

**ORDINANCE NO. 6
SERIES 2020**

**AN EMERGENCY ORDINANCE AMENDING CHAPTER 2 OF TITLE 4 OF
THE VAIL TOWN CODE BY THE ADDITION OF A NEW SECTION 4-2-7,
ALLOWING CONSUMPTION OF ALCOHOLIC BEVERAGES IN
DESIGNATED PUBLIC PLACES**

WHEREAS, on March 10, 2020, the Governor of the State of Colorado recognized the COVID-19 pandemic and declared a state of emergency;

WHEREAS, on March 13, 2020, the Town Manager declared a disaster emergency in and for the Town of Vail, Colorado, pursuant to the Colorado Disaster Emergency Act, C.R.S. § 24-33.5-701, *et seq.* (the "Act"), and Section 13.5 of the Town's Home Rule Charter, which declaration was thereafter continued by the Town Council;

WHEREAS, the emergency conditions caused by the COVID-19 pandemic, as defined by C.R.S. § 24-33.5-702 and the Charter, persist and require additional and sustained action by the Town;

WHEREAS, pursuant to C.R.S. § 44-3-901(1)(i)(VII), the Town Council may, by ordinance, allow for consumption of alcoholic beverages in any public place other than a public right-of-way; and

WHEREAS, allowing consumption of alcoholic beverages in designated public places in the Town would provide relief to restaurants and other liquor-licensed establishments impacted by the COVID-19 pandemic.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF VAIL, COLORADO, THAT:

Section 1. Chapter 2 of Title 4 of the Vail Town Code is hereby amended by the addition of the following new Section 4-2-7:

4-2-7: CONSUMPTION OF ALCOHOL IN PUBLIC PLACES:

The consumption of alcoholic beverages shall be permitted in those public places in the Town designated in writing by the Town Manager from time to time, other than public rights-of-way. The Town Manager shall cause appropriate signage to be erected in such public places.

Section 2. If any part, section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance; and the Town Council hereby declares it would have passed this ordinance, and each part, section, subsection, sentence, clause or phrase thereof, regardless of the fact that any one or more parts, sections, subsections, sentences, clauses or phrases be declared invalid.

Section 3. The amendment of any provision of the Vail Town Code in this ordinance shall not affect any right which has accrued, any duty imposed, any violation that occurred prior to the effective date hereof, any prosecution commenced, nor any other action or proceeding as commenced under or by virtue of the provision amended. The amendment of any provision hereby shall not revive any provision or ordinance previously repealed or superseded unless expressly stated herein.

Section 4. All bylaws, orders, resolutions and ordinances, or parts thereof, inconsistent herewith are repealed to the extent only of such inconsistency. This repealer shall not be construed to revise any bylaw, order, resolution or ordinance, or part thereof, theretofore repealed.

Section 5. Pursuant to § 4.11 of the Vail Town Charter, the Town Council hereby finds and declares that this ordinance is necessary for the immediate preservation of the public health, safety and welfare, to ameliorate the negative effects of the COVID-19 pandemic on restaurants and other liquor-licensed establishments in the Town.

Section 6. This ordinance shall be effective immediately upon adoption.

INTRODUCED, READ, APPROVED, AND ORDERED PUBLISHED ONCE IN FULL this 19th day of May, 2020.

Dave Chapin, Mayor

ATTEST:

Tammy Nagel, Town Clerk