fourteen (14) font size, stating as follows: “WARNING: DO NOT OPEN OR REMOVE SEAL WHILE IN TRANSIT”. Purchasers are subject to state and local laws prohibiting drinking or possessing open containers of alcoholic beverages in motor vehicles, including section 42-4-1305, C.R.S.
- All alcohol beverages sold by a retailer through delivery or takeout pursuant to this regulation and any authorizing executive order(s) shall be sold with food, such as meals and/or sandwiches and light snacks. Both food and alcohol beverages sold for take-out or delivery must be reflected on the same receipt or transaction.
- Alcohol drinks may not be brought into/back into any establishment after they have been removed from the establishment where purchased.
- Alcohol beverage purchased outside the Designated Zone may not be carried into or consumed within the Designated Zone.
- The consumption of alcohol shall not be allowed in any other City Park, Greenbelt or Open Space Area unless specifically addressed in this Order.
- Hours of public consumption allowed within Designated Zone:
  o Sunday – Thursday 12pm - 9pm
  o Friday-Saturday 12pm – 11pm

AUTHORITY. This Emergency Order is issued pursuant to Ordinance 10, Series of 2020, Section 5(n) authorizing the City Manager to limit the use of any City-owned building, facility, or property as to time, manner, and permitted activities, including, but not limited to, limiting the permissible number of people that may lawfully occupy such building, facility, or property at any one time, and Section 5 (p), authorizing the City Manager 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.

GIVEN under my hand and seal this 12th day of June, 2020

J. Shawn Lewis, City Manager
D 2020 093

EXECUTIVE ORDER

Amending Executive Orders D 2020 011, D 2020 029, D 2020 052, and D 2020 084 Concerning the Temporary Suspension of Certain Regulatory Statutes Due to the Presence of COVID-19

Pursuant to the authority vested in the Governor of the State of Colorado and, in particular, pursuant to Article IV, Section 2 of the Colorado Constitution and the relevant portions of the Colorado Disaster Emergency Act, C.R.S. §24-33.5-701, et seq., I, Jared Polis, Governor of the State of Colorado, hereby issue this Executive Order amending Executive Orders D 2020 011, D 2020 029, D 2020 052, and D 2020 084 concerning the temporary suspension of certain regulatory statutes due to the presence of coronavirus disease 2019 (COVID-19) in Colorado.

I. Background and Purpose

On March 5, 2020, the Colorado Department of Public Health and Environment’s (CDPHE) public health laboratory confirmed the first presumptive positive COVID-19 test result in Colorado. Since then, the number of confirmed cases has continued to climb, and there is community spread throughout the State. I verbally declared a disaster emergency on March 10, 2020, and on March 11, 2020, I issued the corresponding Executive Order D 2020 003, as amended by Executive Orders D 2020 018, D 2020 032, D 2020 058, and D 2020 076. On March 25, 2020, I requested that the President of the United States declare a Major Disaster for the State of Colorado, pursuant to the Stafford Act. The President approved that request on March 28, 2020.

My administration, along with other State, local, and federal authorities, has taken a wide array of actions to mitigate the effects of the pandemic, prevent further spread, and protect against overwhelming our health care resources.

The economic impacts of COVID-19 are significant, and threaten to undermine the economic stability of many Coloradans and local businesses. The risk of contamination posed by COVID-19 has necessitated closure of multiple businesses. Employers and employees in virtually all sectors of the economy have been hard hit. We must take action to shore up economic security, employment, community cohesion, and community recovery.


This Executive Order amends Executive Orders D 2020 011, D 2020 029, D 2020 052, and D 2020 084 to include additional statutory suspensions to provide flexibility to Colorado businesses and localities.

II. Amendments

Section II of Executive Order D 2020 011, as amended and extended by Executive Orders D 2020 029, D 2020 052, and D 2020 084, is amended to include the following:

O. I temporarily suspend C.R.S. § 44-3-103(38), defining premise as a distinct and definite location, and C.R.S. § 44-3-301(3)(a) requiring a separate geographical location for each licensed premises, for the limited purpose of allowing two or more on-premises liquor licensees operating in accordance with Public Health Order 20-28 Safer at Home, as amended, to obtain temporary approval from State and local licensing authorities to modify their licensed premises to include a communal outdoor dining area that is within one thousand feet of each of their licensed premises.

P. I direct the Executive Director of the Department of Revenue to ensure that the Liquor Enforcement Division takes action within twenty four (24) hours of submission of an application for temporary modification of a license.

Q. I temporarily suspend the enforcement of the statutory limitation contained in C.R.S. § 44-3-901(1)(i)(D)(VII) prohibiting public consumption of alcohol beverages on any public right of way that has been authorized to allow such consumption by ordinance, resolution, or rule adopted by a municipality, city and county, or county.
III. **Duration**

Executive Order D 2020 011, as amended by Executive Orders D 2020 029, D 2020 052, D 2020 084, and this Executive Order, shall expire on June 27, 2020, unless extended further by Executive Order. In all other respects, Executive Order D 2020 011, as amended by Executive Orders D 2020 029, D 2020 052, and D 2020 084, shall remain in full force and effect as originally promulgated.

GIVEN under my hand and the Executive Seal of the State of Colorado, this fifth day of June, 2020.

Jared Polis
governor