

EMERGENCY CURFEW

Issued pursuant to Section 11-5-4 of the Pueblo Municipal Code

I, Nicholas A. Gradisar, Mayor of the City of Pueblo, a Colorado municipal corporation, pursuant to the authority granted to me under Section 11-5-4 of the Pueblo Municipal Code (“PMC”), the Charter of the City of Pueblo and the Constitution of the State of Colorado do hereby order the following general curfew which shall be applicable to the corporate City limits of the City of Pueblo:

WHEREAS, because of Novel Coronavirus Pandemic and the resulting COVID-19 Disease (“COVID-19”), which occurred or began to occur on March 12, 2020 within the City of Pueblo, the residents of the City are suffering or have suffered a disaster as defined under C.R.S. 24-33.5-703(3) and a civil emergency as defined under Section 11-5-2(a) of the PMC: and

WHEREAS, as a result, on March 13, 2020, I declared a State of Local Disaster Emergency pursuant to the Colorado Disaster Emergency Act (C.R.S. § 24-33.5-701, *et seq.*); and

WHEREAS, on March 23, 2020, by Resolution No. 14387, the City Council extended the emergency declaration made by the Mayor regarding the COVID-19 pandemic until the public health danger posed by COVID-19 has been abated; and

WHEREAS, the costs of responding to and recovering from the impact of the COVID-19 public health disaster and civil emergency exceeds the City of Pueblo’s available resources; and

WHEREAS, as reported by the Colorado Department of Public Health and the Environment (“CDPHE”) during the 14-day period preceding October 26, 2020, there has been a 45.4% increase in the number of Pueblo residents testing positive for COVID-19 and the number of required hospitalizations is also on the rise; and

WHEREAS, based on CDPHE’s framework for responding to the COVID-19 crisis, the increasing numbers of COVID-19 positive cases in the City may force the local community to roll back activities; Pueblo County variances may be rescinded; capacity limits for local businesses and places of worship may be reduced and local bars and gyms may be forced to close; and

WHEREAS, pursuant to the Charter and the PMC, the Mayor, as the chief executive officer of the City of Pueblo, is vested with all the executive and administrative powers granted to the City of Pueblo by Article XX of the Constitution of the State of Colorado, and all executive and administrative powers contained in the Charter of the City of Pueblo, and otherwise existing by operation of law, including the power to enforce all laws and ordinances.

NOW, THEREFORE, I, Nicholas A. Gradisar, Mayor of the City of Pueblo, do hereby declare that:

1. A nighttime curfew is imposed in all public places within the City of Pueblo, including streets and public rights-of-way, from 10:00 p.m. until 5:00 a.m. the following day.
2. During the hours of curfew, all persons are prohibited from using, standing, sitting, traveling or being present on any public street or in any public place, including for the purpose of travel, with the following exceptions:
 - a. All law enforcement, fire, paramedics or other medical personnel, as well as any other emergency response personnel authorized by the City of Pueblo, and credentialed members of the news media.
 - b. Individuals traveling directly to and from work, engaging in "Necessary Travel" as defined in the Fourth Amended Public Health Order Dated October 27, 2020 or as subsequently amended, seeking exempt care, fleeing dangerous circumstances, or experiencing homelessness
 - c. In a motor vehicle in interstate travel or travel through the City of Pueblo to a location outside the corporate city limits of the City of Pueblo;
 - d. Engaged in any employment or religious activity or going to or returning from any such activity;
 - e. Exercising rights protected by the first amendment of the United States Constitution such as the free exercise of religion, freedom of speech or the right of assembly.
3. The office of the Mayor of the City of Pueblo may designate, as necessary, any additional persons that shall be exempt from this emergency curfew.
4. For purposes of this emergency curfew "travel" includes, without limitation, travel on

foot, bicycle, skateboard, scooter, motorcycle, automobile, or public transit, or any other mode of transporting a person from one location to another.

5. For purposes of this emergency curfew, "public place" means any place, whether on privately or publicly owned property, accessible to the general public, including but not limited to public streets and roads, alleys, highways, driveways, sidewalks, parks, vacant lots, and unsupervised property. For purposes of this emergency curfew, "public place" does not include the Pueblo Memorial Airport.
6. For purposes of this emergency curfew, "exempt care" means necessary medical services for an individual's self or family member,
7. Pursuant to PMC Sec, 11-5-7, a violation of this emergency curfew shall be a Class 1 municipal offense.
8. This emergency curfew shall not apply to Necessary Activities, Minimum Basic Operations, Critical Government Functions, and Critical Businesses as defined in the Fourth Amended Public Health Order Dated October 27, 2020 or as subsequently amended.
9. This emergency curfew shall take effect at 10:00 p.m. on Friday, October 30, 2020 and shall terminate at 5:00 a.m. on Friday, November 13, 2020, unless sooner rescinded or unless extended by the Mayor for an additional two (2) weeks pursuant to PMC 11-5-6. Dated this 29th day of October, 2020.

OFFICE OF THE MAYOR



Nicholas A. Gradisar

Mayor