

**RESOLUTION NO. 14**  
**(Series of 2020)**

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF TELLURIDE, COLORADO, DESIGNATING THE BUS CIRCLE ON THE EAST END OF LOT L OFF OF SOUTH MAHONEY AS A PICK-UP LOCATION FOR PRE-ORDERED AND PRE-PAID GOODS AND ESTABLISHING POLICIES AND PROCEDURES THEREFOR**

**WHEREAS**, the Town Council of Telluride, Colorado (“Town Council”) is charged as the public trustee for public rights-of-way as provided for in C.R.S. §§ 43-2-123-125 and 3 1-15-702(1)(a)(i); and,

**WHEREAS**, the Town regulates and limits vending on public and private property to designated areas in the Town of Telluride pursuant to Chapter 6, Article 4 “Vending” of the Telluride Municipal Code; and,

**WHEREAS**, on May 14, 2020 the Town of Telluride Vending Subcommittee recommended Town Council consider an additional vending permit after receiving more vending applications than permits allowed for the existing Spruce Park North vending area; and

**WHEREAS**, the Town of Telluride values businesses providing essential goods to the community; and,

**WHEREAS**, at a public meeting on May 26, 2020, the Town Council elected not to increase the number of vending permits but acknowledged the value of businesses providing essential goods to the community; and agreed to designate a location on public property to serve only as a pick-up location for pre-ordered and pre-paid for goods including CSA shares, farm fresh products, and food deliveries; and,

**WHEREAS**, the Town Council agreed to designate the bus circle off South Mahoney on the east side of Lot L, as the designated pick-up location for pre-ordered and pre-paid for goods, but not for onsite vending; and,

**WHEREAS**, the Town Council of the Town of Telluride desires to set forth policies and procedures for obtaining a permit and for utilizing Lot L as a pick-up location for pre-ordered and pre-paid for goods.

**NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF TELLURIDE, COLORADO** as follows:

The Town of Telluride, Colorado hereby adopts the following policies and procedures that allow temporary use for a pick-up location on the Town’s public rights-of-way at the bus circle on the east side of at Lot L:

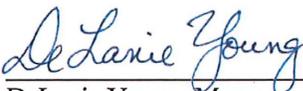
1. A permit application obtained from the Clerk’s Department must be submitted for consideration to utilize Lot L as a pick-up location for pre-ordered and pre-paid for goods.
2. The pick-up location shall not be used for vending of any kind. Vending is defined as *“the act of selling or offering for sale wares, goods, merchandise, food or services with or without a display apparatus, from a location outside of a building, and which activity is not an accessory use as defined by the Land Use Code.”* Activity is limited to pre-ordered and pre-paid goods.
3. The encroachment into the right-of-way is restricted exclusively to the “Pick-Up Area” as shown on the map attached hereto as Exhibit A.
4. Permits are limited to four, one for each day Monday through Thursday weekly. Additional permits may be considered by Town Council.
5. Applications shall be considered on a case-by-case basis, with consideration of such factors as: availability of permits, completeness of application, applicant’s existing private property pick-up locations, neighborhood impacts, and applicant’s demonstration of capability to adhere to Town regulations.

6. Permits shall be streamlined to expire February 1<sup>st</sup> of each calendar year.
7. Complete applications for new permits shall be received and processed by the Town Clerk, and distributed to the Town Manager for final consideration.
8. Requests for permit renewals are to be submitted to the Clerk's Department within thirty (30) days of permit termination, and shall be renewed administratively by the Town Clerk, unless good cause exists not to renew the permit.
9. Permit holders shall adhere to the Town Noise Ordinance, Telluride Municipal Code 7-2-20. The use of radios or stereos in connection with a pick-up permit is prohibited and permit holders shall not make any unnecessary sounds or noise. Further, permit holders shall not obstruct any sidewalk or other public property, disturb or impede other persons, or otherwise author any public nuisance.
10. Permit holders shall be required to enter into a License Agreement with the Town of Telluride.
11. Permits are revocable by the Town Manager upon determination by the Town that the continued use of the permit area is detrimental to the public health or welfare or upon finding of violation of any term of this policy or the License Agreement, any violation of other license, permit or tax obligation of the Permit Holder, or violations of other applicable provisions of the Town's Municipal Code and Ordinances. Notice of revocation shall be provided in writing no less than thirty (30) days in advance of such action, unless immediate revocation is determined to be needed for the protection or preservation of public health, safety and welfare.
12. Town Discretion Not Waived. The granting of a permit to utilize Lot L as a pick-up location for pre-ordered and pre-paid goods is completely discretionary. The Town Manager may elect to deny an application for any reason, even if an applicant may meet the policy standards or consideration of factors addressed herein. Town Council also reserves the absolute right to terminate this permit process for any reason with respect to existing licenses, subject to the revocation process by the Town Manager as set forth herein.

**RESOLVED, APPROVED AND ADOPTED** BY THE TOWN COUNCIL OF THE TOWN OF TELLURIDE, COLORADO on the 2<sup>nd</sup> day of June 2020.

TOWN OF TELLURIDE

ATTEST

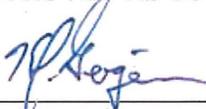


DeLanie Young, Mayor



Tiffany Kavanaugh, Town Clerk

APPROVED AS TO FORM:



Kevin J. Geiger, Town Attorney

STATE OF COLORADO                    )  
   )  
 COUNTY OF SAN MIGUEL                ) ss.  
   )  
 TOWN OF TELLURIDE                    )

I, Tiffany Kavanaugh, the Town Clerk of the Town of Telluride, Colorado (the “Town”), do hereby certify:

(i) The foregoing pages are a true and correct copy of a Resolution (the “Resolution”) passed and adopted by the Town Council (the “Council”) of the Town at a regular meeting of the Council held on June 02, 2020.

(ii) The Resolution was duly moved and seconded and the Resolution was adopted at the Town Council meeting of June 02, 2020, by an affirmative vote of a majority of the members of the Council as follows:

Name	“Yes”	“No”	Absent	Recused
DeLanie Young, Mayor	✓			
Todd Brown, Mayor Pro Tem	✓			
Jessie Rae Arguelles	✓			
Lars Carlson	✓			
Adrienne Christy	✓			
Geneva Shaunette	✓			
Tom Watkinson	✓			

(iii) The Resolution was approved and authenticated by the signature of the Mayor, sealed with the Town seal, attested by the Town Clerk and recorded in the minutes of the Council.

(iv) There are no bylaws, rules or regulations of the Council that might prohibit the adoption of said Resolution.

(v) The members of the Council were present at the meeting and affirmatively voted by a majority for the passage of such Resolution as set forth above.



*Tiffany Kavanaugh*  
 \_\_\_\_\_  
 Town Clerk



EXHIBIT A

MAHONEY DR

Pick-Up Area

9'

9'

6'