

**CITY OF STEAMBOAT SPRINGS, COLORADO**

**ORDINANCE NO. 2758**

**AN EMERGENCY ORDINANCE TEMPORARILY SUSPENDING PROVISIONS OF THE CITY OF STEAMBOAT SPRINGS REVISED MUNICIPAL CODE TO PERMIT THE POSSESSION AND CONSUMPTION OF ALCOHOL BEVERAGES IN CERTAIN PUBLIC RIGHTS OF WAY.**

**WHEREAS**, on March 16, 2020 the City Manager declared the existence of a disaster emergency due to the pandemic incidence of novel coronavirus 2019 (Covid-19) and the City Council on March 14, 2020 and May 19, 2020 has extended the disaster emergency declaration through June 17, 2020; and

**WHEREAS**, the State of Colorado is operating under a declaration of disaster emergency through June 7, 2020 and Routt County has declared a disaster emergency through June 10, 2020; and

**WHEREAS**, Routt County has sought and obtained a variance from the Colorado Department of Public Health and the Environment ("CDPHE") permitting food service establishments to offer outdoor dining and limited indoor dining pursuant to various restrictions including occupancy restrictions, party sizes, and social distancing requirements; and

**WHEREAS**, the City Council finds that the restrictions pursuant to which food service establishments are permitted to operate threaten the economic viability of Steamboat Springs food service establishments and that the Governor of the State of Colorado on June 5, 2020 issued Executive Order No. 2020-93, which suspends enforcement of C.R.S. 44-3-901(1)(i)(D)(VII) a statutory provision limiting the local government authority to permit the consumption of alcohol beverages or the possession of open containers of alcohol beverages in public rights of way; and

**WHEREAS**, the City Council finds that preserving a financial viable food services industry in Steamboat Springs necessary to the public health, safety, and welfare due to the importance of food service traffic to the City's overall economy and that permitting the consumption of alcohol beverages and the possession of open containers of alcohol beverages in certain public rights of way will promote the vitality of local bars, restaurants, and other licensed food service establishments.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF STEAMBOAT SPRINGS, COLORADO:**

**SECTION 1.** The exemption set forth in Section 10-201(d) of the City of Steamboat Springs Revised Municipal Code from the prohibition on the public possession or

consumption of alcohol beverages is hereby extended to include sidewalks, crosswalks, alleys, and other areas of lawful pedestrian travel in the following public rights of way:

Third Street to Twelfth Street, inclusive, between Yampa Street and Oak Street; Yampa Street, between Third Street and Twelfth Street; Lincoln Avenue between Third Street and Thirteenth Street; Oak Street, between Eighth Street and Tenth Street; alleys between Third Street, Twelfth Street, Oak Street, and Yampa Street, except that portion of vacated Third Street and Fourth Street between Yampa Street and the alley between Yampa Street and Lincoln Avenue and except vacated Yampa Street between Fifth Street and Third Street.

Consumption of alcohol beverages from glass containers is prohibited. The exemption provided in this ordinance is effective from the hours of 10:00 a.m. to 10:00 p.m.

This ordinance shall not be interpreted to permit or authorize the possession of open containers of alcohol beverages or the consumption of alcohol beverages in public rights of way that are part of a licensed premises for the purpose of the sale and consumption of alcohol beverages or otherwise to permit such possession or consumption on licensed premises of alcohol beverages that have not been purchased on the licensed premises.

This ordinance shall not apply to the public consumption or possession of open containers of alcohol beverages purchased from retail liquor store licensees. Containers of alcohol beverages that are consumed or open in public pursuant to this ordinance shall be labelled with the name of the licensee from which they are purchased. No person shall possess more than a single serving of alcoholic beverages. The City Manager shall have authority to adopt and publish regulations defining what constitutes a single serving.

**SECTION 2.** Section 1 of Ordinance No. 2755 is hereby amended to add Ski Town Lyons Park (5<sup>th</sup> St.) to the list of parks exempted from the prohibition in Section 10-201 of the Revised Municipal Code on the public consumption or possession of open containers of alcohol beverages.

**SECTION 3.** The City Council hereby finds, determines and declares that this ordinance is necessary for the immediate preservation of the public peace, health and safety.

**SECTION 4.** Pursuant to Section 7.7 of the Charter of the City of Steamboat Springs, Colorado, allowing the passage of emergency ordinances, this ordinance shall take effect immediately upon passage and shall expire upon the earlier of a) the expiration of Governor Polis' suspension of enforcement of C.R.S. 44-3-901(1)(i)(D)(VII) or ninety (90) days after passage.

INTRODUCED, READ, PASSED, AND APPROVED this 30<sup>th</sup>, day of June 2020.

**Jason Lacy**

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**Jason Lacy, President  
Steamboat Springs City Council**

**ATTEST:**

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**Julie Franklin  
City Clerk**

**Signature:** *Jason Lacy*  
Jason Lacy (Jul 1, 2020 10:36 MDT)

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# 2758\_EmergencyOrdinancePublicConsumption PublicROWFinal

Final Audit Report

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