

AN ORDINANCE OF THE TOWN OF BASALT, COLORADO  
DELEGATING AUTHORITY TO THE TOWN CLERK THE  
RESPONSIBILITY FOR PROCESSING AND REVIEWING CERTAIN  
LIQUOR LICENSING MATTERS; AND ELECTING NOT TO REQUIRE  
STATE LICENSING AUTHORITY APPROVAL OF SPECIAL EVENTS  
PERMITS

ORDINANCE NO 41

Series of 2014

RECITALS

1. Pursuant to Articles 46, 47 and 48 of Title 12, C.R.S. the Town of Basalt possesses the authority to license and regulate, concurrently with the State of Colorado, the service and sale of alcoholic beverages and fermented malt beverages within the Town as the Local Licensing Authority; and

2. Certain functions of the Local Licensing Authority may be delegated to the Town Clerk or others pursuant to Section 12-47-103 (17), C.R.S. as a means of increasing the efficiency of the Local Licensing Authority and better serving those persons wishing to obtain approvals under the Colorado Liquor Code, Sections 12-47-101 *et. seq.*, C.R.S., the Colorado Beer Code, Sections 12-46-101 *et. seq.*, C.R.S. and Special Event Permits, Sections 12-48-101 *et. seq.*, C.R.S.; and

3. The Town Council of the Town of Basalt desires to delegate to the Town Clerk certain authority to act upon specified liquor license applications; and

4. The Town Council finds that electing to delegate certain authority as provided for herein will provide a more efficient review of such liquor license applications without adversely affecting the quality or thoroughness of such review.

NOW, THEREFORE, BE ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF BASALT, COLORADO AS FOLLOWS;

Section 1. Chapter 6, Article II (Alcoholic Beverages) of the Basalt Municipal Code, concerning licensed liquor establishments and requirements, is hereby amended by the repeal of existing Section 6-40 and the adoption of the following sections:

6-40 Delegation of Authority to Town Clerk to Issue Licenses and Permits.

(a) The Town Clerk shall assist the Town Council, acting as the Local Licensing Authority, by receiving all applications; coordinating with other Town departments when appropriate; scheduling required public hearings; and exercising the

Town Clerk's discretion in forwarding applications for renewal of licenses, transfers of ownership, and applications for change of manager of a licensee to the Local Licensing Authority.

(b) As set forth below, the Town Clerk is hereby granted authority to administratively review and approve applications for liquor license renewals; transfers of ownership, including corporate and trade name changes, and reports of changes for corporations, limited liability companies and partnerships; changes of a manager of a licensee; and special event permits.

(1) Renewals. The Town Clerk is authorized to administratively review and approve an application for the renewal of any previously approved liquor license or fermented malt beverage license, where, after reasonable investigation by the Town Clerk and consultation by the Town Clerk with the Basalt Police Department and other appropriate administrative personnel, all of the following circumstances are found to exist:

(A) The applicant has timely and properly submitted a license renewal application and tendered all required fees in accordance with this Chapter and the provisions Title 12, C.R.S.;

(B) The applicant's license is in good standing with the Town and the State of Colorado, and no violation of law has occurred during the previous year;

(C) To the knowledge of the Town Clerk, there is no pending or proposed criminal or legal investigation or charges against the applicant or the licensed premises; and

(D) There is no other information known by the Town Clerk that would cause the Town Clerk to reasonably believe that some violation of applicable law has occurred or that the license should not be renewed.

(2) Changes of Manager of Licenses. The Town Clerk is authorized to administratively review and approve an application for the change of a manager for a licensed establishment where, after reasonable investigation of the Town Clerk and consultation by the Town Clerk with the Basalt Police Department and other appropriate administrative personnel, all the following circumstances are found to exist:

(A) The applicant has timely and properly submitted a complete application for change of manager and tendered all required information in accordance with this Chapter and the provisions of Title 12, C.R.S., and the new manager has presented himself to the Basalt Police Department for fingerprinting and a background investigation; and

(B) There is no information known by the Town Clerk that could support denial of the application for change in manager under applicable law.

(3) Special Event Liquor Permits. The Town Clerk is authorized to review and approve an application for a special event permit where, after reasonable investigation and consultation with the Basalt Police Department and other appropriate administrative personnel, the Town Clerk finds that the requirements of Sec. 6-41 are satisfied.

(c) Notwithstanding any authority delegated to the Town Clerk for administrative approval of applications under this Section, the Town Clerk may, in his or her discretion, refer any licensing or permitting decision authorized to her under this Section to the Town Council if, in the Town Clerk's opinion, the matter should be presented to the Local Licensing Authority. In the event the Town Clerk cannot or will not approve a transfer or renewal of a license, or the issuance of a temporary permit, or the approval of a change in manager of a licensee or a special event permit, then the Town Clerk shall refer the application to the Local Licensing Authority for consideration in accordance with applicable law. Written notice of the time and place of such consideration shall be mailed to the applicant by regular mail at least ten (10) days prior to consideration by the Local Licensing Authority and shall contain such facts or reasons relied upon by the Town Clerk in declining to issue the license or permit for approval. Notice of the proceeding shall also be timely published and posted on the subject premises in accordance with the requirements set forth in Section 12-47-311, C.R.S., and timely provided to any person who may have filed a protest against the issuance of the license with the Town Clerk.

