

ORDINANCE 20-06

AN EMERGENCY ORDINANCE AMENDING SECTION 10-7-50 OF THE ELIZABETH MUNICIPAL CODE TO ALLOW PUBLIC CONSUMPTION OF ALCOHOL BEVERAGES ON TOWN PROPERTY WHEN DESIGNATED BY RESOLUTION OF THE BOARD OF TRUSTEES

BE IT ORDAINED BY THE BOARD OF TRUSTEES FOR THE TOWN OF ELIZABETH, COLORADO, THAT:

Section 1. Legislative Findings. The Board of Trustees hereby finds and determines that it is in the best interests of the health, safety and welfare of the citizens of the Town of Elizabeth to authorize the public consumption of alcohol beverages on Town-owned property when the Board of Trustees has granted such permission by resolution.

Specifically, the Board of Trustees finds and determines that because of the COVID-19 pandemic, and the resulting statewide and local response to the COVID-19 pandemic, the Board of Trustees desires to allow the public to responsibly gather on Town-owned property while enjoying food and beverages purchased from local restaurants.

Therefore, the Board of Trustees finds and determines that allowing limited public consumption of alcohol beverages on designated Town-owned property will be in the best interests of the public health, safety and welfare.

The Board of Trustees further finds and determines that because of the impacts of the COVID-19 pandemic, the provisions of this Ordinance should take effect immediately, to allow the immediate use of Town-owned property as a gathering place for outdoor eating and drinking in support of local businesses, if authorized by a subsequent resolution.

Section 2. Section 10-7-50 of the Elizabeth Municipal Code is amended to read as follows:

Sec. 10-7-50. - Possession of alcohol in public places.

It is unlawful for any person to possess or consume any fermented malt beverage, or any malt, vinous or spirituous liquor, whether such possession is actual or constructive, in any public place, or upon property owned, operated, leased or maintained by the State or any political subdivision or agency thereof, or upon property owned, operated, leased or maintained by the Town; provided, however, that it shall not be a violation of this provision to:

- a) Store or consume any fermented malt beverage, or any malt, vinous or spirituous liquor in conformance with, and pursuant to the terms of, any validly issued permit or license;
- b) Be in possession of a partially consumed bottle of vinous liquor (not to exceed seven hundred fifty (750) milliliters) that was originally sold for

on-premises consumption and resealed pursuant to Section 44-3-901(10)(c), C.R.S., as amended; or

c) Be in possession or consume any fermented malt beverage, or any malt, vinous or spirituous liquor, in conformance with, and pursuant to the terms of, any resolution adopted by the Town authorizing the consumption of alcoholic beverages on designated Town-owned property.

Section 3. The Board of Trustees finds and determines that this Ordinance is necessary for the immediate preservation of public property, health, peace, or safety based on the Town's response to the COVID-19 pandemic. Accordingly, pursuant to C.R.S. § 31-16-105 this Ordinance shall take effect immediately upon enactment.

Section 4. Severability. If any section, paragraph, clause, or provision of this Ordinance shall for any reason be held to be invalid or unenforceable, the invalidity or enforceability of such section, paragraph, clause or provision shall not affect any of the remaining provisions of this Ordinance, the intent being that the same are severable.

Passed by a vote of _____ for and _____ against on first and final reading and ordered published at a meeting of the Board of Trustees of the Town of Elizabeth, Colorado, this _____ day of _____, 2020.

Megan Vasquez, Mayor

ATTEST

Michelle M. Oeser, Town Clerk