

ORDINANCE NO. 2320

INTRODUCED BY: \_\_\_\_\_

AN ORDINANCE AMENDING ORDINANCE 2300 TO EXTEND THE TEMPORARY RESTRICTIONS ON FEES THAT CAN BE CHARGED FOR THIRD-PARTY FOOD DELIVERY SERVICES IN THE CITY OF COMMERCE CITY, COLORADO

WHEREAS, the City of Commerce City, Colorado, (“City”) enacted Ordinance 2300 to impose a limit on fees and other restrictions on third-party delivery platforms and services;

WHEREAS, the ongoing public health crisis and the emergency orders issued by the State of Colorado and the Tri-County Health Department to control and slow the spread of the SARS-CoV-2 virus and to mitigate the effects of the disease resulting from the virus (“COVID-19”) continue to restrict the movement and congregation of persons in the City and to restrict food establishments from operating freely and at full on-premises capacity within the City;

WHEREAS, the City Council finds that such protections enacted through Ordinance 2300 mitigate the substantial harms caused by practices third-party delivery platforms and services, and desires to extend the temporary restrictions through the earlier of July 31, 2021, or such date that food establishments in the City are permitted by public health orders to return to full indoor dining.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF COMMERCE CITY, COLORADO, AS FOLLOWS:

**SECTION 1 - FINDINGS.** The recitals to this ordinance are incorporated as findings of the City Council. This ordinance is found to be necessary for the preservation of the public health, safety, and welfare for the reasons set forth in this ordinance.

**SECTION 2 – AMENDMENT & EXPIRATION.** Section 3 of Ordinance 2300 is amended to read: “Chapter 9, Article IV of the Commerce City Revised Municipal Code as enacted through this ordinance shall be repealed effective July 31, 2021, unless repealed earlier by an ordinance enacted by the City Council. If before July 31, 2021, public health orders permit food establishments in the City to return to full capacity indoor dining, the City Attorney shall prepare an emergency ordinance repealing this ordinance for the Council’s consideration.” Ordinance 2300 shall continue in full force and effect except as modified by this ordinance.

**SECTION 3 – EFFECTIVE DATE.** This ordinance shall be effective upon passage on second and final reading.

INTRODUCED, PASSED ON FIRST READING AND PUBLIC NOTICE ORDERED THIS 1ST DAY OF MARCH, 2021.

PASSED ON SECOND AND FINAL READING AND PUBLIC NOTICE ORDERED  
THIS \_\_ DAY OF MARCH, 2021.

CITY OF COMMERCE CITY, COLORADO

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Benjamin A. Huseman, Mayor

ATTEST

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Dylan A. Gibson, City Clerk