

**TOWN OF GARDEN CITY, COLORADO
ORDINANCE NO. 01-2022**

**AN ORDINANCE AMENDING CHAPTER 6, ARTICLE 2 OF THE TOWN OF
GARDEN CITY MUNICIPAL CODE TO AUTHORIZE THE LOCAL LICENSING
AUTHORITY TO ISSUE FESTIVAL PERMITS AND TO UPDATE STATUTORY
REFERENCES IN THE CHAPTER**

WHEREAS, the Colorado General Assembly recently enacted SB 21-082 authorizing certain liquor licensees, including bars and restaurants, to apply for festival permits allowing them to hold up to nine festivals in a twelve-month period; and

WHEREAS, SB 21-082 allows the Town of Garden City (“Town”) to create a local permit system for festivals; and

WHEREAS, if the Town decides not to implement a permit system, the licensee need only obtain a state permit to hold the festival; and

WHEREAS, the Board of Trustees believes that requiring a local permit for festivals is in the best interest of the Town because it affords the Town an opportunity to review, comment on, and consider appropriate conditions for festivals occurring within the Town; and

WHEREAS, the Board of Trustees desires to amend Chapter 6, Article 2 of the Town of Garden City Municipal Code to authorize the Local Licensing Authority to issue festival permits; and

WHEREAS, the Board of Trustees finds that Chapter 6, Article 2, Division 2 of the Municipal Code should additionally be amended to reflect the recodification of the liquor laws which were relocated from Title 12 to Title 44 of the Colorado Revised Statutes.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF GARDEN CITY, COLORADO, as follows:

Section 1. Section 6-2-10 of the Town of Garden City Municipal Code is hereby amended to read as follows (words to be deleted are ~~stricken through~~; words to be added are underlined):

Sec. 6-2-10. - Application of state law.

~~Articles 46, 47 and 48 of Title 12, C.R.S. 3, 4 and 5 of Title 44, C.R.S.,~~ and the rules and regulations of the Executive Director of the Colorado Department of Revenue as the state licensing authority shall apply to the licensing of fermented malt beverages and malt, vinous and spirituous liquors within the Town, where applicable.

Section 2. Section 6-2-20 of the Town of Garden City Municipal Code is hereby amended to read as follows (words to be deleted are ~~stricken through~~; words to be added are underlined):

Sec. 6-2-20. - Liquor Licensing Authority established.

There is hereby established a Local Liquor Licensing Authority ("Licensing Authority"), with the duty and authority to grant, renew or refuse licenses for the sale of malt, vinous and spirituous liquors or fermented malt beverages as provided by law, to conduct investigations as are required by law, and to suspend or revoke such licenses for cause in the manner provided by law. The Licensing Authority shall consist of all members of the Board of Trustees, and the term of each member shall be coincident with his or her term on the Board of Trustees. The Licensing Authority shall have the powers and authority of a liquor licensing authority set forth in Articles 3, 4 and 5 of Title 44, 46, 47 and 48 of Title 12, C.R.S. All decisions are final, subject only to appeal to a court of competent jurisdiction.

Section 3. Section 6-2-150 of the Town of Garden City Municipal Code is hereby amended to read as follows (words to be deleted are ~~stricken through~~; words to be added are underlined):

Sec. 6-2-150. - Hotel/restaurant licenses eliminated from distance restrictions.

As authorized by Section ~~12-47-313(d)(III)~~ 44-7-104.7(1)(d) C.R.S., the Licensing Authority hereby eliminates the distance restrictions for hotel and restaurant licenses.

Section 4. Section 6-2-180 of the Town of Garden City Municipal Code is hereby amended to read as follows (words to be deleted are ~~stricken through~~; words to be added are underlined):

Sec. 6-2-180. - Persons prohibited from obtaining a license.

A license may not be issued to or held by any person prohibited as a licensee as defined in Section ~~12-47-307~~ 44-3-307, C.R.S.

Section 5. Section 6-2-190 of the Town of Garden City Municipal Code is hereby amended to read as follows (words to be deleted are ~~stricken through~~; words to be added are underlined):

Sec. 6-2-190. - License application procedure.

