

**TOWN OF LYONS
COLORADO**

RESOLUTION NO. 2020-94

**A RESOLUTION OF THE TOWN OF LYONS, COLORADO AMENDING THE
TOWN'S LOCAL DISASTER DECLARATION TO PROVIDE FOR
ADMINISTRATIVE APPROVAL OF REQUESTS BY TOWN BUSINESSES TO
TEMPORARILY PERMIT OUTDOOR DINING AND RETAIL SPACES AND TO
AUTHORIZE OTHER CERTAIN RELATED ACTIONS AS NEEDED**

WHEREAS, the Town of Lyons (Town) is a Colorado statutory municipality governed by its elected Board of Trustees (Board);

WHEREAS, C.R.S. § 31-15-401 (1) (b) conveys to the Board the authority to do all acts and make all regulations which may be necessary or expedient for the promotion of health or the suppression of disease;

WHEREAS, C.R.S. § 31-15-702 conveys to the Board broad authority over the regulation and use of the Town's rights-of-way and sidewalks;

WHEREAS, on March 11, 2020 Jared Polis, the Governor of the State of Colorado, declared a statewide state of emergency in response to the COVID-19 (coronavirus) pandemic;

WHEREAS, on March 13, 2020, President Donald Trump declared a National Emergency in response to the COVID-19 pandemic;

WHEREAS, on March 13, 2020, pursuant to C.R.S. § 24-33.5-701, *et. seq.*, the Board of Trustees announced a Local Disaster Emergency in response to the COVID-19 pandemic;

WHEREAS, on May 25, 2020, Governor Polis issued an Executive Order D2020 079, permitted a limited opening of the Town's restaurants for on-premises dining service;

WHEREAS, on May 15, 2020, the Liquor Enforcement Division for the State of Colorado issued Emergency Regulation 47-302 in Bulletin 20-07 ("Emergency Regulation 47-302") establishing procedures to permit holders of specific on-premise liquor licenses to temporarily expand their licensed premises into contiguous or adjacent sidewalks, streets, parking lots, and other public and private spaces to facilitate social distancing measures while being able to operate productive and economically sustainable businesses;

WHEREAS, Section 6-2-10 of the Lyons Municipal Code established the Board as the local liquor licensing authority;

WHEREAS, the Town of Lyons has historically entered into Revocable License Agreements to authorize encroachment over or upon the public right-of-way by the issuance of a revocable permit, short-term lease, or easement.

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

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

Section 2. As an amendment to the Town's declaration of emergency, Town staff are authorized to take the following actions upon a finding that such action is necessary to protect the public health, safety and welfare.

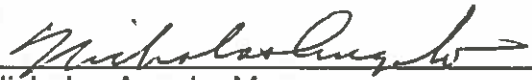
- a. To expedite the review of requests by Town businesses to temporarily modify the area where it may serve liquor, the Board delegates to and authorizes the Town Clerk to review and, if appropriate and otherwise in accordance with the applicable state orders, approve such requests on behalf of the Board; and
- b. To the extent that a Town business' request for outdoor dining or outdoor sales contemplates the temporary use of the Town's rights-of-way, sidewalks, and/or other public places, if appropriate and otherwise in accordance with the applicable state orders, the Board authorizes the Town Administrator, or their designee, to grant the necessary approvals to and/or enter into short-term lease, or like agreement, with the Town business, so long as the Town business obtains additional insurance, names the Town as an insured party, and otherwise takes all reasonable steps necessary to protect the Town from all potential liability resulting from the Town business' use of the Town's rights-of-way, sidewalks, and/or public places; and
- c. To the extent that a Town business' request for outdoor dining or outdoor sales conflicts with the Town's parking requirements, zoning restrictions or other applicable regulation, if appropriate and otherwise in accordance with the applicable state orders, the Board conveys to the Town Administrator the discretion to temporarily suspend same.

Section 2. Effective Date.

This Resolution shall become effective upon adoption. All temporary modifications, permits, and other approvals granted pursuant to this shall expire at midnight on June 15, 2020 unless it is earlier terminated or extended by resolution of the Board.


ADOPTED THIS 1ST DAY OF JUNE, 2020

TOWN OF LYONS



Nicholas Angelo, Mayor

ATTEST:



Dolores M. Vasquez, CMC, Town Clerk,

