

**RESOLUTION NO. 20-05**

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF RIDGWAY, COLORADO, AMENDING ITS LOCAL DISASTER DECLARATION TO PROVIDE FOR THE ADMINISTRATIVE MODIFICATION OF LIQUOR LICENSED PREMISES AND THE ISSUANCE OF ENCROACHMENT LICENSES TO FACILITATE OUTDOOR DINING WITHIN THE TOWN'S RIGHTS-OF-WAY**

**WHEREAS**, the Town of Ridgway ("Ridgway") is a home-rule municipality organized under Article XX of the Colorado Constitution and with the authority of the Ridgway Home Rule Charter (the "Charter"); and

**WHEREAS**, the Town Manager issued an Order Declaring a Local Disaster (the "Order") on March 17, 2020; and

**WHEREAS**, the Order was issued pursuant to the authority granted to the Town Manager, and issued with the approval and support of the Mayor for the Town; and

**WHEREAS**, on March 20, 2020, the Town Council extended the Declaration of a Local Disaster to May 14, 2020, and on May 13, 2020, the Town Council extended the Declaration of a Local Disaster to June 11, 2020; and

**WHEREAS**, pursuant to Section 10-4 of the Ridgway Municipal Code, the Liquor Licensing Authority for the Town is the Town Council, and the Town Clerk is vested with the authority to assist the Liquor Licensing Authority by receiving all applications and exercising discretion in forwarding matters to the Liquor Licensing Authority; and

**WHEREAS**, pursuant to Section 14-5 of the Ridgway Municipal Code, the Town may authorize encroachment over or upon the public right-of-way by the issuance of an encroachment permit; and

**WHEREAS**, on May 15, 2020, due to public health concerns raised by the presence of COVID-19 in the state, the Liquor Enforcement Division for the State of Colorado issued Emergency Regulation 47-302 in Bulletin 20.07 ("Emergency Regulation 47-302") establishing procedures for a licensee seeking to temporarily modify the licensed premises, including into outdoor areas contiguous or adjacent to the existing licensed premises; and

**WHEREAS**, pursuant to Emergency Regulation 47-302, a licensee must seek permission of the relevant Local Licensing Authority in addition to the State Licensing Authority to temporarily modify its licensed premises to facilitate social distancing by employees and customers; and

**WHEREAS**, in order to facilitate the business of licensees and be consistent with Emergency Regulation 47-302, the Ridgway Town Council wishes to authorize administrative review and approval of modifications to licensed premises; and

**WHEREAS**, in order to facilitate the business needs during periods of mandated or recommended social distancing related to or in response to the COVID-19 pandemic, the Ridgway Town Council wishes to authorize administrative review and approval of permits to encroach in the Town's rights-of-way; and

**WHEREAS**, the Ridgway Town Council finds and declares that it is in the best interests of the health, welfare, and safety of the residents of the Town of Ridgway to permit administrative review and approval of liquor licensed premises modifications and permits to encroach in the Town's rights-of-way to accommodate business during the local disaster emergency and mandatory social distancing.

**NOW, THEREFORE, BE IT RESOLVED** by the Town Council of the Town of Ridgway, Colorado:

Section 1. The above recitals are hereby incorporated as findings by the Town of Ridgway.

Section 2. The Order Declaring a Local Disaster in a for the Town of Ridgway is hereby amended to provide the following:

A. The Town Clerk is authorized to administratively review and approve modifications of premises licensed pursuant to Section 10-4 of the Ridgway Municipal Code, in accordance with Emergency Regulation 47-302.

B. The Town Manager is authorized to administratively review and approve temporary permits to encroach upon the Town's rights-of-way in order to facilitate expansion of outdoor seating areas for dining, in accordance with Colorado Department of Public Health and Environment social distancing requirements.

Section 3. Notwithstanding the foregoing, nothing herein shall excuse a licensee from complying with applicable provisions of Section 10-4 of the Ridgway Municipal Code or under state law, Sections 44-3-101 *et seq.* and 44-4-101 *et seq.*, C.R.S, or other conditions of the license.

Section 4. This Resolution shall stay in effect until termination of the Town's emergency declaration.

ADOPTED AND APPROVED this 27<sup>th</sup> day of May, 2020.

**TOWN OF RIDGWAY, COLORADO**

By

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John Clark, Mayor

ATTEST:

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Pam Kraft, Town Clerk