

**TOWN OF PALISADE, COLORADO
RESOLUTION NO. 2020-12**

A RESOLUTION OF THE BOARD OF TRUSTEES OF THE TOWN OF PALISADE, 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 TOWN'S RIGHTS-OF-WAY.

WHEREAS, by Resolution No. 2020-07, the Board of Trustees declared a local disaster emergency on March 20, 2020 pursuant to Section 24-33.5-709, C.R.S.; and

WHEREAS, pursuant to Section 2-124 of the Palisade Municipal Code, the Liquor Licensing Authority for the Town 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 Section 31-15-401(b), C.R.S., the Town 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 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 wishes to authorize administrative review and approval of permits 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 Palisade to permit administrative review and approval of liquor licensed premises modifications and permits to encroach in the Town's rights-of-way to accommodate business during the local disaster emergency and mandatory social distancing.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES FOR THE TOWN OF PALISADE, COLORADO THAT:

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

Section 2. Resolution No. 2020-07 is hereby amended to provide the following:

A. The Town Manager is authorized to administratively review and approve modifications of premises licensed pursuant to the Palisade Municipal Code Chapter 2, Article V, in accordance with Emergency Regulation 47-302.


B. The Town Manager is authorized to administratively review and approve temporary permits to encroach upon the Town'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 2 of the Palisade 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.

RESOLVED, APPROVED, AND ADOPTED this 26th day of May 2020.

TOWN OF PALISADE, COLORADO

By: 
Greg Mikolai, Mayor

ATTEST:


Town Clerk