Additionally, any license or permit applicant, or any party in interest, as defined in Section 12-47-311 C.R.S., who is dissatisfied with the decision of the Town Clerk under this Section may appeal the same to the Local Licensing Authority by filing a written protest with the Town Clerk not more than ten (10) days after the date of the decision appealed from. The Town Clerk shall promptly set the appeal for hearing before the Local Licensing Authority in accordance with the notice and hearing procedures described above.

(d) The Town Clerk shall not approve an application for the renewal or transfer of a license where the Basalt Police Department has timely submitted written objections to the Town Clerk concerning such action. Whenever such an objection is received, the Town Clerk shall set the application for hearing before the Local Licensing Authority in accordance with the procedures set forth in subsection (C) above.

(e) The Town Clerk shall regularly report to the Authority in a timely manner all licensing actions taken by the Town Clerk under the provisions of this Section.

Section 2. Chapter 6, Article II (Alcoholic Beverages) of the Basalt Municipal Code, concerning licensed liquor establishments and requirements, is hereby amended to include the following additional section:

6-41 Special Event Liquor Permits.

(a) Pursuant to Section 12-48-107 (5)(a) C.R.S., the Town Council, acting as the Local Licensing Authority, elects not to notify the State Licensing Authority to obtain the State Licensing Authority's approval or disapproval of applications for special events permits pursuant to Article 48 of Title 12, C.R.S. The Town Council hereby authorizes the issuance of special event permits for the sale, by the drink only, of fermented malt beverages, or the sale, by the drink only, of malt, spirituous, or vinous liquors to the Town, organizations, and political candidates in accordance with this Chapter and Article 48 of Title 12, C.R.S. Nonalcoholic beverages shall be sold at any special event until a special event permit is obtained from the Town. The standards contained in this Chapter shall be considered in addition to all other standards and requirements applicable to the issuance of licenses under the Colorado Liquor Code, Sections 12-47-101, *et. seq.*, C.R.S.

(b) Any organization or political candidate desiring to sell alcoholic beverages at a special event shall obtain a permit from the Local Licensing Authority by first completing a special event license permit application meeting the requirements of this Chapter and Article 48 of Title 12, C.R.S., and paying a permit fee, as established by the Town Council. An applicant shall file the application at least thirty (30) days prior to the date of the event, unless waived by the Town Clerk for a good cause shown.

(c) After receipt of an application, the Town Clerk shall post a public notice of the application and protest proceedings at the location sought to be licensed at least 10 days before making a determination to issue or deny the permit.

(d) Upon receipt of an application for a special event permit, the Town Clerk, acting on behalf of the Local Licensing Authority shall, as required by Section 12-48-107 (5)(c), C.R.S., access information made available on the State Licensing Authority's website to determine the statewide permitting activity of the organization applying for the permit. Before approving an application, the Town Clerk shall consider compliance with Section 12-48-105(3) C.R.S., which restricts the number of permits issued to an organization in a calendar year.

(e) The Town Clerk or the Local Licensing Authority may deny issuance of a special event permit if it determines that the application does not satisfy the requirements of C.R.S. 12-48-102 and 103 or that the issuance would be injurious to the public welfare because of the nature of the special event, or that the applicant does not have ability to conduct the event in compliance with applicable laws and regulations. Special event permits shall not be transferable.

(f) As required by Section 12-48-107(5)(a), C.R.S., the Town Clerk, acting on behalf of the Local Licensing Authority, shall report to the Colorado Liquor Enforcement Division within ten (10) days after the issuance of a permit, the name of the organization to which a permit was issued, the address of the permitted location, and the permitted dates of alcohol beverage service.

(g) Pursuant to Section 12-48-105 C.R.S., a special event permit shall not be issued to any organization for more than fifteen (15) days in any one (1) calendar year.

Section 3. Chapter 6, Article II, Section 6-33(d), concerning approved educational liquor seminars, is hereby amended by the deletion of the last clause of the final sentence of said Section.

Section 4. Severability. If any provision, clause, sentence or paragraph of this Ordinance shall be held invalid by any court of competent jurisdiction, such invalidity shall not affect the other provisions of this Ordinance which can be given effect without the invalid provision, and the provisions of this Ordinance are declared to be severable.

Section 5. Effective Date. This Ordinance shall be effective 14 days after final publication in accordance with the Town's Home Rule Charter.

READ ON FIRST READING, ORDERED PUBLISHED, AND SET FOR PUBLIC HEARING TO BE HELD ON January 13, 2015 BY A VOTE OF 7 to 0 ON December 9, 2014:

READ ON SECOND READING AND ADOPTED BY A VOTE OF 6 to 0 ON January 13, 2015.



TOWN OF BASALT, COLORADO

By: \_\_\_\_\_

Jacque R. Whitsitt, Mayor

ATTEST:

Pamela K. Schilling

Pamela K. Schilling, Town Clerk

FIRST PUBLICATION: THURSDAY, \_\_\_\_\_,

FINAL PUBLICATION: THURSDAY, \_\_\_\_\_,

EFFECTIVE DATE: THURSDAY, \_\_\_\_\_.