

Emergency Order 2020-6 (Amended)

CITY OF BOULDER ORDER RELATED TO DECLARATION OF LOCAL DISASTER EMERGENCY

A disaster emergency was declared by the city manager on March 14, 2020. At the March 16, 2020 special council meeting, city council confirmed and extended the emergency declaration until further notice. Pursuant to Section 2-2.5-7 "Powers," B.R.C. 1981, the city manager finds a need to issue this Order in order to protect the health, safety and welfare of persons or property within the city or to otherwise preserve the public peace or abate, clean up or mitigate the effects of any disaster emergency.

- 1. All individuals anywhere in the City of Boulder are ordered to stay at their place of residence. To the extent individuals are using outdoor spaces, they must, at all times and as reasonably possible, maintain social distancing of at least six feet from any other person when they are outside their residence. Individuals may leave their residences only for Essential Activities, Essential Governmental Functions, or to operate Essential Businesses, all as defined in Section 6, below. Individuals experiencing homelessness are exempt from this Section 6 but are strongly urged to obtain shelter. Governmental and other entities are strongly urged to make such shelter available as soon as possible and to the maximum extent practicable (and to use COVID-19 risk mitigation practices in the operations of such shelters).**
- 2. All businesses with a facility in Boulder, except Essential Businesses as defined below in Section 6, are required to cease all activities at facilities located within Boulder, except Minimum Basic Operations, as defined in Section 6. For clarity, businesses may also continue operations consisting exclusively of employees or contractors performing activities at their own residences (i.e., working from home). All Essential Businesses are asked to remain open. To the greatest extent feasible, Essential Businesses shall comply with Social Distancing Requirements as defined in Section 6, below, including maintaining six-foot social distancing for both employees and members of the public, including, but not limited to, when any customers are standing in line.**
- 3. All public and private gatherings of any number of people occurring outside a single household or living unit are prohibited, except for the limited purposes as expressly permitted in Section 6, below. Nothing in this Order prohibits the gathering of members of a household or living unit.**
- 4. All travel, including, but not limited to, travel on scooter, motorcycle, automobile, or public transit, except Essential Travel and Essential Activities as defined below in Section 6, is prohibited. People may use public transit only for purposes of performing Essential Activities or to travel to and from work to operate Essential Businesses, perform Minimum Basic Operations, or maintain Essential Governmental Functions. People riding on public transit must comply with Social Distancing Requirements as defined in Section 6, below, to the greatest extent feasible. This Order allows travel into or out of the city to perform Essential Activities, operate Essential Businesses, or maintain Essential Governmental Functions.**

5. Additionally, the city manager strongly encourages all Essential Businesses allowed under this Order to take all available practical measures to safeguard the particularly vulnerable population of individuals aged 60 and over by developing a schedule to establish separate hours of operation so that those individuals can patronize the businesses in a manner that insulates them from other members of the population.

6. Definitions and Exemptions.

a. Essential Activities. For purposes of this Order, individuals may leave their residence only to perform any of the following "Essential Activities." People at high risk of severe illness from COVID-19 and people who are sick are urged to stay in their residences to the extent possible except as necessary to seek medical care.

- 1. To engage in activities or perform tasks essential to individual health and safety, or to the health and safety of family or household members (including, but not limited to, pets), such as, by way of example only and without limitation, obtaining medical supplies or medication, visiting a health care professional, or obtaining supplies they need to work from home.**
- 2. To obtain necessary services or supplies for themselves and family or household members, or to deliver those services or supplies to others, such as, by way of example only and without limitation, canned food, dry goods, fresh fruits and vegetables, pet supply, fresh meats, fish and poultry, and any other household consumer products, and products necessary to maintain the safety, sanitation, and essential operation of residences.**
- 3. To engage in outdoor activity, provided the individuals comply with Social Distancing Requirements as defined in this Section, such as, by way of example and without limitation, walking, hiking, biking or running. For purposes of outdoor activity, Boulder parks and open space will remain open to the public to engage in walking, hiking, biking, running, and similar outdoor activities but all playgrounds, golf courses, tennis courts, basketball courts, picnic areas, and other similar areas conducive to public gathering shall be closed. Additionally, the allowable outdoor activities in this Order do not include group sports and activities that would violate the Social Distancing Requirements as defined in this Section, such as, by way of example and without limitation, football games or volleyball games.**
- 4. To perform work providing essential products and services at the site of an Essential Business or to otherwise carry out activities specifically permitted in this Order, including Minimum Basic Operations.**
- 5. To care for a family member or pet in another household.**

