

# EMERGENCY ORDER



## Recitals and Findings

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 granting 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.
- Instituting any and all other orders or undertaking 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.

Since that time the United States Centers for Disease Control and Prevention (“CDC”), Colorado Department of Public Health and Environment (“CDPHE”), and the DDPHE have recommended that members of the public, when they need to interact with others outside the home, and especially in settings where many people are present, should cover the mouth and nose to prevent inadvertently spreading COVID-19. One key transmission method for the COVID-19 virus is through respiratory droplets that people expel when they breathe, cough, or sneeze. Moreover, people can be infected with the COVID-19 virus and be asymptomatic but still be contagious. People can also be infected and contagious 48 hours before developing symptoms when they are pre-symptomatic. Many people with COVID-19 have mild symptoms and do not recognize they are infected and contagious, and they can unintentionally infect others.

On July 6, 2020, the City Council approved a motion to direct the City Manager to issue an Emergency Order pursuant to his authority under Ordinance 10, Series 2020, to mandate the wearing of masks in commercial spaces and while riding on or within public transportation.

**NOW THEREFORE, I, J. Shawn Lewis, City Manager of the City of Englewood, Colorado, hereby finds and orders:**

FINDING. I hereby find that wearing face coverings, in combination with physical distancing of at least 6 feet and frequent hand-washing, may reduce the risk of transmitting the COVID-19 virus when in public, thereby avoiding both the physical harms to individuals associated with contracting COVID-19 and the economic harms to the City’s business community associated with more extreme measures to control the spread of COVID-19, such as State mandated business shut-down orders.

ORDER.

1. Except as specifically exempted below, all members of the public, including children six (6) years of age or older, must wear a Face Covering outside their home or other place they reside in the following situations:

A. When inside, or in line to enter, any retail or commercial business or governmental service.

B. When obtaining services at Healthcare Operations, as defined in the April 9 Fourth Updated CDPHE Stay at Home Order – including, but not limited to, hospitals, clinics, and walk-in health facilities, dentists, pharmacies, blood banks, other healthcare facilities, behavioral health providers, and facilities providing

veterinary and similar healthcare services for animals – unless directed otherwise by an employee or worker at the Healthcare Operation; and

C. When waiting for or riding on public transportation (including without limitation any bus, RTD bus, or RTD light rail), paratransit, or while they are riding in a taxi, private car service, or ride-sharing vehicle.

2. Drivers or operators of any public transportation, paratransit vehicle, taxi, private car service, ride-sharing vehicle, or any other vehicle for hire must wear a Face Covering while driving or operating such vehicle within the City, regardless of whether a member of the public is in the vehicle, to reduce the spread of respiratory droplets in the vehicle at all times. This Order does not require any person to wear a Face Covering while driving alone, or exclusively with other members of the same family or household, in a motor vehicle.

3. All retail and commercial businesses, as well as entities and organizations with workers performing Critical Government Functions, must:

A. Require their employees, contractors, owners, and volunteers to wear a Face Covering at the workplace and when performing work off-site any time the employee, contractor, owner, or volunteer is:

i. interacting in person with any member of the public;

ii. working in any space visited by members of the public, such as by way of example and without limitation, reception areas, grocery store or pharmacy aisles, service counters, public restrooms, cashier and checkout areas, waiting rooms, service areas, and other spaces used to interact with the public, regardless of whether anyone from the public is present at the time;

iii. working in any space where food is prepared or packaged for sale or distribution to others;

iv. working in or walking through common areas such as hallways, stairways, elevators, and parking facilities; or

v. in any room or enclosed area when other people (except for members of the person's own household or residence) are present.

B. Take reasonable measures, such as posting signs, to remind customers and the public of the requirement to wear a Face Covering while inside of or waiting in line to enter the business, facility, or location. Businesses and organizations performing Critical Government Functions must take all reasonable steps to prohibit any member of the public who is not wearing a Face Covering from entering.

C. A Face Covering is not required under the following circumstances:

i. When a person is in a personal office (a single room) where others outside of that person's household are not present as long as the public does not regularly visit the room, but that individual must put on a Face Covering when coworkers are working within six feet, when being visited by a client/customer, and anywhere members of the public or other coworkers are regularly present.

ii. Any child under the age of three should not wear a Face Covering because of the risk of suffocation.

iii. Childcare facilities should follow CDPHE guidance for the use of Face Coverings on children age three or older.

iv. When a person is (1) inside or obtaining services at a business, Critical Government Function, or Healthcare Operation, any of which are engaged primarily in providing congregate care, residential health care, or congregate shelter, and (2) the individual is engaged in activities not conducive to wearing a Face Covering, such as eating or sleeping, or the individual is in an area of the facility that is not designed for community gathering, such as a sleeping area.

v. When wearing a Face Covering would inhibit the individual's health. Workers with health issues that preclude them from wearing a Face Covering must document those concerns with their employer.

D. Face Coverings shall be worn in a manner that complies with the directives of the Centers for Disease Control, such directives attached hereto and incorporated herein, and found at <https://www.cdc.gov/coronavirus/2019->

[ncov/prevent-getting-sick/how-to-wear-cloth-face-coverings.html](https://www.cityofenglewood.com/ncov/prevent-getting-sick/how-to-wear-cloth-face-coverings.html). Failing to wear a Face Covering in a manner that covers both the nose and mouth shall not be deemed compliant with this Emergency Order.

E. The members of the City's Police Department and all code enforcement officials are hereby authorized and directed to enforce the orders, rules, and regulations made or issued pursuant to this Emergency Order.

F. Penalty Provisions. Enforcement of this Emergency Order shall commence on July 10, 2020, at 8:00 a.m.

A written warning may be issued for a first offense to either the individual failing to wear a mask or to parent(s)/guardian(s) of persons failing to wear a mask.

Any person charged with an offense under this emergency order may make payment to the Violations Bureau in accordance with the provisions of E.M.C. 1-7-4:

First Offense: \$15.00

Second and Subsequent Offense: \$25.00

Any person charged with an offense under this Emergency Order may choose to enter a plea of not guilty and be entitled to trial as authorized by law in accordance with E.M.C. 1-7-4.

Maximum Possible Penalty. Except as otherwise provided within this Emergency Order any person convicted of a violation of any Emergency Order issued under the Authority of Ordinance 10, Series 2020, shall be subject to the penalties set forth in EMC 1-4-1(A). The maximum penalties provided by EMC 1-4-1(A) include a fine not exceeding two thousand six hundred and fifty dollars (\$2,650.00) or imprisonment for a term not exceeding three hundred sixty (360) days or by both such fine and imprisonment. Enforcement actions are intended to be cumulative in nature and Englewood 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.

G. The City Manager, or designee, is authorized to declare any commercial business that allows persons within its establishment to violate this Emergency Order a Public Health nuisance pursuant to EMC 15-3-1.

H. Pursuant to Ordinance 10, Series 2020, All members of the public shall be deemed to have been given notice of all orders, rules, and regulations made or issued pursuant to this ordinance upon their dissemination to the news media or publication on the City website. Additional means of publicity will be utilized as are available.

I. The effective date of this Emergency Order is July 9, 2020. It shall remain in effect until rescinded by action of the City Council or the City Manager of the City of Englewood.

AUTHORITY. This Emergency Order is issued pursuant to Ordinance 10, Series of 2020, Section 5(a) authorizing the City Manager 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, and Section 5 (q), authorizing the City Manager to issue 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.

CONFLICT WITH OTHER LAWS. 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.

GIVEN under my hand and seal this 7th day of July, 2020

  
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J. Shawn Lewis, City Manager