

**TOWN OF SILT
ORDINANCE NO. 13
SERIES OF 2020**

**AN EMERGENCY ORDINANCE AMENDING THE APPROVAL PROCESS FOR
AN APPLICATION REQUESTING A CHANGE OF LOCATION OF PREMISES
UNDER AN EXISTING LIQUOR LICENSE FOR USE DURING A LOCAL
EMERGENCY DECLARATION**

WHEREAS, the Governor of the State of Colorado declared a statewide emergency regarding the occurrence or imminent threat of widespread or severe damage, injury or loss of life or property resulting from the COVID-19 pandemic on March 10, 2020; and

WHEREAS, Garfield County and the Town of Silt (“Silt” or the “Town”) declared a state of emergency for their respective jurisdictions; and

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

WHEREAS, Section 1-12(a) of the Town’s Home Rule Charter grants authority to the Board of Trustees to enact emergency ordinances in the event of an emergency that requires an immediate action for the preservation of the public peace, health, and safety by the affirmative vote of every member of the Board present or by affirmative votes equal to a quorum plus 1, whichever is less; and

WHEREAS, pursuant to Section 5.25.020 of the Silt Municipal Code, the Town Board is the local liquor licensing authority; and

WHEREAS, pursuant to Section 5.25.030 of the Municipal Code, the Town Clerk currently serves as the official secretary of the liquor licensing authority, attends the meetings of the authority, and assists the authority in receiving applications, coordinating with officers and departments when relevant and exercising her discretion in forwarding applications and permits to the liquor licensing authority as appropriate; and

WHEREAS, pursuant to Section 5.25.070 of the Municipal Code, applications for a change of location of premises under an existing liquor license are granted or denied by the liquor licensing authority after a hearing; and

WHEREAS, the Colorado Department of Revenue has adopted Emergency Regulation 47-302(F) to allow establishments with on-premises liquor licenses to apply for a temporary modification of premises to expand their licensed premises into sidewalks, streets and parking lots to increase social distancing measures while being able to operate a productive and economically sustainable business; and

WHEREAS, to stimulate the recovery of businesses in the Town while preserving public health, safety and welfare of the residents of the Town of Silt during the COVID-19 pandemic, the Board of Trustees desires to enact this emergency ordinance to temporarily delegate authority to the Town Clerk to review and approve, without a hearing, liquor license applications for a temporary change of location of premises to allow or extend outdoor seating of existing on-premises liquor license establishments; and

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF SILT, COLORADO, THE FOLLOWING:

Section 1. Findings and Intent. The above and foregoing recitals are incorporated herein by reference and adopted as findings and determinations of the Town Board of the Town of Silt.

Section 2. Grant of Authority to Town Clerk. The Board of Trustees of the Town of Silt hereby grants temporary authority to the Town Clerk to review and approve an application of an existing licensee for a change of location of premises to allow or extend outdoor seating. This authorization shall be effective immediately and shall continue through September 30, 2020 unless otherwise extended or modified.

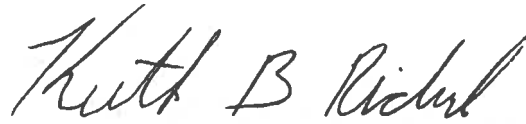
Section 3. Application for Temporary Change of Location of Premises. An application for a temporary change of location of premises must be submitted to the Town Clerk on state forms with required fees; a document from the owner of the premises confirming the licensee has permission to use the premises (use of Town property requires a license from the Town); and diagrams showing the premises before the change and after the change. The diagram showing the premises after the requested change of location must depict how the applicant intends to contain the expanded area to ensure alcohol remains within the expanded area as required by applicable liquor laws and regulations. The temporary change of location of premises, if approved, shall remain in effect through September 30, 2020 and shall automatically expire effective October 1, 2020.

Section 4. Emergency Declared; Effective Date; Expiration. Pursuant to Section 1-12 of the Town Charter, the Board finds, determines and declares that passage

of this Ordinance is necessary for the immediate preservation of the public peace, health and safety. Once bars and restaurants are allowed to reopen, the temporary measures herein will permit establishments with on-premises liquor licenses to resume operations while maintaining social distancing measures through an expedited administrative procedure. The Board of Trustees further determines that the adoption of this Ordinance as an emergency ordinance is in the best interest of the citizens of the Town. Pursuant to Section 1-12, this Ordinance shall be effective upon adoption. The measures adopted by this Ordinance shall expire effective October 1, 2020, unless repealed prior to that date.

INTRODUCED, READ, PASSED, AND APPROVED ON FIRST READING this 22nd day of May, 2020.

TOWN OF SILT, COLORADO



Mayor Keith B. Richel

ATTEST:


Town Clerk Sheila M. McIntyre, CMC