b. Healthcare Operations. For purposes of this Order, individuals may leave their residences to work for or obtain services at any "Healthcare Operations," including, but not limited to:

1. Hospitals, clinics, and walk-in health facilities;
2. Medical and dental care, excluding elective procedures;
3. Research and laboratory services;
4. Medical wholesale and distribution;
5. Home health care companies, workers, and aides;
6. Pharmacies;
7. Pharmaceutical and biotechnology companies;
8. Behavioral health care providers;
9. Nursing homes, residential health care, or congregate care facilities;
10. Medical supplies and equipment manufacturers and providers, or any related and/or ancillary healthcare services;
11. Veterinary care, livestock services, and all healthcare services provided to animals; and
12. Animal shelters and pet boarding services.

This exemption shall be construed broadly to avoid any impacts to the delivery of healthcare, broadly defined. "Healthcare Operations" does not include health clubs, fitness and exercise gyms, and similar facilities.

c. Essential Infrastructure. For purposes of this Order, individuals may leave their residences to provide any services or perform any work necessary to the operations and maintenance of "Essential Infrastructure," including, but not limited to:

1. i. Utilities, including power generation, fuel supply, and transmission ii. Water, sewer, gas, and electrical services;
2. Construction operations and projects, including commercial and residential construction (especially affordable housing or housing for individuals experiencing homelessness), government construction for public infrastructure and facilities, construction necessary to support or maintain the operation of any Essential Business, and renovation or restoration construction services. Construction businesses must develop and strictly implement written Physical Distancing protocols;
3. Government construction for public infrastructure and facilities;
4. Construction necessary to support or maintain the operation of any Essential Business;
5. Skilled trades such as electricians and plumbers;
6. Other related firms and professionals who provide services necessary to maintain the safety, sanitation, and essential operation of residences;
7. Airport operations (including passenger and cargo operations and services, but not including instructional or recreational activities);
8. Roads and highways;
9. Public transportation;

10. Solid waste collection and removal including recycling and compost; and
11. Internet and telecommunications systems, including the provision of essential global, national and local infrastructure for computing services, business infrastructure, communications, and web-based services.

d. **Essential Governmental Functions.** For purposes of this Order, personnel working for or to support Essential Businesses are categorically exempt from this Order and nothing in this Order shall prohibit any individual from performing or accessing "Essential Governmental Functions" which means all services needed to ensure the continuing operation of government agencies and departments, and provide for the health, safety, transportation, and welfare of the public. Therefore, individuals may leave their residences to provide, operate, and support "Essential Governmental Functions," including, but not limited to:

1. Public safety personnel;
2. Law enforcement;
3. Fire prevention and response;
4. Building code enforcement;
5. Security personnel;
6. Emergency management and response;
7. Emergency dispatchers;
8. Public and environmental health functions;
9. Court personnel;
10. Military personnel;
11. Colorado state, county, and municipal courts;
12. Boulder City Council and subcommittees; and
13. Other Boulder City boards, commissions, and quasi-judicial proceedings.

