

ORDINANCE NO. 2321

INTRODUCED BY: ALLEN-THOMAS, FRANK, GRIMES, GUARDIOLA, HURST,  
HUSEMAN, MADERA, NOBLE, SMITH

AN ORDINANCE AMENDING ORDINANCE 2298 PROVIDING FOR THE AUTHORIZATION OF TEMPORARY OUTDOOR SERVICE AREAS FOR RESTAURANTS AND BARS IN THE CITY OF COMMERCE CITY, COLORADO

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 COVID-19 continue to restrict the movement and congregation of persons in the City of Commerce City ("City") and to restrict food establishments from operating freely and at full on-premises capacity within the City;

WHEREAS, the City Council, through Ordinances 2281 and 2298, previously authorized a temporary program to enable such businesses to expand seating and service capacity beyond their normal premises to so that businesses can continue operations in a safe manner consistent with the public health orders and emergency regulations and now desires to continue the temporary program through September 6, 2021;

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 – AMENDMENTS.** Ordinance 2298 is amended as follows but shall otherwise continue in full force and effect:

- a. Section 4, subsection (c) is deleted and replaced with the following:
  - c. Term. All Temporary Outdoor Service Permits shall be valid through and including September 6, 2021, unless revoked or unless this program is canceled. Such permits shall not lapse and may be discontinued and resumed without reapplication within the term provided.
- b. Section 7, subsection (e) is deleted and replaced with the following:
  - e. This ordinance and any permit issued pursuant to it shall expire automatically at 11:00 p.m. on September 6, 2021.

**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 5TH DAY OF APRIL, 2021.

CITY OF COMMERCE CITY, COLORADO

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Benjamin A. Huseman, Mayor

ATTEST

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Dylan A. Gibson, City Clerk