

TOWN OF MONUMENT

RESOLUTION NO. 20-2020

**A RESOLUTION AMENDING THE TOWN’S LOCAL DISASTER
DECLARATION TO PROVIDE FOR ADMINISTRATIVE APPROVAL OF
REQUESTS BY TOWN BUSINESSES TO TEMPORARILY PERMIT OUTDOOR
DINING AND RETAIL SPACES AND TO AUTHORIZE OTHER CERTAIN
RELATED ACTIONS AS NEEDED**

WHEREAS, the Town of Monument (Town) is a Colorado statutory municipality governed by its elected Board of Trustees (Board);

WHEREAS, C.R.S. § 31-15-401 (1) (b) conveys to the Board the authority to do all acts and make all regulations which may be necessary or expedient for the promotion of health or the suppression of disease;

WHEREAS, C.R.S. § 31-15-702 conveys to the Board broad authority over the regulation and use of the Town’s rights-of-way and sidewalks;

WHEREAS, on March 11, 2020 Jared Polis, the Governor of the State of Colorado, declared a statewide state of emergency in response to the COVID-19 (coronavirus) pandemic;

WHEREAS, on March 13, 2020, President Donald Trump declared a National Emergency in response to the COVID-19 pandemic;

WHEREAS, on March 14, 2020, pursuant to C.R.S. § 24-33.5-709 (1), El Paso County announced a Local Disaster Emergency in response to the COVID-19 pandemic;

WHEREAS, on March 23, 2020, pursuant to C.R.S. § 24-33.5-701, *et. seq.*, the Board announced a Local Disaster Emergency in response to the COVID-19 pandemic;

WHEREAS, on May 23, 2020, the Colorado Department of Public Health and Environment (CDPHE) granted El Paso County’s request for a variance from portions of Executive Order D 20 044 Safer at Home and Public Health Order D 20-28 Safer at Home and, thereby, permitted a limited opening of the Town’s restaurants for on-premises dining service;

WHEREAS, on May 15, 2020, the Liquor Enforcement Division for the State of Colorado issued Emergency Regulation 47-302 in Bulletin 20-07 (“Emergency Regulation 47-302”) establishing procedures to permit holders of specific on-premise liquor licenses to temporarily expand their licensed premises into contiguous or adjacent sidewalks, streets, parking lots, and other public and private spaces to facilitate social

distancing measures while being able to operate productive and economically sustainable businesses;

WHEREAS, Chapter 5.38 of the Town Code established the Board as the local liquor licensing authority;

WHEREAS, Chapter 12.36 of the Town Code permits the Town Manager, or designee, to authorize encroachment over or upon the public right-of-way by the issuance of a revocable permit, short-term lease, or easement.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE TOWN OF MONUMENT, COLORADO THAT:

Section 1. The Board incorporates the foregoing recitals as its conclusions, facts, determinations and findings.

Section 2. As an amendment to the Town’s declaration of emergency, the below Town staff are authorized to take the following actions upon a finding that such action is necessary to protect the public health, safety and welfare.

- a. To expedite the review of requests by Town businesses to temporarily modify the area where it may serve liquor, the Board delegates to and authorizes the Town Clerk to review and, if appropriate and otherwise in accordance with the applicable state orders, approve such requests on behalf of the Board; and
- b. To the extent that a Town business’ request for outdoor dining or outdoor sales contemplates the temporary use of the Town’s rights-of-way, sidewalks, and/or other public places, if appropriate and otherwise in accordance with the applicable state orders, the Board authorizes the Town Manager, or the public works director, to grant the necessary approvals to and/or enter into short-term lease, or like agreement, with the Town business, so long as the Town business obtains additional insurance, names the Town as an insured party, and otherwise takes all reasonable steps necessary to protect the Town from all potential liability resulting from the Town business’ use of the Town’s rights-of-way, sidewalks, and/or public places; and
- c. To the extent that a Town business’ request for outdoor dining or outdoor sales conflicts with the Town’s parking requirements, zoning restrictions or other applicable regulation, if appropriate and otherwise in accordance with the applicable state orders, the Board conveys to the Town Manager the discretion to temporarily suspend same.

Section 2. Effective Date.

This Resolution shall become effective upon adoption. All temporary modifications, permits, and other approvals granted pursuant to this **Resolution No. 20-2020** shall expire at midnight on September 24, 2020, unless it is earlier terminated or extended.

PASSED AND RESOLVED by the Board of Trustees of the Town of Monument, Colorado, this 27th day of May 2020 by a vote of ___ for and ___ against.

TOWN OF MONUMENT

Don Wilson, Mayor

ATTEST:

Laura Hogan, Town Clerk, CMC