

**CITY OF RIFLE, COLORADO**  
**RESOLUTION NO. 10**  
**SERIES OF 2020**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIFLE,  
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 CITY'S  
RIGHTS-OF-WAY.

WHEREAS, the City of Rifle (“City” or “Rifle”) is a home-rule municipality organized under Article XX of the Colorado Constitution and with the authority of the Rifle Home Rule Charter (the “Charter”); and

WHEREAS, by Resolution No. 7, Series of 2020, the Rifle City Council declared a local disaster emergency on March 18, 2020 pursuant to Section 24-33.5-709, C.R.S.; and

WHEREAS, pursuant to Section 6-5-30 of the Rifle Municipal Code, the Liquor Licensing Authority for the City is the City Council, and the City 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 11-2-20 of the Rifle Municipal Code, the City Manager 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 Rifle City 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 social distancing, the Rifle City Council wishes to authorize administrative review and approval of permits to encroach in the City's rights-of-way; and

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

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RIFLE THAT:

Section 1. The above recitals are hereby incorporated as findings by the City of Rifle.

Section 2. Resolution No. 7, Series 2020 is hereby amended to provide the following:

A. The City Manager is authorized to administratively review and approve modifications of premises licensed pursuant to City of Rifle Municipal Code Chapter 6, Article V, in accordance with Emergency Regulation 47-302.

B. The City Manager is authorized to administratively review and approve temporary permits to encroach upon the City'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 Article V of Chapter 6 of the Rifle 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 City's emergency declaration.

THIS RESOLUTION was read, passed, and adopted by the Rifle City Council at a regular meeting held this 20<sup>th</sup> day of May 2020.

CITY OF RIFLE, COLORADO

By \_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk