

CITY OF EVANS, COLORADO

ORDINANCE NO. 715-20

AN EMERGENCY ORDINANCE TO TEMPORARILY SUSPEND EVANS MUNICIPAL CODE SECTION 16.40.080 AND OTHER CODE PROVISIONS TO THE EXTENT SUCH CODE PROVISIONS CONFLICT WITH THE IMPLEMENTATION OF LED REGULATION 47-302

WHEREAS, the City Council of the City of Evans, Colorado, pursuant to Colorado statute and the Evans City Charter, is vested with the authority of administering the affairs of the City of Evans, Colorado; and

WHEREAS, on March 17, 2020, City Council ratified by resolution the state of disaster emergency declared by Mayor Brian Rudy and City Manager James Becklenberg due to COVID-19. The area of disaster includes all areas within the border of Evans, Colorado; and

WHEREAS, COVID-19 imposes challenges to the City that the City must be able to address on an emergency basis. Such challenges include helping small business in the City of Evans in a manner that furthers the health, safety, and welfare of the residents of the City and its visitors; and

WHEREAS, the Colorado Liquor Enforcement Division (LED) issued temporary emergency regulation 47-302 pursuant to subsections 44-3-202(1)(b), 44-3-202(2)(a)(I)(A), and 44-3-202(2)(a)(I)(D), C.R.S.; and

WHEREAS, LED Regulation 47-302 allows the temporary modification of certain on-premise liquor licenses to allow expansion of the licensed premises to include, among other areas, public streets, parking lots, alleys, parks and public places, avenues and sidewalks, subject to state and local government approval; and

WHEREAS, certain provisions of the Evans Municipal, including but not limited to Code Section 16.04.080, prohibit service and consumption of alcohol on public streets, parking lots, alleys, parks and public places, avenues and sidewalks and therefore may conflict with the implementation of LED Regulation 47-302; and

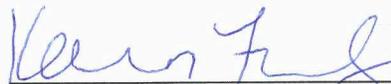
WHEREAS, to provide assistance for small businesses in the City of Evans, City Council has decided to temporarily suspend Evans Municipal Code Section 16.40.080 and other sections of the Code to the extent such provisions conflict with the approval of temporary modifications of premises in accordance with LED Regulation 47-302.

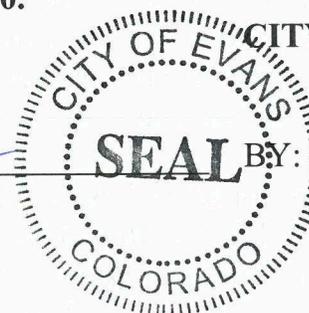
NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EVANS, COLORADO AS FOLLOWS:

1. Evans Municipal Code Section 16.04.080 and any other provision of the Evans Municipal Code that interferes with the City's approval of applications for temporary expansion of licensed premises filed in accordance with LED Regulation 47-302, are hereby suspended for a period of one hundred and twenty (120) days, unless extended by City Council,, to the extent any provision of Section 16.04.080, or any other provision of the Evans Municipal Code, directly conflicts with the City's approval of such temporary expansion of premises applications.
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 City Council hereby declares that it would have passed this ordinance and each part or parts thereof irrespective of the fact that any one part or parts be declared unconstitutional or invalid.
3. Repeal. Existing ordinances or parts of ordinances covering the same matters embraced in this ordinance are hereby repealed and all ordinances or parts of ordinances inconsistent with the provisions of this ordinance are hereby repealed except that this repeal shall not affect or prevent the prosecution or punishment of any person for any act done or committed in violation of any ordinance hereby repealed prior to the effective date of this ordinance.
4. Publication and Effective Date. This Ordinance is necessary for the immediate protection and preservation of the public health, safety, and welfare of the citizens of the City of Evans for the reasons described above, and therefore, shall become effective immediately as an emergency ordinance upon adoption by the City Council.

INTRODUCED, PASSED AND ADOPTED AT A REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF EVANS ON THIS 2nd DAY OF June, 2020.

ATTEST:


Karen Frawley, City Clerk



CITY OF EVANS, COLORADO


Brian Rudy, Mayor