



# Commerce City

7887 E. 60th Ave.  
Commerce City, CO 80022  
c3gov.com

## Council Communication

File Number: Ord 2330

**Agenda Date:** 5/17/2021

**Version:** 1

**Status:** ATS Review

**In Control:** City Council

**File Type:** Ordinance

AN EMERGENCY ORDINANCE REPEALING ORDINANCE 2300 AND ORDINANCE 2320 REGARDING TEMPORARY RESTRICTIONS ON FEES THAT CAN BE CHARGED FOR THIRD-PARTY FOOD DELIVERY SERVICES IN THE CITY OF COMMERCE CITY, COLORADO

### Summary & Background:

The proposed emergency ordinance repeals Commerce City's ordinances imposing restrictions on third-party delivery platforms and services regarding certain activities during the ongoing public health crisis. Ordinance 2300 (November 19, 2021), extended by Ordinance 2320 (March 15, 2021) imposed such restrictions through July 21, 2021, unless repealed. The ordinances require the City Attorney to prepare an emergency ordinance repealing the ordinances if restaurants are permitted to return to full capacity indoor dining before July 31, 2021.

Pursuant to Tri-County Health Department's First Amendment Public Health Order Simplified COVID-19 Dial and CDPHE's Public Health Order 20-38, Adams County establishments are permitted to operate at 100% capacity with no mitigation (e.g., distancing requirements) on May 16, 2021, in "Level Clear" status. This period of observation runs for 90-days. During this period, restrictions may be reinstated if certain criteria are reached. Due to the permission to return to full capacity indoor dining, the emergency ordinance is presented for Council's consideration.

### References:

Ordinance 2300: <https://commerce.legistar.com/LegislationDetail.aspx?ID=4681953&GUID=6B2B6669-0AE7-45A5-920B-629B7FC5BF54&Options=&Search=&FullText=1>

Ordinance 2320: <https://commerce.legistar.com/LegislationDetail.aspx?ID=4806707&GUID=3F596346-1871-4FB9-81C8-8B828133165A&Options=&Search=>

TCHD First Amended Public Health Order:  
<https://www.tchd.org/DocumentCenter/View/8742/First-Amended-TCHD-Dial-Simplified-Order-?bidId=>

CDPHE PHO 20-38:

<https://drive.google.com/file/d/1m6j4VRs6klkNXLSA5HODb9PIn9NXI116/view>

**Financial Impact:** n/a

**Staff Member Responsible:** Robert Sheesley, City Attorney

**Staff Member Presenting:** Robert Sheesley, City Attorney

**Suggested Motion:** I move to introduce and approve on final reading Ordinance 2330 as an emergency ordinance. (Requires 7 affirmative votes).

**Alternative Motions (to pass as a regular ordinance):**

- To amend to approve as a regular ordinance (second reading required): I move to amend Ordinance 2330 to strike the word "emergency" and to strike Section 1(b).
  
- I move to introduce and approve on first reading Ordinance 2330.