- (a) The procedures set forth in Articles ~~46, 47 and 48 of Title 12~~ 3, 4 and 5 of Title 44, C.R.S., and the regulations that may from time to time be adopted by the state licensing authority, shall be followed in all liquor license application hearings before the Licensing Authority.
- (b) The date of receipt of a completed application, including the documents to be submitted with the application, shall be the date deemed as the date of filing (or receipt) of the application for the purposes set forth in state law. For the purpose of establishing boundary limits for the applicant to canvass a defined neighborhood in order to determine the reasonable requirements of the neighborhood for the type of license for which application has been made and the desires of the adult inhabitants within the defined neighborhood, the neighborhood shall include the adult residents within the

Town limits. The Town Clerk shall notify the applicant in writing of the boundary limits to be used for petitioning.

- (c) Upon receipt of a completed application, a public hearing shall be held upon the application not less than 30 days from the date of receipt of the completed application.

Section 6. Section 6-2-210 of the Town of Garden City Municipal Code is hereby amended to read as follows (words to be deleted are ~~stricken through~~; words to be added are underlined):

Sec. 6-2-210. - Conduct of alcoholic beverage tastings.

Pursuant to Section ~~12-47-301(10)(a)~~ 44-3-301(10), C.R.S., the Town hereby authorizes alcoholic beverage tastings for licensed retail liquor stores and liquor-licensed drugstores within the Town, subject to the limitations contained in Section ~~12-47-301(10)~~ 44-3-301(10), C.R.S., with the following conditions:

- (1) The licensee of a retail liquor store or liquor-licensed drugstore must file with the Town Clerk an application for an alcohol beverage tastings permit prior to conducting the initial alcoholic beverage tasting. This permit will run concurrently with the licensee's liquor license and will be required to be renewed in conjunction with the liquor license.
- (2) A valid alcohol beverage tastings permit must be posted prominently on the licensed premises during all tastings events.

Section 7. Section 6-2-250 of the Town of Garden City Municipal Code is hereby amended to read as follows (words to be deleted are ~~stricken through~~; words to be added are underlined):

Sec. 6-2-250. - Fines in lieu of suspension.

The holder of a license subject to suspension may request a fine in lieu of suspension. The standards for payment of a fine in lieu of suspension shall be provided for in Section ~~12-47-604~~ 44-3-601, C.R.S., and shall apply to any licensee who violates or whose employees violate any terms of this Code or of Articles ~~46, 47 and 48 of Title 12~~ 3, 4 and 5 of Title 44, C.R.S., or the rules and regulations related thereto.

Section 8. Section 6-2-270 of the Town of Garden City Municipal Code is hereby amended to read as follows (words to be deleted are ~~stricken through~~; words to be added are underlined):

Sec. 6-2-270. - Special events permit.

- (a) Pursuant to Section ~~12-48-107(5)(a)~~ 44-5-107(5)(a) C.R.S., the Licensing Authority elects not to notify the state licensing authority or otherwise obtain approval or disapproval from the state licensing authority for a special events permit.
- (b) The Board of Trustees reserves to itself the authority to consider and grant or deny applications for a special events permit.

- (c) Special events permits shall be filed with the Town Clerk and shall be acted upon as required by law in a timely manner. A special events permit may be issued or denied after the Town has processed the application and conducted such investigation as the Town deems appropriate prior to the granting or denial of such permit. Special events permits shall be considered pursuant to the criteria established in ~~Article 48 of Title 12~~ Article 5 of Title 44, C.R.S.
- (d) After the issuance of a special events permit pursuant to this Section, the Town Clerk shall, pursuant to law, within ten days, notify the state licensing authority of the name of the organization to which the permit was issued, the address of the permitted location and the permitted dates of alcohol beverage service.

Section 9. Section 6-2-280 of the Town of Garden City Municipal Code is hereby amended to read as follows (words to be deleted are ~~stricken through~~; words to be added are underlined):

Sec. 6-2-280. - Optional premises license.

