

**TOWN COUNCIL
TOWN OF GYPSUM, STATE OF COLORADO**

**RESOLUTION NO. 14
(SERIES 2020)**

**A RESOLUTION OF THE TOWN OF GYPSUM, COLORADO
PROVIDING FOR THE ADMINISTRATIVE MODIFICATION OF
LIQUOR LICENSED PREMISES**

WHEREAS, the Town of Gypsum, Colorado (“Town”), is a home rule municipality of the State of Colorado, duly organized and existing under Article XX of the Colorado Constitution and the Gypsum Home Rule Charter effective October 21, 1982; and

WHEREAS, on March 18, 2020 the Mayor of Gypsum made a Declaration of Local Disaster Emergency (the “Mayor’s Declaration”) pursuant to §24-33.5-709., C.R.S and the Town’s Home Rule Charter, Section 4.8.2.,f., which was continued by Ordinance No. 06 (Series 2020) on March 24, 2020; and

WHEREAS, the Town Council serves as the Liquor Licensing Authority; and

WHEREAS, the Town has authority over all public streets, sidewalks and roadways (the “Town Rights of Way”); 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(F) in Bulletin 20.07 (“Emergency Regulation 47-302(F)”) establishing procedures for a licensee to seek a temporarily modification to the licensed premises, including into outdoor areas contiguous or adjacent to the existing licensed premises; and

WHEREAS, pursuant to Emergency Regulation 47-302(F), a licensee must seek permission of both the relevant Local Licensing Authority and 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 social distancing of employees and customers, the Town Council wishes to authorize the administrative review and approval of modifications to licensed premises consistent with Emergency Regulation 47-302(F); and

WHEREAS, the Town Council finds and declares that implementation of Emergency Regulation 47-302(F) is in the best interests of residents and businesses in the Town of Gypsum.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF GYPSUM, COLORADO THAT:

1. Incorporation of Recitals. The above Recitals are hereby incorporated as findings by the Town Council.

2. Implementation of Emergency Regulation 47-302(F).

(a) The Town Clerk is authorized to administratively review and approve applications for temporary modifications to premises licensed pursuant to Title 19 of the Gypsum Municipal Code in order to promote social distancing of employees and customers on those premises, and in accordance with Emergency Regulation 47-302(F) and applicable public health orders and social distancing requirements.

(b) The Town Manager is authorized to develop parameters for licensed premises to temporarily encroach upon the Town Rights-of-Way in order to facilitate expansion of outdoor seating areas for dining. The Town Clerk shall not approve any application when a premises encroaches on the Town Rights-of-Way in violation of the parameters established by the Town Manager.

(c) Notwithstanding the foregoing, nothing herein shall excuse a licensee from complying with applicable provisions of Article 19 of the Gypsum Municipal Code or under state law, Sections 44-3-101 *et seq.* and 44-4-101 *et seq.*, C.R.S., or any other conditions of the license.

3. Effective Date. This Resolution shall become effective immediately upon adoption by the Town Council and shall stay in effect until expiration of Emergency Rule 47-302(F), or such earlier termination of the Resolution by the Town.

4. Severability. If any part, section, subsection, sentence, clause or phrase of this Resolution is for any reason held to be invalid, such invalidity shall not affect the validity of the remaining provisions.

INTRODUCED, READ, PASSED AND ADOPTED this 26th day of May, 2020, by the Town Council of the Town of Gypsum, Colorado by a vote of 6 in favor and 0 against.

TOWN OF GYPSUM

By: 
Steve Carver, Mayor

ATTEST:

By: 
Danette Schlegel, Town Clerk

