

RESOLUTION NO. 2020 – 20

A RESOLUTION OF THE SALIDA CITY COUNCIL AMENDING THE DECLARATION OF LOCAL STATE OF EMERGENCY TO PROVIDE FOR THE ADMINISTRATIVE FACILITATION OF OUTDOOR DINING AND RETAIL SPACES WITHIN THE CITY’S RIGHTS-OF-WAY AND PUBLIC PLACES, AND TO AUTHORIZE OTHER CERTAIN ACTIONS AS NEEDED

WHEREAS, the City of Salida, Colorado (“City”) is a statutory city, duly organized and existing under the laws of the state of Colorado; and

WHEREAS, pursuant to C.R.S. § 31-15-401, the City by and through its City Council (“Council”), possesses the authority to adopt laws and ordinances within its police power in furtherance of the public health, safety and welfare; and

WHEREAS, on March 13, 2020, pursuant to Salida Municipal Code section 2-17-10, the City of Salida declared a State of Emergency via proclamation, and on May 5th, the City of Salida extended that local state of emergency; and

WHEREAS, section 2-17-20 of the Salida Municipal Code states that proclamation of local state of emergency “may contain such other regulations as the Mayor deems necessary and proper to the maintenance of public peace, order and safety;” 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; and

WHEREAS, in order to facilitate the business of licensees and the business needs of all retailers during periods of mandated social distancing, the Salida City Council wishes to authorize administrative review and approval temporary outdoor expansion applications and revocable licenses encroach in the City’s rights-of-way and public places; and

WHEREAS, the Salida City Council finds and declares that it is in the best interests of the health, welfare, and safety of Salida residents, businesses and customers to permit administrative review and approval of temporary outdoor expansion applications and revocable licenses to encroach in the City’s rights-of-way to accommodate business during the local disaster emergency and mandatory social distancing, and authorizing other certain actions, as needed, during the local state of emergency.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SALIDA THAT:

Section 1. The Salida City Council incorporates the foregoing recitals as its conclusions, facts, determinations and findings.

Section 2. In association with the City's Declaration of Emergency, the Mayor and City Administrator are hereby further directed and each individually authorized to take each of the following actions upon a finding that such action is necessary to protect the public health, safety and welfare:

a. To administratively review and approve temporary outdoor expansion applications and revocable licenses to encroach upon the City's rights-of-way and public places in order to facilitate expansion of retailers and of outdoor seating areas for dining, in accordance with Colorado Department of Public Health and Environment social distancing requirements.

b. To expend funds, execute contracts, authorize the obtaining and acquisition of property, equipment, services, supplies and materials without the strict compliance with City purchasing procedures on the condition that every such action shall be presented to the City Council for ratification as soon as practical thereafter.

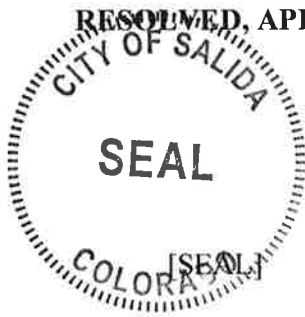
c. To direct the transfer or temporary reassignment of City personnel and resources for the purposes of performing or facilitating public health emergency services.

d. To utilize all available resources of the City as may be reasonably necessary to cope with this public health emergency whether in preparation for, response to, or recovery from this public health emergency.

e. To temporarily suspend parking requirements, zoning restrictions or other applicable regulations, in order to facilitate the temporary expansion of retailers, liquor licensees and dining establishments.

Section 3. This Resolution shall stay in effect until termination of the City's emergency declaration.

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



CITY OF SALIDA

By: _____

P.T. Wood, Mayor

ATTEST: _____

Erim Kelly
City Clerk/Deputy City Clerk