

# EMERGENCY ORDER



## Declaring

On March 10, 2020, the Governor of the State of Colorado issued an Executive Order (“EO”) declaring a state of disaster emergency for the State of Colorado due to the risk of the spread of the novel coronavirus, designated as COVID-19.

On March 18, 2020 the City of Englewood City Council passed Emergency Ordinance #10, Series of 2020 declaring that a public health emergency existed due to the spread of COVID-19 within the City of Englewood, and that Ordinance granted the City Manager of the City of Englewood full power and authority to take certain actions and issue orders necessary for the protection of life and property in response to COVID-19, including, but not limited to:

- Any action necessary for the protection of life and property, including, but not limited to, establishing regulations governing conduct related to the cause of the public health emergency.
- Any order to exercise such powers and functions in light of the exigencies of this public health emergency, including, but not limited to, the waiving of compliance with any time-consuming procedures and formalities, including notices, as may be prescribed by law pertaining thereto.
- Any and all other orders or undertake such other functions and activities as the City Manager reasonably believes is required under the circumstances to protect the health, safety, welfare of persons or property within the City of Englewood, or to otherwise preserve the public peace or abate, clean up, or mitigate the effects of the public health emergency.

Pursuant to Ordinance 10, Series of 2020, Section 9, [i]f any provision of this Emergency Order conflicts with the City Charter, the City Charter shall control. If any provision of this Order conflicts with any provision of the City of Englewood Municipal Code, or any provision of the City Council’s Procedures and Rules of Order, this Emergency Order shall control.

**NOW THEREFORE, I, J. Shawn Lewis, City Manager of the City of Englewood, Colorado, hereby orders a temporary waiver of Englewood Municipal Code 5-3C-3(A), Unlawful to Possess Open Container of Intoxicating Liquor in Public, in conformance with the following regulations and restrictions:**

The consumption of alcohol beverage is temporarily permitted on the below described designated public rights of way so long as, and only so long as, such alcohol beverage has been purchased in a manner authorized by State law and as described below, and is being consumed by persons legally permitted by applicable state law to consume alcoholic beverage, all in accordance with Executive Order D 2020 093(II)(Q), June 5, 2020.

Designated public rights of way (i.e. Designated Zone) for the temporary public consumption of alcohol pursuant to this Emergency Order:

Beginning at the intersection of West Eastman Avenue and South Broadway, then South on South Broadway to East Girard Avenue, then East on East Girard Avenue to the South Lincoln Street Alley, then South along the South Lincoln Street Alley to East Hampden Avenue, then West to South Broadway, then South on South Broadway to the on-ramp from South Broadway to Westbound Highway 285, then Northwest along Westbound Highway 285 to a point of intersection along a line extending from W. Hampden Avenue to the seating area on the West side of the Little Dry Creek Plaza pond, then East along said line to the South Acoma Street alley, then North along the South Acoma Street alley to East Girard Avenue, then East to South Broadway, then North along South Broadway to South Floyd Avenue, then West on South Floyd Avenue to South Acoma Street, then North on South Acoma Street to West Eastman Avenue, then East on West Eastman Avenue to the point of beginning.

Such designated zone does not include the following properties:

Any Private or Business Parking lots.

Limitations and restrictions:

- Alcohol drinks must be purchased from licensed establishments located within the Designated Zone.
- Alcohol beverages shall be in a cup or other container closed securely with a lid taped securely to the cup or other container. A plastic lid complies with this regulation so long as any holes in the lid are sealed securely with tape, no straw is inserted through the lid, and the contents of the cup or other container shall be affixed with a label containing a warning statement, with a minimum fourteen (14) font size, stating as follows: "WARNING: DO NOT OPEN OR REMOVE SEAL WHILE IN TRANSIT". Purchasers are subject to state and local laws prohibiting drinking or possessing open containers of alcoholic beverages in motor vehicles, including section 42-4-1305, C.R.S.
- All alcohol beverages sold by a retailer through delivery or takeout pursuant to this regulation and any authorizing executive order(s) shall be sold with food, such as meals and/or sandwiches and light snacks. Both food and alcohol beverages sold for take-out or delivery must be reflected on the same receipt or transaction.
- Alcohol drinks may not be brought into/back into any establishment after they have been removed from the establishment where purchased.
- Alcohol beverage purchased outside the Designated Zone may not be carried into or consumed within the Designated Zone.
- The consumption of alcohol shall not be allowed in any other City Park, Greenbelt or Open Space Area unless specifically addressed in this Order.
- Hours of public consumption allowed within Designated Zone:
  - Sunday – Thursday 12pm - 9pm
  - Friday-Saturday 12pm – 11pm

AUTHORITY. This Emergency Order is issued pursuant to Ordinance 10, Series of 2020, Section 5(n) authorizing the City Manager to limit the use of any City-owned building, facility, or property as to time, manner, and permitted activities, including, but not limited to, limiting the permissible number of people that may lawfully occupy such building, facility, or property at any one time, and Section 5 (p), authorizing the City Manager to exercise such powers and functions in light of the exigencies of this public health emergency, including, but not limited to, the waiving of compliance with any time-consuming procedures and formalities, including notices, as may be prescribed by law pertaining thereto.

GIVEN under my hand and seal this 12th day of June, 2020

  
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J. Shawn Lewis, City Manager