

CITY OF STEAMBOAT SPRINGS, COLORADO

ORDINANCE NO. _____

AN EMERGENCY ORDINANCE TEMPORARILY SUSPENDING PROVISIONS OF THE CITY OF STEAMBOAT SPRINGS REVISED MUNICIPAL CODE TO PERMIT THE EXPANSION OF OUTDOOR RESTAURANT SEATING, THE OUTDOOR DISPLAY OF RETAIL MERCHANDISE, AND THE POSSESSION AND CONSUMPTION OF ALCOHOLIC BEVERAGES IN CERTAIN PUBLIC PLACES.

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, that the Governor of the State of Colorado has encouraged local governments to facilitate the expansion of outdoor seating for food service establishments, and that the State of Colorado Liquor Enforcement Division ("LED") has adopted emergency regulation 47-302(F) regarding the temporary modification of liquor license premises to permit the expansion of outdoor seating by liquor licensees, effective through September 12, 2020; and

WHEREAS, retail businesses in Steamboat Springs operate pursuant to mitigation plans required by Routt County that limit customer numbers and otherwise have a negative impact on retail business revenues; and

WHEREAS, the City Council finds that the restrictions pursuant to which retail businesses are permitted to operate threaten the economic viability of those businesses;

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, including retail

businesses, and that the preservation of the food services industry requires the immediate adoption, suspension, and modification of regulatory measures to permit food service businesses to expand outdoor seating; and

WHEREAS, the City Council finds that preserving a viable retail industry in Steamboat Springs is necessary to the public health, safety, and welfare due to the importance of retail businesses to the City's overall economy and that the preservation of the retail industry requires the immediate adoption, suspension, and modification of regulatory measures to permit retail business to expand their outdoor operations.

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 alcoholic beverages is hereby extended to include the following public parks and open space areas. Delivery of alcoholic beverages in accordance with LED emergency regulation 47-1101 shall be permitted to public parks and open space areas exempted by Section 10-201(d) from the prohibition on possession or consumption of alcoholic beverages in public places.

- Workman Park
- Dr. Rich Weiss Park
- Iron Springs Park
- Snake Island
- Steamboat Spring Park
- Memorial Park

SECTION 2. Community Development Code and/or any existing land use approval requirements regarding the provision of off street parking by food service or retail uses are hereby suspended to the extent such off street parking is used for expanded outdoor seating by food service establishments or for the outdoor display of merchandise by retail businesses. This ordinance is not intended to waive or suspend any federal, state, or local requirement relating to barrier free parking or to authorize the elimination of existing barrier free parking. Community Development Code requirements regarding the provision of off street parking by food service or retail uses shall apply to pending and new applications for land use approvals but shall be suspended as to the operation of those approvals during the term of this ordinance.

SECTION 3. Provisions of the Community Development Code prohibiting outdoor seating for food service establishments in the CK-1 zone district are hereby suspended as are any provisions of existing land use approvals prohibiting such seating.

SECTION 4. Section 26-226(9) of the Steamboat Springs Revised Municipal Code relating to portable signs is hereby suspended. Section 26-226(10) of the Steamboat

Springs Revised Municipal Code relating to banners is hereby suspended except as to the provision limiting banners to thirty (30) sq. ft. of surface area.

SECTION 5. Provisions of the CDC requiring conditional use permits or temporary permits for tents are hereby suspended for tents that are used in outdoor seating areas or outdoor merchandise displays, provided that the tent is certified to be fireproof in a manner satisfactory to the Fire Chief. Provisions of the Uniform Fire Code relating to tents shall remain in effect and tents shall be subject to inspection requirements imposed in connection with the approval of Temporary Outdoor Seating Permits by the City.

SECTION 6. 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 7. 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 upon immediately passage and shall expire ninety (90) days after passage.

INTRODUCED, READ, PASSED, AND APPROVED this ____ day of ____ 2020.

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

ATTEST:

**Julie Franklin
City Clerk**