



**City Clerk Emergency, Temporary Modification of Rule 21.00 (B) of the Liquor and Beer Rules and Regulations for the City of Colorado Springs**

May 27, 2020

Pursuant to the authority vested in the City Clerk of the City of Colorado Springs by City Code § 2.5.104 C, I, Sarah B. Johnson, hereby temporarily modify Rule 21.00 (B) of the Liquor and Beer Rules and Regulations for the City of Colorado Springs requiring a Hearing Officer, as the Local Licensing Authority, to make a decision with respect to any proposed expansion of the licensed premises, or any internal change, alteration or modification, which significantly or materially alters the usage of the licensed premises. All proposed expansion of the licensed premises, or any internal change, alteration or modification, which significantly or materially alters the usage of the licensed premises will be decided by the City Clerk in accordance with Governor Polis' Executive Order 2020 044 Safer at Home, as amended, the Liquor Enforcement Division of the Colorado Department of Revenue (LED) Bulletin 20-07, and LED Bulletin 20-08.

**I. Background and Purpose.**

On March 11, 2020, Governor Polis declared a disaster emergency and issued Executive Order D 2020 003, as amended by Executive Orders D 2020 018, D 2020 032, D 2020 058, and D 2020 076. On March 25, 2020, Governor Polis requested that the President of the United States declare a Major Disaster for the State of Colorado, pursuant to the Stafford Act. The President approved that request on March 28, 2020. Federal, State, and local authorities have taken an array of actions to mitigate the effects of the COVID-19 pandemic, prevent further spread, and protect against overwhelming healthcare resources.

The virus that causes COVID-19 is spread primarily by close contact between people and through respiratory droplets when an infected person coughs or sneezes. It may also be spread through contact with contaminated surfaces. Public health experts recommend we practice social distancing, or maintaining a physical distance of six (6) feet or more from other people, as a way to slow the spread of COVID-19.

On May 25, 2020, Governor Polis issued Executive Order D 2020 079, amending Executive Order D 2020 044 Safer at Home, which implemented a number of measures that will allow restaurants to reopen and maintain a sustainable level of social distancing. On May 15, 2020 the Colorado Department of Revenue Enforcement Division – Liquor and Tobacco (“LED”) issued LED Bulletin 20-07 authorizing on-premises liquor licensed business to apply for a temporary modification. The duration of the relaxed modification process provided under LED Bulletin 20-07 is 120 days. On May 22, 2020, the LED issued LED Bulletin 20-08 authorizing temporary modification of licensed premises applications to be directly filed with the State authority.

In response to the COVID-19 pandemic and for the foregoing reasons, the City Clerk temporarily modifies Rule 21.00 (B) of the Liquor and Beer Rules and Regulations for the City of Colorado Springs for the purpose of promoting public safety, supporting economic growth, and promoting the responsible sale and consumption of liquor and beer products, through the fair administration of liquor and beer laws.

**II. Temporary Emergency Modification of Rule 21.00 of the Liquor and Beer Rules and Regulations for the City of Colorado Springs (“Rule 21.00”).**

Applicable Liquor Licensed Businesses. The emergency, temporary modification of Rule 21.00 is available only to on-premises businesses such as Hotel and Restaurant; Brew pub; Distillery pub; Vintner’s Restaurant; Fermented Malt Beverage (FMB) on-premises; Tavern; Beer and Wine; Lodging and Entertainment; Optional premises license; Club license; Arts license; Breweries, Wineries and Distilleries with an approved sales room. This temporary modification of Rule 21.00 permits the City Clerk, as the Local Licensing Authority, to decide

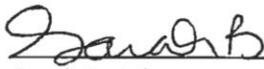
whether these on-premises licensees may temporarily expand their licensed premises into sidewalks, streets, and parking lots to increase social distancing measures while being able to operate a productive and economically sustainable business.

Process. Eligible on-premises liquor licensed businesses shall file a completed application for a temporary modification of their licensed premises with the City Clerk in accordance with LED Bulletins 20-07 and 20-08; and City Code § 2.5.203. The City Clerk will review the application and if the licensee demonstrates compliance with all requirements of existing federal, State, and local regulations, orders, and bulletins concerning the COVID-19 pandemic, then the City Clerk will issue the licensee a City and State approved temporary modification permit for the licensed premises. If the licensee’s application is denied, then the licensee may appeal the denial in accordance with City Code § 2.5.505.

Compliance all Laws and Regulations. The licensee shall comply with all existing and future laws, regulations, orders, bulletins, and amendment to the same concerning the COVID-19 pandemic and liquor regulations (collectively “Laws and Regulations”). Licensee’s failure to comply with any Laws and Regulations may result in suspension or revocation of the license in accordance with City Code § 2.5.601 *et seq.*

Duration. This emergency, temporary modification of Rule 21.00 (B) begins May 27, 2020, and shall terminate the later of (i) 120 days after issuance of the LED Bulletin 20-07; or (ii) the termination of Governor Polis’ Executive Order D 2020 044, Safer at Home, as amended. The City Clerk reserves the right to amend or terminate this *Temporary Modification of Rule 21.00 (B) of the Liquor and Beer Rules and Regulations for the City of Colorado Springs.*

Office of the City Clerk

  
Sarah B. Johnson

