

RESOLUTION NO. 2022-14
(Series 2022)

**A RESOLUTION OF THE CITY COUNCIL FOR THE CITY OF SALIDA
REAUTHORIZING THE TEMPORARY CLOSURE OF A PORTION OF F STREET
AND PROVIDING FOR A REVISED PROCEDURE FOR LIQUOR LICENSEES TO
OBTAIN PROPER AUTHORIZATION FOR OUTDOOR EXPANSION**

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

WHEREAS, as part of an effort to mitigate the negative health effects of the COVID-19 pandemic and to support the local business community, the City previously closed the portion of F Street between Sackett Avenue and 2nd Street to allow for outdoor dining and retail spaces during the warmer months of 2020 and 2021;

WHEREAS, these previous closures of F Street were received positively by both residents of the City and members of the local business community alike;

WHEREAS, pursuant to C.R.S. § 31-15-401(1)(b), the governing body of each municipality has the power “[t]o do all acts and make all regulations which may be necessary or expedient for the promotion of health or the suppression of disease;”

WHEREAS, while case numbers fluctuate, the COVID-19 respiratory virus remains a prevalent public health concern and continuing to take action to mitigate its spread remains a prudent course of action for the City;

WHEREAS, allowing for additional outdoor dining and retail spaces will help mitigate the spread of COVID-19 by reducing the need for individuals to congregate in enclosed, indoor spaces;

WHEREAS, Section 10-7-30 of the Salida Municipal Code (the “Code”) generally prohibits the possession and consumption of alcoholic beverages in public places, but provides an exemption for places duly licensed for sale of alcoholic beverages;

WHEREAS, on September 28, 2021, the Colorado Liquor Enforcement Division (the “LED”) published Bulletin 21-05, which provides guidance regarding the service area premises extension options available to liquor licenses in municipalities which permit such an expansion;

WHEREAS, the LED’s COVID-19 temporary modification of premises option, initially permitted by emergency rules promulgated in response to the COVID-19 pandemic and previously utilized by the City to facilitate these expansions, expires on May 31, 2022;

WHEREAS, the LED’s guidance identifies a sidewalk service area, as authorized by Regulation 47-302(A)(4), 1 CCR 203-2, as a more permanent alternative to the expiring COVID-19 temporary expansion option;

WHEREAS, like the COVID-19 temporary expansion option, authorization from the LED for a sidewalk service area requires that the licensee have the right of possession for the space from the governing body of the municipality;

WHEREAS, the City will continue to utilize its temporary outdoor expansion application form and issue, in the City's discretion, revocable licenses for the use of public rights-of-way and public places to provide liquor licensees the legal right to use these spaces;

WHEREAS, pursuant to C.R.S. § 31-15-702(1)(a)(I), the governing body of each municipality has the power "[t]o lay out, establish, open, alter, widen, extend, grade, pave, or otherwise improve streets, parks, and public grounds and vacate the same and... to regulate the use of the same;"

WHEREAS, the "Requirements and Policies for Expanding Business Activity Parking Lots, Parking Spaces and Streets," previously adopted in conjunction with Resolution 2021-14, functioned effectively and applicable portions of said document ought to be continued with this closure of F Street; and

WHEREAS, the City Council finds it desirable and prudent, and in the best interest of the general health, safety, and welfare of its residents to reauthorize the temporary closure of a portion of F Street and to provide for a revised procedure for liquor licensees to obtain proper authorization for outdoor expansion.

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

Section 1. The foregoing recitals are hereby incorporated as conclusions, facts, determinations, and findings of the City Council.

Section 2. The City Council hereby reauthorizes the temporary closure of the streets, alleys, and sidewalks on F Street between Sackett Avenue and halfway between 2nd Street and 3rd Street, effective May 27, 2022 through September 7, 2022.

Section 3. City Council hereby adopts the updated "Requirements and Policies for Expanding Business Activity into Parking Lots, Parking Spaces and Streets," annexed hereto as **Exhibit A**.

Section 4. The City Administrator or his designee is hereby authorized to take any further action reasonably necessary or prudent to carry out the effect of this Resolution.

RESOLVED, APPROVED, AND ADOPTED this 19th of April, 2022.



City of Salida



Dan Shore, Mayor

ATTEST:



City Clerk/Deputy City Clerk