

Denton County Issues Its Shelter-In-Place Order

March 25, 2020

(Last updated March 25, 2020)

As a follow-up to the Denton County Disaster Declaration dated March 17, 2020 (Court Order 20-020) (as amended on March 18, 2020 and March 22, 2020), on March 24, 2020, Denton County Judge Andy Eads issued an amended Disaster Declaration and an amendment to the corresponding executive order establishing a “stay at home” order for Denton County (the “Denton Order”). Judge Eads was publicly joined in the announcement of this action by Denton Mayor Chris Watts.

The Denton Order is effective as of 11:59 p.m. on March 25, 2020 and continues for 7 days thereafter unless extended or rescinded. A full copy of the Denton Order can be [found here](#).

Similar to all of the major counties in the DFW Metroplex, the Denton Order requires Denton County residents to stay at home except for certain identified exceptions. Following the lead of Dallas and Tarrant Counties (and departing a bit from the more general, permissive approach of Collin County), the Denton Order is fairly specific in defining the exceptions to the stay at home order.

The exceptions to the Denton Order’s stay at home mandate include the performance of Essential Activities, travel to businesses outside of Denton County (which is a departure from the more strict Dallas County position), providing or performing Essential Government Functions, and the operation of Essential Businesses.

Before detailing the Denton Order’s definitions, I wish to note that the same overarching social distancing requirements of 6-foot separation and other distancing recommendations of the CDC generally apply to all Essential Activities, all Essential Government Functions, and all Essential Businesses to the extent possible (recognizing that some medical, police and other activities may render the 6-foot separation requirement impossible).

The following are general descriptions of the Denton Order’s key definitions:

Essential Activities – The Denton Order’s definition of Essential Activities is essentially identical to the language in the Dallas and Tarrant County Orders and includes activities necessary for health and safety of family or household members (including seeking medical care, medication, medical supplies or supplies needed to work

from home), obtaining necessary services or supplies such as food, pet and livestock supplies, and other household consumer products, engaging in outdoor exercise activity in compliance with social distancing standards, performing work providing essential products and services at an Essential Business and to care for a family member or pet in another household.

Essential Businesses – The Denton Order, with a few exceptions, is almost verbatim the same language and categories for Essential Businesses as contained in the Dallas Order (see [our Client Alert for the Dallas Order here](#)). Notably, the Denton Order adds a category for Education which permits the Superintendent, Headmaster, or CEO of a school district, charter school, or private school to designate school personnel who are essential to the operation and support of distance-learning for students, preparation and distribution of meals to students, and maintenance/cleaning of facilities. Additionally, the Denton Order – not surprisingly – adds hunting, pawnshops, retail firearm sales and safety and security related services to the definition of Essential Businesses. Notwithstanding a designation as an “Essential Business,” employers should ensure that all employees and contractors who can work from home do so. Additionally, all Essential Businesses must still ensure employee adherence to the practice of social distancing consistent with CDC Guidelines and establish screening precautions for employees to ensure that sick employees do not report for work.

A few additional items set forth in the Denton Order include: (i) a requirement that retail suppliers use commonsense rationing of household products and groceries that are in limited supply; (ii) if someone in a residence has tested positive for coronavirus, the entire household must isolate at home and residents of that household may not go to work, school, or any other community function; (iii) religious services are to be via video or teleconference only; (iv) restaurants, microbreweries, micro-distilleries and wineries may only provide take out, delivery or drive-through services, and (v) except as otherwise expressly permitted by the Amended Order, all public or private gatherings of any number of people other than within a single household or living unit by members of such household or unit are prohibited. Like the Tarrant Order (and unlike the Dallas Order), the Denton Order did not establish a moratorium on eviction proceedings.

We will continue to monitor developments in the DFW Metroplex and will provide updated alerts as applicable.