

**ORDINANCE NO. 23
SERIES 2020**

**AN EMERGENCY ORDINANCE REGARDING PRIVATE GATHERINGS
AND INDOOR DINING AT RESTAURANTS AND BARS IN THE TOWN
OF VAIL**

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 Home Rule Charter, persist and require additional and sustained action by the Town;

WHEREAS, on November 17, 2020, the Colorado Department of Public Health and Environment ("CDPHE") mandated that all counties in Colorado follow the restrictions outlined in First Amended Public Health Order 20-36, which includes the application of the COVID-19 Dial;

WHEREAS, Eagle County is currently at Level Orange on the COVID-19 Dial, but without additional action, could move to Level Red; and

WHEREAS, the Town Council finds it in the best interest of the public health, safety and welfare to adopt impose the following restrictions on private gatherings and indoor dining at bars and restaurants in the Town of Vail.

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

Section 1. Private Gatherings. Private gatherings, as defined by CDPHE Third Amended Public Health Order 20-35 ("PHO 20-35"), are limited as follows: both indoor and outdoor private gatherings may only include individuals from the same household.

Section 2. Indoor Dining. For indoor dining at restaurants, bars and other places of accommodation permitted to offer food and beverages for on-site consumption, as defined by PHO 20-35, only members of the same household may be seated together.

Section 3. Penalties. Violations of this ordinance shall be punishable as follows: a fine of \$50 for the first offense; a fine of \$250 for the second offense; and for any subsequent offense, a mandatory court appearance subject to the penalties set forth in Section 1-4-1 of the Vail Town Code, including a fine of up to a \$2,650, incarceration not to exceed 180 days, or both.

Section 4. Enforcement. The members of the Town's Police Department, code enforcement, and such other law enforcement and peace officers as may be authorized by the Town Manager are hereby authorized and directed to enforce the orders, rules, and regulations made or issues pursuant to this ordinance.

Section 5. Severability. 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 6. Repealer. 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 7. Emergency. 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 prevent the spread of COVID-19.

Section 8. Effective Date. This ordinance shall be effective immediately upon adoption.

INTRODUCED, READ, APPROVED, AND ORDERED PUBLISHED ONCE IN FULL this 1st day of December, 2020.

Dave Chapin, Mayor

ATTEST:

Tammy Nagel, Town Clerk