All Essential Governmental Functions shall be performed in compliance with Social Distancing Requirements as defined this Section, to the extent possible.

e. For the purposes of this Order, covered businesses include any for-profit, non-profit, or educational entities, regardless of the nature of the service, the function they perform, or its corporate or entity structure.

f. **Essential Businesses.** For the purposes of this Order, individuals may leave their residences to work for or obtain services at any "Essential Businesses" which for purposes of this Order means:

1. Healthcare Operations, Essential Infrastructure, and Essential Governmental Functions;
2. Grocery stores, certified farmers' markets, farm and produce stands, supermarkets, food banks, convenience stores, and other establishments engaged in the retail sale of canned food, dry goods, fresh fruits and vegetables, pet supplies, fresh meats, fish and poultry, and any other household consumer product (such as cleaning and personal care products). This

- includes stores that sell groceries and also sell other non-grocery products, and products necessary for maintaining the safety, sanitation, and essential operation of residences;
3. Food and plant cultivation, including farming, livestock, and fishing;
 4. Businesses that provide food, shelter, and social services, and other necessities of life for economically disadvantaged or otherwise needy individuals;
 5. Newspapers, television, radio, and other media services;
 6. Gas stations and auto-supply, auto-repair and bike repair, and related facilities;
 7. Banks and related financial institutions;
 8. Hardware stores;
 9. Plumbers, electricians, exterminators, and other service providers who provide services that are necessary to maintaining the safety, sanitation, and essential operation of residences, Essential Activities, and Essential Businesses;
 10. Businesses that provide mailing and shipping services, including post office boxes;
 11. Educational institutions - including public and private K-12 schools, colleges, and universities for purposes of facilitating distance learning or performing essential functions, provided that social distancing of six feet per person is maintained to the greatest extent possible;
 12. Laundromats, dry cleaners, and laundry service providers;
 13. Restaurants and other facilities that prepare and serve food, but only for delivery, take-out or drive-thru as provided for in the Governor's Executive Order, dated March 16, 2020. Schools and other entities that typically provide free food services to students or members of the public may continue to do so under this Order on the condition that the food is provided to students or members of the public on a pick-up and take-away basis only, except for employees and volunteers who must eat meals during their work shift. Schools and other entities that provide food services under this exemption shall not permit the food to be eaten at the site where it is provided, or at any other gathering site;
 14. Businesses that supply products needed for people to work and learn from home, including technology suppliers providing hardware or software essential for communication or connectiveness;
 15. Businesses that supply other essential businesses with the support or supplies necessary to operate;
 16. Businesses that ship or deliver groceries, food, goods or services directly to residences;
 17. Indoor/outdoor malls are closed except to the extent that they must remain open to allow operation of and access to Essential Businesses;
 18. Licensed medical marijuana stores;
 19. Licensed marijuana stores, so long as written Physical Distancing protocols are developed and strictly implemented to limit the number of people on the licensed premises at the same time;

20. Licensed liquor stores, so long as written Physical Distancing protocols are developed and strictly implemented to limit the number of people on the licensed premises at the same time;
21. Taxis, other private transportation providers, and transportation support providing transportation services necessary for Essential Activities and other purposes expressly authorized in this Order;
22. Home-based care for seniors, adults, or children. Nanny and babysitting services shall not be permitted under this Order unless the nanny or babysitter (1) resides in the home of the senior, adult, or children for whom they are providing care; (2) provides medical care to the senior, adult, or children; or (3) is providing care in order to allow parents or guardians of a senior, adult, or children to work for an Essential Business or perform an Essential Government Function;
23. Residential establishments and facilities, including hotels, motels, and shelters for seniors, adults, and children;
24. Professional services, such as legal, insurance, accounting, real estate, and tax preparation services, including ancillary and supporting services;
25. Faith-based establishments and houses of worship, including but not limited to, churches, synagogues, chapels, and mosques; however, these institutions are strongly encouraged to implement an electronic platform for services and/or more frequent services with smaller congregations;
26. Childcare facilities providing services that enable employees exempted in this Order to work as permitted. To the extent possible, and in accordance with existing law, childcare facilities must operate under the following mandatory conditions:
 - i. Childcare must be carried out in stable groups of 10 or fewer ("stable" means that the same 10 or fewer children are in the same group each day);
 - ii. Children shall not change from one group to another;
 - iii. If more than one group of children is cared for at one facility, each group shall be in a separate room. Groups shall not mix with each other; and
 - iv. Childcare providers shall remain solely with one group of children.

