

**TOWN OF EAGLE, COLORADO**  
**ORDINANCE NO. 16**  
**(Series of 2020)**

AN EMERGENCY ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF EAGLE, COLORADO AMENDING SECTION 9.15.060 OF THE EAGLE TOWN CODE TO ALLOW 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 15, 2020, the Mayor declared a disaster emergency in and for the Town of Eagle, Colorado, pursuant to the Colorado Disaster Emergency Act, C.R.S. § 24-33.5-701, *et seq.*, 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, 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 EAGLE, COLORADO AS FOLLOWS:

Section 1. Section 9.15.060.C. of the Eagle Municipal Code is hereby repealed in its entirety and reenacted as follows:

**9.15.060. Possession of open alcoholic or fermented malt beverage container prohibited.**

\* \* \*

C. Nothing in this Section shall prohibit the consumption of alcohol beverages in those public places in the Town designated in writing by the Town Manager from time to time, other than public rights-of-way, subject to the following restrictions:

1. No alcohol beverage shall be consumed in any parking lot or inside a motor vehicle.

2. No alcohol beverage shall be possessed or consumed in any park when the park is closed, or between the hours of 11:00 p.m. and 7:00 a.m.

3. Any law enforcement officer or Town official, including without limitation the Town Manager, Town Clerk and Town Special Event Coordinator, may order any individual to remove alcoholic beverages from the public place at any time, for any reason.

4. The Town Manager may cause appropriate signage to be erected in such public places.

Section 2. Severability. If any article, section, paragraph, sentence, clause, or phrase of this Ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect the validity or constitutionality of the remaining portions of this Ordinance. The Town Council hereby declares that it would have passed this Ordinance and each part or parts hereof irrespective of the fact that any one, or part, or parts be declared unconstitutional or invalid.

Section 3. Safety. This Ordinance is deemed necessary for the protection of the public health, safety and welfare.

Section 4. Emergency Declaration. Pursuant to § 6.04 of the Eagle 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 5. Effective Date. This ordinance shall be effective immediately upon adoption.

INTRODUCED, READ, PASSED, ADOPTED AND ORDERED PUBLISHED ON MAY 18, 2020.

TOWN OF EAGLE, COLORADO

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Scott Turnipseed, Mayor

ATTEST:

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Jenny Rakow, Town Clerk