

CITY OF LOVELAND
CITY MANAGER'S OFFICE

**EMERGENCY ORDER NO. 20-003 CONCERNING THE USE OF OUTDOOR SPACES FOR
THE LOVELAND PATIO PROGRAM**

To all persons take notice:

That for the protection of life, safety, health and property as affected by reason of the novel coronavirus now designated as COVID-19, I declared a local disaster pursuant to C.R.S. § 24-33.5-709 on March 13, 2020, which declaration was extended by the Loveland City Council on March 17, 2020 by Resolution No. R-36-2020 and on April 7, 2020 by Resolution No. R-41-2020; and

That the Loveland City Council, pursuant to Resolution R-41-2020, further authorized my use of additional powers to preserve the health, safety and welfare of Loveland residents and businesses pursuant to the authority set forth in C.R.S. § 31-15-401(1)(b); and

That Colorado Governor Polis issued a Public Health Order on March 16, 2020 closing down bars, restaurants, theaters, gymnasiums and casinos in an effort to slow the spread of the Coronavirus. Restaurants were permitted to offer take-out or delivery, but could not offer in-person dining; and

That Governor Polis issued Executive Order D 2020 044 on April 26, 2020 implementing a "Safer at Home" regulatory regime, which was amended in part on May 25, 2020 to direct the Colorado Department of Health and Environment (CDPHE) to develop guidelines permitting restaurants to reopen for in-person dining; and

That accordingly the CDPHE issued its Fourth Amended Public Health Order 20-28 Safer at Home (Fourth Amended Order) on May 26, 2020, which Fourth Amended Order permits restaurants to open to in-person dining effective May 27, 2020 at 50% indoor capacity, not to exceed 50 people, whichever is less, and to utilize outdoor space with social distancing in place, but requires that restaurants receive any necessary permitting from their local government; and

That Larimer County submitted a variance request to the State on May 15, 2020 to allow restaurants, bars, and other food service establishments to open with restrictions, and this was granted May 23, 2020 as long as social distancing of six feet and indoor capacity remains at no more than 50% is maintained; and

That the COVID-19 crisis and related restrictions on businesses have severely impacted the financial well-being of businesses within the City of Loveland, including restaurants, bars, and other businesses. The ability for businesses to expand into City-owned outdoor spaces will strengthen the economic recovery of business and continue to promote social distancing for purposes of slowing the spread of COVID-19; and

That waiving certain requirements within the Loveland Municipal Code to permit the temporary use of City-owned or private property, such as sidewalks, streets, and parking lots, for the

expansion of business premises will promote these purposes and benefit all citizens of the City of Loveland; and

That pursuant to these authorities described above, I hereby enter the following Order concerning the use of City-owned or private property by businesses in the City of Loveland:

1. Commencing on May 28, 2020, and until the earlier of (a) September 12, 2020, or (b) revocation of this Order by the City Manager, businesses may temporarily expand their premises into City-owned property, including but not limited to streets, sidewalks, and parking lots, pursuant to a City-issued temporary revocable permit. Therefore, I am ordering:

- a. The City shall waive any requirements of the Loveland Municipal Code (the Code), including any adopted codes, to allow businesses to participate in the Loveland Patio Program and expand their premises into or onto City-owned property, to the extent permitted by the City and subject to any conditions the City deems necessary to protect the health, safety and welfare of the public. Any requirements of the Code, including all adopted codes, necessary to address life safety and the Americans with Disabilities Act are not waived.
- b. The City shall not enforce Section 12.28.030 of the Loveland Municipal Code, which currently prohibits the obstruction of City rights-of-way, for businesses expanding their premises into such rights-of-way.
- c. The City shall not enforce Section 12.30.030 regarding the licensing of vendors within the public right-of-way. Businesses shall be permitted to authorize and sell goods and food within the public right-of-way while this Order is in effect if granted a temporary revocable permit.
- d. The Liquor Licensing Authority shall be permitted to temporarily authorize permittees to modify their premises to expand into outdoor seating areas upon application for a modification of premises.
- e. The City shall not enforce Section 18.02.05 regarding "Temporary Uses" such that businesses shall be permitted to operate outside of the premises as described herein and shall not be required to comply with Section 18.02.05.
- f. To the extent that the business use of the City-owned property is not permitted within the applicable zoning designation, any enforcement of such zoning is waived.
- g. Any setback requirements for temporary structures or items on City-owned property are waived. In addition, temporary structures or items which encroach within required setbacks are permitted and Section 18.04.04.02 shall not be

enforced for businesses expanding their premises into the City-owned or private property described herein.

2. I find that this emergency order is reasonable and necessary to promote the health, safety and welfare of the public because it will provide businesses with the opportunity to expand their premises and increase capacity for serving the public. I further find that this Order promotes social distancing in the ongoing efforts to slow the spread of COVID-19.

3. This Order may be amended or extended.

4. Nothing in this emergency order shall prevent the City from utilizing such other legal mechanisms as are available to it in cases of emergency, including but not limited to the City's traffic code, fire code, building code, or property maintenance code or to revoke any permit issued.

DATED this 28th day of May, 2020.



Stephen C. Adams, City Manager