

**TOWN OF SILT
ORDINANCE NO. 16
SERIES OF 2020**

**AN EMERGENCY ORDINANCE EXTENDING THE AMENDED 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 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 enacted Ordinance No. 13, Series of 2020, 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

WHEREAS, Ordinance No. 13 expires effective October 1, 2020, and the Board of Trustees desires to extend Ordinance No. 13 for an additional year or until the Colorado Department of Revenue no longer allows on-premises liquor licensed businesses to apply for temporary modifications with their local licensing authority, whichever occurs first.

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 authority granted 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 is extended through September 30, 2021 or until the Colorado Department of Revenue no longer allows on-premises liquor licensed businesses to apply for temporary modifications, whichever event occurs first.

Section 3. Temporary Change of Location of Premises. Any temporary change of location of premises approved pursuant to Ordinance No. 13, as amended herein, shall remain in effect through September 30, 2021 or until the Colorado Department of Revenue no longer allows on-premises liquor licensed businesses to apply for temporary modifications, whichever event occurs first.

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. The temporary measures approved by Ordinance No. 13 and extended herein will permit establishments with on-premises liquor licenses to continue operations while meeting any capacity restrictions and 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, 2021, unless repealed prior to that date.

INTRODUCED, READ, PASSED, AND APPROVED ON this 28 day of September, 2020.

TOWN OF SILT, COLORADO


Mayor Keith B. Richel

ATTEST:


Town Clerk Sheila M. McIntyre, CMC

