

**TOWN OF CARBONDALE, COLORADO
RESOLUTION NO. 8
SERIES OF 2020**

A RESOLUTION OF THE TOWN OF CARBONDALE, COLORADO,
AMENDING ITS LOCAL DISASTER DECLARATION TO PROVIDE FOR
THE ADMINISTRATIVE MODIFICATION OF LIQUOR LICENSED
PREMISES AND THE ISSUANCE OF ADDITIONAL OR AMENDED
REVOCABLE ENCROACHMENT LICENSES TO FACILITATE OUTDOOR
DINING AND RETAIL SPACES FOR LOCAL BUSINESSES WITHIN THE
TOWN'S RIGHTS-OF-WAY.

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

WHEREAS, by adoption of Resolution No. 6, Series of 2020 and a Declaration of Local Disaster Emergency on March 17, 2020, the Town has declared a local disaster emergency pursuant to Section 24-33.5-709, C.R.S.; and

WHEREAS, pursuant to Section 6-1-80 of the Carbondale Municipal Code, the Liquor Licensing Authority for the City is the Board of Trustees, 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 Resolution No. 5, Series of 2014, the Board of Trustees has previously established policies for curbside outdoor dining between May 1 and October 15 of each year, and for dining establishments to have the opportunity to enter into revocable license agreements for purposes of temporary occupation and use of portions of the Town's Main Street right-of-way for this purpose;

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 Board of Trustees 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 Board of Trustees also wishes to authorize administrative review and approval of additional or revised revocable license agreements with both retail and dining establishments to encroach in the Town's rights-of-way; and

WHEREAS, the Board of Trustees finds and declares that it is in the best interests of the health, welfare, and safety of the residents of the Town of Carbondale to permit administrative review and approval of liquor licensed premises modifications and revocable license agreements to encroach in the Town's rights-of-way to facilitate additional social distancing opportunities and use of outdoor spaces for local businesses during the local disaster emergency.

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

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

Section 2. Resolution No. 6, Series of 2020, is hereby amended to provide the following:

A. The Town Clerk is authorized to administratively review and approve modifications of premises licensed pursuant to Carbondale Municipal Code Chapter 6, Article 1, in accordance with Emergency Regulation 47-302.

B. The Town Manager is authorized to administratively review and approve new or amended Revocable License Agreements, in the form and subject to the revised policy attached hereto as Exhibit A, to allow private encroachments upon the Town's rights-of-way in order to facilitate expansion of outdoor seating areas for dining, and outdoor sales areas for retail businesses, in accordance with all applicable social distancing policies and requirements enacted by the Town of Carbondale, Garfield County Public Health, or the Colorado Department of Public Health and Environment, as applicable. The term of Revocable License Agreements may commence on May 1 and extent until October 15 or such later date as the Public Works Director determines to commence preparation of streets for winter operations.

Section 3. Notwithstanding the foregoing, nothing herein shall excuse a licensee from complying with applicable provisions of Article 1 of Chapter 6 of the Carbondale 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, provided that all Revocable License Agreements issued or amended by the Town pursuant to this Resolution may remain in effect until October 15, 2020, for such later date as the Public Works Director may determine to commence preparation of streets for winter operationsweather, if not terminated prior.

THIS RESOLUTION was read, passed, and adopted by the Board of Trustees of the Town of Carbondale at a regular meeting held on May 26, 2020.

TOWN OF CARBONDALE, COLORADO

By:


Dan Richardson, Mayor

ATTEST:


Town Clerk

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