

RESOLUTION NO. 14

Series 2020

A RESOLUTION CONCERNING THE TEMPORARY CLOSURE OF PORTIONS OF NORTH MAIN STREET AND SOUTH MAIN STREET

WHEREAS, North Main Street and South Main Street are public streets owned, operated, and maintained by the Town of Breckenridge; and

WHEREAS, Section 42-4-106(6)(b), C.R.S., provides that the Town may provide for the temporary closing to vehicular traffic of any portion of a highway (or public street) under the Town's jurisdiction during a specific period for the purposes of special local events or civic functions when in the opinion of the Town Council such temporary closing is necessary for the safety and protection of persons who are to use that portion of the highway during the temporary closure; and

WHEREAS, in connection with reopening of the downtown businesses related to the COVID-19 pandemic the Town Council wants to allow and encourage any business located on North Main Street or South Main Street that wants to offer food service in the street, or other downtown businesses on North Main Street or South Main Street as reasonably determined by the Town Manager, to temporarily use portions of the Town's North Main Street and South Main Street rights-of-way to re-open and operate their businesses if such business will operate in a manner that will allow for the provision of required physical distancing and other protocols that are necessary to provide the public health, safety, and welfare; and

WHEREAS, the Town Council finds and determines that such temporary use of certain portions of the Town's North Main Street and South Main Street rights-of-way is deemed to be a special local event or civic function within the meaning of Section 42-4-106(6)(b), C.R.S.; and

WHEREAS, the Town Council further finds and determines that the temporary closure of portions of the Town's North Main Street and South Main Street rights-of-way is necessary for the safety and protection of persons who are to use that portion of the highway during the temporary closure; and

WHEREAS, the Town Council further finds and determines that it should delegate to the Town Manager the authority to determine the dates, times, and portions of the Town's North Main Street and South Main Street rights-of-way to be closed pursuant to this resolution, together with the terms and conditions of the allowed use of such rights-of-way.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF BRECKENRIDGE, COLORADO:

Section 1. The Town Manager is authorized to temporarily close to vehicular traffic certain specified portions of the Town's North Main Street and South Main Street rights-of-way to permit the temporary use of the designated portions of such rights-of-way by businesses that want to offer food service in the street, or other downtown businesses, subject to the requirements of Section 4 of this resolution. Pedestrian traffic shall continue to be permitted on the Town's North Main Street and South Main Street rights-of-way to be closed pursuant to this resolution.

Section 2. The Town Manager is specifically authorized, from time to time, to determine the dates, times, and portions of the Town's North Main Street and South Main Street rights-of-way to be closed pursuant to this resolution.

Section 3. The Town Manager is further authorized to determine the terms and conditions under which the Town's North Main Street and South Main Street rights-of-way to be closed pursuant to this resolution may be used by businesses.

Section 4. No business shall be permitted to use the Town's North Main Street and South Main Street rights-of-way to be closed pursuant to this resolution without a written agreement with the Town properly executed by both the owner of the business and the Town Manager. Such agreement shall include, but shall not be limited to: (i) a requirement that prior to commencing use of the Town's rights-of-way the business shall provide to the Town Clerk proof of commercial general liability insurance with minimum combined single limits of not less than one million dollars (\$1,000,000.00); (ii) if alcoholic beverages will be served within the Town's right-of-way subject to the agreement the business must also provide proof of liquor liability insurance; and (3) the Town shall be named as an additional insured under the required

commercial general liability insurance policy. All required insurance shall remain in full force throughout the entirety of the time the business is using the Town's right-of-way.

Section 5. No business shall be permitted to use the Town's North Main Street and South Main Street rights-of-way to serve alcohol beverages without an appropriate modification of licensed premises approved by both the State of Colorado Liquor Licensing Authority and the Liquor and Marijuana Licensing Authority of the Town of Breckenridge.

Section 6. All resolutions, or parts thereof, inconsistent herewith are hereby repealed to the extent only of such inconsistency. This repealer shall not be construed to revive any such resolution, or part thereof, heretofore repealed.

Section 7. This resolution is effective upon adoption.

Section 8. This resolution shall be repealed upon the first to occur of: (i) the Mayor of the Town of Breckenridge declaring that the current public health emergency related to the coronavirus (COVID-19) no longer exists; or (ii) this resolution is formally repealed by the Town Council of the Town of Breckenridge.

RESOLUTION APPROVED AND ADOPTED this 26th day of May, 2020.

TOWN OF BRECKENRIDGE, a Colorado municipal corporation

By: _____/s/_____
Eric S. Mamula, Mayor

ATTEST:

_____/s/_____
Helen Cospolich, CMC,
Town Clerk

APPROVED IN FORM

_____/s/_____
Town Attorney Date