- (a) *Adoption of standards.* The following standards for the issuance of optional premises license or for optional premises for a hotel and restaurant license are adopted pursuant to the provisions of Section ~~12-47-310~~ 44-3-310, C.R.S.
- (b) *Types of licenses.* These standards adopted herein shall be considered in addition to all other standards applicable to the issuance of licenses under the Colorado Liquor Code for optional premises licenses or for optional premises for a hotel and restaurant license. These two types of licenses for optional premises will collectively be referred to as "optional premises" in these standards unless otherwise provided.
- (c) *Eligible facilities.* An optional premises may only be approved when that premises are located on or adjacent to an outdoor sports and recreational facility. The types of outdoor sports and recreational facilities which may be considered for an outdoor premises license shall not be limited. However, the Licensing Authority may consider the type of particular outdoor sports or recreational facility in relationship to the number of optional premises requested for the facility.
- (d) *Size restrictions.* There are no restrictions on the minimum size of the outdoor sports and recreational facilities which may be eligible for the approval of an optional premises license. However, the Licensing Authority may consider the size of the particular outdoor sports or recreational facility in relationship to the number of optional premises requested for the facility.
- (e) *Number of optional premises.* There are no restrictions on the number of optional premises which any one licensee may have on the outdoor sports or recreational facility. However, any applicant requesting approval of more than one optional premises shall demonstrate the need for each optional premises in relationship to the outdoor sports or recreational facility and its guests.

(f) *Submittal requirements.* When submitting a request for the approval of an optional premises, an applicant shall also submit the following information:

1. A map or other drawing illustrating the outdoor sports or recreational facility boundaries and the approximate location of each optional premises requested.
2. A legal description of the approximate areas within which the optional premises shall be located.
3. A description of the method which shall be used to identify the boundaries of the optional premises when it is in use.
4. A description of the provisions which have been made for storing malt, vinous and spirituous liquors in a secured area on or off the optional premises for the future use on the optional premises.

(g) *Advance notification.* Pursuant to Section ~~12-47-310(4)~~ 44-3-310(4), C.R.S., no alcoholic beverages may be served on the optional premises until the licensee has provided written notice to the state licensing authority and Licensing Authority 48 hours prior to serving alcoholic beverages on the optional premises. Such notice must contain the specific days and hours on which the optional premises are to be used. In this regard, there is no limitation on the number of days which a licensee may specify in each notice. However, no notice may specify any date of use which is more than 180 days from the notice date.

Section 10. Section 6-2-690 of the Town of Garden City Municipal Code is hereby amended to read as follows (words to be deleted are ~~stricken through~~; words to be added are underlined):

Sec. 6-2-690. - Cancellation, revocation or summary suspension of temporary permit.

A temporary permit may be cancelled, revoked or summarily suspended by the Board of Trustees if it determines that there is probable cause to believe that the transferee has violated any provision of the Colorado Beer Code (~~Article 46 of Title 12~~ Article 4 of Title 44, C.R.S.) or the Colorado Liquor Code (~~Article 47 of Title 12~~ Article 3 of Title 44, C.R.S.), which statutes govern the license of the licensed premises, any rule or regulation promulgated by the Department of Revenue thereto, or any Town ordinance governing the operation of the licensed premises; or if the applicant has failed to truthfully disclose those matters required pursuant to the application forms required by the Department of Revenue or the Town.

Section 10. Chapter 6, Article 2, Division 2 of the Town of Garden City Municipal Code is hereby amended to include Section 6-2-290, as follows:

Section 6-2-290. – Festival Permit.

Pursuant to Section 44-3-404, C.R.S., the Licensing Authority elects to create a local permit for festivals. A festival permit may be issued to licensees identified in Section 44-3-404, C.R.S. A separate local festival permit is required for each festival. No more than nine (9) permits may be issued to a single licensee during a twelve (12) month period.

Section 12. If any part, section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections of this ordinance. The Board of Trustees hereby declares that it would have passed this ordinance in each part, section, subsection, sentence, clause or phrase thereof irrespective of the fact that any one or more parts, sections, subsections, clauses or phrases be declared invalid.

Section 13. This ordinance shall be so interpreted and construed to effectuate its general purpose pursuant to the laws of the State of Colorado.

Section 14. The Town Clerk shall certify to the passage of this Ordinance and cause notice of its contents and passage to be published.

Section 15. Except as otherwise specifically provided herein, the provisions enacted by this Ordinance shall become effective thirty (30) days after publication as provided by law.

PASSED, ADOPTED AND APPROVED THIS 15th DAY OF MARCH, 2022.

TOWN OF GARDEN CITY

By: 

Mayor

ATTEST:

Danielle m moadu
Town Clerk