

April 16, 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. section 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 March 10, 2021, the Executive Director of the Denver Department of Public Health & Environment (“DDPHE”) issued a public health order (PHO) adopting the Colorado Department of Public Health and Environment’s (“CDPHE”) PHO 20-36 and any amendments thereto. On April 16, 2021, CDPHE issued PHO 20-38, implementing new requirements to mitigate the spread of COVID-19, and rescinding PHO 20-36.

Based on data through April 15, 2021, 169,887 individuals or about 23%, of the population of the City and County of Denver have completed COVID-19 vaccination. Colorado and Denver are currently seeing an increase in the number of variant cases, which research suggests have a higher rate of spread, as well as a rise in positivity rates. However, key health care system metrics such as hospitalization rates, Intensive Care Unit bed capacity, and disease severity rates remain stable and within levels that do not stress the health care system. In weighing the aforementioned factors along with the proven public health benefits of imposing restrictions that slow the virus’ spread, rapid progress with vaccination rates, and the need to maintain a consistent approach regionally, DDPHE finds it prudent to still maintain certain capacity and distancing restrictions, as described herein.

Thus, this Order rescinds and replaces the March 10, 2021 DDPHE order.

SHELTER FOR PEOPLE EXPERIENCING HOMELESSNESS

To the maximum extent practicable, Denver shall make shelter available to people experiencing homelessness, and shall take all reasonable steps necessary to provide non-congregate sheltering along with necessary support services to members of the public as necessary to protect all members of the community.

CAPACITY AND DISTANCING RESTRICTIONS IN PUBLIC PLACES

The Executive Director of DDPHE, pursuant to section 24-16 of the Denver Revised Municipal Code, finds that to minimize the spread of the COVID-19 virus, Denver adopts the following

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capacity and distancing restrictions for non-household members and for designated sectors and activities in public places:

- a) Indoor personal gatherings should follow the CDC guidance on gatherings. Individuals at risk of Severe Illness from COVID-19 who have not yet been vaccinated with a COVID-19 vaccine are advised to remain at home as much as possible.
- b) Non-Critical Office-based Businesses may allow in-person work up to 75% of their posted occupancy limit.
- c) Critical and Non-critical Retail may operate at 75% of the posted occupancy limit.
- d) Non-critical Manufacturing may operate at 75% of the posted occupancy limit.
- e) Field Services may operate, and real estate open houses must follow the Indoor Event requirements, including capacity limits.
- f) Personal Services may operate at 50% of the posted occupancy limit, not to exceed 50 people, whichever is less, per room.
- g) Limited Healthcare Settings may operate at 50% of the posted occupancy limit, not to exceed 50 people, whichever is less, per room.
- h) Restaurants may operate at 100% of the posted occupancy limit indoors with 6 feet distancing between non-household members. Restaurants may also use any existing, licensed outdoor space for in-person dining with the same group limit of 10 and minimum spacing of 6 feet apart. Pursuant to Executive Order D 2020 091, as amended and extended, all on-premises licensees licensed under Articles 3, 4, and 5 of Title 44 of the Colorado Revised Statutes must cease alcohol beverage sales to end consumers for on-premises consumption and for takeout between 2:00 A.M. and 7:00 A.M. MDT each day.
- i) Smoking Lounges may operate at 50% of the posted occupancy limit, not to exceed 25 people, whichever is less.
- j) Indoor Events are subject to the following restrictions:
 - (1) Indoor Events, seated or unseated, where up to 500 people are gathered in a room (excluding staff) in a Public Indoor Space may operate at 100% capacity, with 6 feet distancing required between parties.
 - (2) 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.
 - (3) “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, expressed 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.

These requirements do not apply to places of worship and associated ceremonies. School proms and graduations that wish to exceed these thresholds shall be subject to review and approval by DDPHE in accordance with CDPHE prom and graduation guidance.

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- k) Outdoor Events are subject to the following restrictions:
 - (1) Outdoor Events (seated or unseated) —Any outdoor event in a venue of 30,000 square feet or less may operate at 100% capacity, not to exceed 5,000 people, and must have a written mitigation plan that facilitates social distancing to the extent possible. If an Outdoor Event will exceed 5,000 people, the event organizer must provide a mitigation plan and obtain approval from DDPHE.
 - (2) Large Outdoor Events (in a venue in excess of 30,000 square feet) – Any Large Outdoor Event that is seated and ticketed must consult with DDPHE, and will require approval from CDPHE for the event to occur. Any Large Outdoor Event that is not both seated and ticketed must have a written mitigation plan and will require approval from DDPHE.
- l) Recreation, including Gyms, recreation centers and pools and outdoor recreation facilities, may operate at 100% capacity with 6 feet distancing between non-household members.
- m) Organized recreational youth or adult league sports may resume activities with no more than 50 players, excluding coaching staff and referees or umpires.
- n) Outdoor Guided Activities may operate in full.
- o) Children’s Day Camps, Residential Camps, Youth Sports Day Camps and Exempt Single Skill Building Youth Camps may be conducted with no more than 25 participants indoors and 50 participants outdoors.
- p) Casinos may operate using the same capacity requirements as Indoor Events, 50% of the posted occupancy limit not to exceed 175 people per room, whichever is less, excluding staff. If the event is a seated event, the event may be conducted at 50% of the posted occupancy limit not to exceed 225 people indoors per room, whichever is less, excluding staff, within their usable space.
- q) Critical Businesses and Critical Government Functions may continue to operate without capacity limitations, except that Critical Retail must adhere to 75% of the posted occupancy limit.
- r) Bars that do not serve food may operate at 25% capacity not to exceed 75 people.
- s) Five-Star program – Denver will continue the Five-Star program created by CDPHE and will allow businesses that meet the certification requirements for the program to operate under the following restrictions:
 - (1) All certified businesses except those listed in subsection (2) may allow up to 50 additional people in each setting beyond the limits set for non-certified industries or sectors.
 - (2) Certified businesses in the following categories may only operate at the restrictions noted above in subsections (h), (j) and (l):
 - (a) Restaurants;
 - (b) Indoor Events; and
 - (c) Recreation, including gyms, recreations centers and pools.

Any variance or other order that has been approved through or previously granted by the State of Colorado prior to the effective date of this Order shall be permitted to continue, unless the provisions herein are less restrictive, in which case the provisions of this Order shall apply.

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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.

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 May 16, 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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