

RESOLUTION 2022-101
OF THE COUNCIL OF THE CITY OF FORT COLLINS
GRANTING A REVOCABLE PERMIT TO CURRENT HOLDERS OF TEMPORARY
OUTDOOR EXPANSION PERMITS ISSUED PURSUANT TO EMERGENCY RULE AND
REGULATION NO. 2020-17A AND EMERGENCY ORDINANCE NO. 124, 2020, TO
TEMPORARILY CONTINUE TO OCCUPY PUBLIC RIGHTS-OF-WAY

WHEREAS, on October 6, 2020, City Council adopted Emergency Ordinance No. 124, 2020, to approve Emergency Rule and Regulation No. 2020-17A (“Regulation 2020-17A”) regarding Temporary Outdoor Expansion Permits; and

WHEREAS, Regulation 2020-17A, and its predecessor Emergency Rule and Regulation No. 2020-17 (“Regulation 2020-17”), were originally adopted in response to the COVID emergency to allow local businesses to temporarily expand their business footprint onto City or private property adjacent to or in the immediate vicinity of their fixed location to accommodate greater social distancing at their establishments; and

WHEREAS, Regulation 2020-17A and Regulation 2020-17 provided the City Engineer with the ability to issue Temporary Outdoor Expansion Permits (“Expansion Permits”) to allow businesses to expand into specified public rights-of-way or private property provided certain conditions were met; and

WHEREAS, pursuant to Emergency Ordinance No. 124, 2020, and Regulation 2020-17A, Expansion Permits terminate upon termination of the declared local COVID emergency; and

WHEREAS, the ability of food and beverage service establishments to expand their dining area footprint into the public rights-of-way pursuant to the Expansion Permits has contributed to the financial viability of such businesses and the wellbeing of the City; and

WHEREAS, based upon the benefits of allowing such businesses to temporarily expand into public rights-of-way, the City is considering the adoption of amendments to the Code of the City of Fort Collins (“Code Amendments”) to continue to allow food and beverage service establishments to expand their dining area footprint into public rights-of-way upon termination of the currently issued Expansion Permits when the local declared COVID emergency terminates; and

WHEREAS, to provide sufficient time for the review and possible adoption of the Code Amendments and to allow holders of currently issued Expansion Permits to continue to operate within the public rights-of-way specified in the Expansion Permits should the local declared emergency terminate before such Code Amendments, if adopted, go into effect, City Council hereby wishes to grant current Expansion Permit holders the temporary right to continue to occupy the specified public rights-of-way pursuant to certain conditions set forth in this Ordinance; and

WHEREAS, such right to continue to occupy such public rights-of-way may be granted as a revocable permit (“Revocable Permit”) pursuant to City Charter Article XI, Section 10, revocable at City Council’s pleasure; and

WHEREAS, the rights granted pursuant to the Revocable Permit are intended, among other things, to grant a temporary possessory interest in the public rights-of-way specified in each Expansion Permit to satisfy liquor licensing requirements for the purpose of transporting alcoholic beverages across or within such public rights-of-way; and

WHEREAS, other than granting a sufficient possessory interest intended to satisfy liquor licensing requirements, the Revocable Permit shall not be construed to alter in any way liquor licensing requirements, and it is the sole responsibility of each food and beverage service establishment granted a Revocable Permit to comply with all applicable state and local liquor laws, rules, and regulations; and

WHEREAS, the issuance of Revocable Permits is in the best interests of the City.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF FORT COLLINS as follows:

Section 1. That the City Council hereby makes and adopts the determinations and findings contained in the recitals set forth above.

Section 2. That the City Council hereby grants to each holder, as specifically identified in Section 3, of a valid Expansion Permit authorizing expansion into specified public rights-of-way that was issued prior to the adoption date of this Resolution, and which holder is actually operating in such public rights-of-way as of the adoption date of this Resolution, a Revocable Permit granting the temporary right to continue to occupy such public rights-of-way pursuant to the following conditions:

- A. The grantee of a Revocable Permit must continue to comply with the terms of the issued Expansion Permit and the terms of Regulation 2020-17A, attached hereto and incorporated herein as Exhibit "A" regardless of whether the local declared COVID emergency has been terminated.
- B. The City Engineer shall continue to administer and review compliance with Regulation 2020-17A and should the City Engineer revoke an Expansion Permit pursuant to Regulation 2020-17A, the Revocable Permit granted under this Resolution to the holder of a revoked Expansion Permit shall automatically be revoked without further Council action necessary.
- C. A Revocable Permit shall be valid until the soonest of the following events have occurred:
 1. The grantee's Expansion Permit is revoked by the City Engineer.
 2. Forty-five (45) days have elapsed since the effective date of the Code Amendments.
 3. The grantee has obtained the necessary permit pursuant to the Code Amendments to continue to operate in the public rights-of-way.

D. Revocable Permits are not transferable.

Section 3. That Revocable Permits shall be granted to the following Expansion Permit holders for the following businesses:

1. Armstrong Hotel, 259 S. College Ave., Expansion Permit #20-20043
2. Bean Cycle Roasters, 144 N. College Ave., Expansion Permit #20-20052
3. Bistro Nautille, 150 W. Oak St., Expansion Permit #20-20005
4. Blind Pig Pub, 214 Linden St., Expansion Permit #20-20007
5. Ciao Vino, 255 Linden St., Expansion Permit #21-8003
6. Lucile's Creole Café, 400 S. Meldrum St., Expansion Permit #20-20046
7. Pour Brothers, 817 Peterson St., Expansion Permit #20-20017
8. Surfside 7, 238 Linden St., Expansion Permit #20-20054
9. The Reserve by Old Elk Distillery, 253 Linden St., Expansion Permit #20-20003
10. The Welsh Rabbit, 200B Walnut St., Expansion Permit #20-20022

Section 4. That the City Council reserves the right to revoke any Revocable Permit at its pleasure notwithstanding any language in this Resolution.

Passed and adopted at a regular meeting of the Council of the City of Fort Collins this 4th day of October, A.D. 2022.

Mayor

ATTEST:

City Clerk