



Town of New Castle
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Memorandum

To: Mayor Riddile and Town Council

From: Melody Harrison, Town Clerk

Subject: Ordinance TC 2022-11

Date: 9.20.22

Purpose:

The purpose of this agenda item is to consider Ordinance TC 2022-11 which repeals Emergency Ordinance TC 2020-5.

In early 2020 the COVID-19 pandemic began, and in an effort to support the economic welfare of local restaurant owners and to promote the general health and welfare of the citizens of the Town by encouraging outdoor activity, the Town Council passed an ordinance to allow for consumption of alcohol on public property without prior authorization from Town Council. Restaurant patrons then could take their carry-out food and more specifically, alcoholic beverages, to a downtown park for consumption.

The ordinance allowed for this public consumption to continue until such time that the Town Council amended or revoked the same by resolution.

At the September 6, 2022, council meeting, the council and staff had a discussion about the emergency ordinance and determined that it was no longer needed because restaurants were back open to full serving capacity. In addition, the council felt that since very few of the downtown restaurants were offering carry-out alcohol, and only one restaurants had the required permitting for carry-out alcohol, that it was no longer something the restaurants needed or used.

TOWN OF NEW CASTLE, COLORADO
ORDINANCE NO. TC 2022-11

AN ORDINANCE OF THE NEW CASTLE TOWN COUNCIL
REPEALING EMERGENCY ORDINANCE NO. TC 2020-5.

WHEREAS, the Town of New Castle (the “Town”) is a home-rule municipality duly organized and existing under and pursuant to Article XX of the Colorado Constitution and the New Castle Home Rule Charter; and

WHEREAS, in response to the coronavirus (“COVID-19”) pandemic, the State of Colorado declared a statewide state of emergency and enacted certain public accommodation limitations beginning in April 2020; and

WHEREAS, to support the economic welfare of local restaurant owners and to promote the general health and welfare of citizens of the Town by encouraging outdoor activity, by Ordinance No. TC 2020-5, the Town Council amended the New Castle Municipal Code (the “Code”) to allow for consumption of alcohol on public property with prior authorization from Town Council; and

WHEREAS, by July 2021, Colorado lifted healthy emergency orders that had been in effect since COVID-19 arrived in the state, including public accommodation restrictions and mask mandates; and

WHEREAS, Town Council finds that the amendments to the Code enacted by Ordinance No. TC 2020-5 supported the local economic welfare over the last two years but is no longer necessary for this purpose; and

WHEREAS, Town Council finds it is in the best interests of the Town and its residents to repeal Ordinance No. TC 2020-5.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF NEW CASTLE, COLORADO:

1. Recitals. Town Council incorporates the foregoing recitals as findings by the Town Council.
2. Repeal. Town Council hereby repeals Ordinance No. 2020-5, including the authorization for consumption and possession of alcoholic and fermented malt beverages in (a) Ritter Plaza; (b) the two pocket parks located adjacent to Town Hall at 450 W. Main Street; (c) Burning Mountain Park; and (d) that portion of 5th Street south of Main Street that is between Main Street and the alleyway adjacent to the railroad tracks.
3. Code Amendment. Sections 9.28.010 and 12.20.080(D) of the Town Municipal Code are amended as set forth below, with added language in **bold** and underlined and removed language ~~stricken~~:

9.28.010 Possession of open alcoholic or fermented malt beverage container prohibited.

...

~~B. The prohibition set forth in Section 9.28.010(A) with respect to public streets, highways, alleys, sidewalks, parks, elementary or secondary school buildings or grounds, or other publicly owned property located within the Town limits, or parking areas open to the public, shall not apply in the event that Town Council has authorized by resolution the consumption, possession, or sale of alcoholic or fermented malt beverages. The scope and extent of the authorized consumption, possession, or sale shall be as set forth in any such resolution adopted from time to time.~~

12.20.080 – Prohibited Items.

...

~~D. Open containers containing any alcoholic or fermented malt beverage unless a permit has been issued or Town Council has authorized by resolution the consumption, possession, or sale of alcoholic or fermented malt beverages in parks or other public places.~~

4. Severability. Each section of this Ordinance is an independent section, and a holding of any section or part thereof to be unconstitutional, void, or ineffective for any cause shall not be deemed to affect the validity or constitutionality of any other section or part thereof, and the remainder of this Ordinance shall continue in full force and effect.

INTRODUCED on September 20, 2022, at which time copies were available to the Council and to those persons in attendance at the meeting, read by title, passed on first reading, and ordered published in full and posted in at least two public places within the Town as required by the Charter.

INTRODUCED a second time at a regular meeting of the Council of the Town of New Castle, Colorado on October 4, 2022, read by title and number, passed without amendment, approved, and ordered published as required by the Charter

TOWN COUNCIL OF THE TOWN OF
NEW CASTLE, COLORADO

By: _____
Art Riddile, Mayor

ATTEST:

Melody Harrison, Town Clerk