g. Minimum Basic Operations. For the purposes of this Order, "Minimum Basic Operations" include the following activities, so long as employees comply with Social Distancing Requirements as defined this Section, to the extent possible, while carrying out such operations:

1. The minimum necessary activities to maintain the value of the business's inventory, ensure security, process payroll and employee benefits, or for related functions;
2. The minimum necessary activities to facilitate employees of the business being able to continue to work remotely from their residences; and

3. The minimum necessary activities to facilitate employees of the business being able to continue filling online product orders and to process customer orders remotely.

h. Essential Travel. For the purposes of this Order, "Essential Travel" includes travel for any of the following purposes. Individuals engaged in any Essential Travel must comply with all Social Distancing Requirements as defined in this Section.

1. Any travel related to the provision of or access to Essential Activities, Essential Governmental Functions, Essential Businesses, or Minimum Basic Operations;
2. Travel to care for elderly, minors, dependents, persons with disabilities, or other vulnerable persons;
3. Travel to or from educational institutions for purposes of receiving materials for distance learning, for receiving meals, and any other related services;
4. Travel to return to a place of residence from outside the jurisdiction;
5. Travel required by law enforcement or court order; and
6. Travel required for non-residents to return to their place of residence outside of Boulder. Individuals are strongly encouraged to verify that their transportation out of Boulder remains available and functional prior to commencing such travel.

i. Residence. For purposes of this Order, residences include hotels, motels, shared rental units, and similar facilities.

j. Social Distancing Requirements. For purposes of this Order, Social Distancing Requirements includes all of the following: (1) Maintaining at least six-foot social distancing from other individuals; (2) washing hands with soap and water for at least 20 seconds as frequently as possible or using hand sanitizer when hand-sinks are not available; (3) covering coughs or sneezes (into the sleeve or elbow, not hands); (4) regularly cleaning high-touch surfaces; and (5) not shaking hands.

7. This Order shall become effective at 5:00 p.m. on March 24, 2020 and will continue until 5:00 p.m. on April 10, 2020, or until it is extended, rescinded, superseded, or amended in writing by the city manager.

8. If any provision of this Order, or its application to any person or circumstance, is held to be invalid, then the remainder of this Order, including the application of such part or provision to other persons or circumstances, shall not be affected and shall continue in full force and effect. To this end, the provisions of this Order are severable.

This Order is necessary to prevent the assembly of large groups of people which will present a risk of infection during the disaster emergency. Once issued, this Order may be changed from time to time during the period of a declared disaster emergency based upon the discretion of the city manager.

Enforcement: Pursuant to Section 2-2.5-8 "Adherence to Emergency Orders," B.R.C. 1981, Police, code enforcement and such other law enforcement and peace officers as may be authorized by the city manager shall be authorized to enforce the orders, rules and regulations made or issued pursuant a declared disaster emergency.

Notice: All members of the public shall be deemed to have been given notice of the restrictions contained within a declaration upon its dissemination to the news media or publication on city websites or by use of other means of publicity.

Violation of Order: During the period of a declared disaster emergency, a person shall not:

- (1) Enter or remain upon the premises of any establishment that is not open for business to the general public, unless such person is the owner or authorized agent of the establishment;
- (2) Violate any of the orders duly issued by the city manager or designee pursuant to such declaration; or
- (3) Willfully obstruct, hinder or delay any duly authorized city officer, employee or volunteer in the enforcement or exercise of the provisions of this chapter, or of the undertaking of any activity pursuant to this chapter.

DATE: _____, 2020, _____ a.m. / p.m.

City Manager or other Authorized
City Official as designated by
Chapter 2-2.5 "Civil Emergencies and Disasters," B.R.C., 1981.