

RESOLUTION

RESOLUTION NO. **20**

INTRODUCED BY COUNCILLORS

SERIES OF 2020

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**A RESOLUTION CONFIRMING THE CITY MANAGER’S MAY 27, 2020 EMERGENCY RESPONSE DIRECTIVE APPROVING A TEMPORARY EXPANDED AREA FOOD AND BEVERAGES SERVICE PROGRAM AND ASSOCIATED MODIFICATIONS TO THE LIQUOR LICENSE REGULATIONS**

WHEREAS, there is a current and ongoing public health threat in the form of Coronavirus disease 2019 (“COVID-19”); and

WHEREAS, on March 12, 2020, pursuant to the authority of the Mayor of the City of Westminster (“City”) under Section 1-32-6 of the Westminster Municipal Code (“W.M.C.”), a declaration of emergency was issued concerning COVID-19; and

WHEREAS, on March 16, 2020, City Council ratified and endorsed the declaration of emergency; and

WHEREAS, pursuant to the Governor’s directive in Executive Order D 2020 044 Safer at Home, extended by Executive Order D 2020 079 (“Executive Order”), the Colorado Department of Public Health & Environment issued its Fourth Amended Public Health Order 20-28 Safer At Home (“Public Health Order”) that, effective May 27, 2020, allows restaurants to open in-person dining in a limited manner and allows for the expansion of restaurants to existing, licensed outdoor space for limited in-person dining, with the approval of the local government’s permitting, building, and fire code oversight for any new outdoor dining space prior to use; and

WHEREAS, in accordance with the Executive Order and Public Health Order, the City desires to create a temporary program to allow restaurants and bars to expand into designated outdoor areas adjacent to their businesses, such as parking lots, streets, and sidewalks (“Program”); and

WHEREAS, pursuant to the emergency response powers outlined in Section 1-32-7, W.M.C., subsequent to issuance of the City’s declaration of emergency, the City Manager may promulgate such regulations he deems necessary to protect life and property and preserve critical resources and may exercise any and all powers permitted by State law, which includes the power to approve certain modifications to the W.M.C. relative to the liquor regulations and authorize the Program; and

WHEREAS, the City Council shall confirm any modified regulations or procedures at the next available practical time pursuant to Section 1-32-7 W.M.C.; and

WHEREAS, the City Manager issued an Emergency Response Directive on May 27, 2020 which is now before Council for confirmation.

NOW, THEREFORE, be it resolved by the City Council of the City of Westminster that it confirms the May 27, 2020 Emergency Response Directive, which includes:

1. Modifying the following sections of the W.M.C.:
  - Section 5-14-9 Changing, Altering or Modifying Licensed Premises

Section (B)(1) shall be modified to allow temporary modifications of licensed premises pursuant to Colorado Liquor Enforcement Division Bulletin 20-07. All fees referenced in Section 5-14-5, W.M.C. shall be waived for a temporary modification of licensed premises under a temporary modification.

Nothing in this modification shall prohibit or alter a licensee from pursuing a permanent modification in which case the standard municipal code sections shall apply.

Section (B)(2) shall be modified to allow the City Clerk to administratively process all temporary modification of licensed premises pursuant to this emergency order regardless of determination of substantial changes to the current licensed premise boundaries.

- Section 5-14-7 License Denial, Suspension or Revocation

Any temporary modification of licensed premises shall be subject to revocation or suspension for cause as may be determined by the Special Permit and License Board for health or safety risks in addition to the standards listed in Section 5-14-7. A licensee shall have the same ability to appeal such revocation or suspension as outlined in 5-14-7. A revocation or suspension of a temporary modification of licensed premises shall not affect the overall license unless a separate hearing is held pursuant to 5-14-7 regarding the license itself; and

2. The creation and implementation of the Program by City staff, without further approval, which may include new regulations and/or suspension or amendment of existing W.M.C. provisions when strict adherence would in any way prevent, hinder, or delay necessary action in coping with the emergency or implementing the Program.

PASSED AND ADOPTED this 1<sup>st</sup> day of June, 2020.

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Mayor

ATTEST:

APPROVED AS TO LEGAL FORM:

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

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City Attorney