

**TOWN OF PALISADE, COLORADO
ORDINANCE NO. 2022-13**

**AN ORDINANCE OF THE TOWN OF PALISADE, COLORADO,
AMENDING CHAPTER 6, ARTICLE II OF THE PALISADE MUNICIPAL
CODE TO AUTHORIZE THE LOCAL LICENSING AUTHORITY TO
ISSUE ALCOHOL BEVERAGE FESTIVAL PERMITS AND UPDATE
STATUTORY REFERENCES IN THE ARTICLE.**

WHEREAS, the Town of Palisade (“Palisade” or the “Town”) is a Colorado municipality organized pursuant to Title 31 of the Colorado Revised Statutes and with the authority set forth therein; and

WHEREAS, during the 2021 legislative session, the Colorado General Assembly enacted SB 21-082 authorizing certain alcohol beverage licensees to file an alcohol beverage festival permit application with the state licensing authority, which if issued, would allow the licensee to hold up to, but no more than, nine festivals during the twelve months after the festival permit is issued; and

WHEREAS, SB 21-082 authorizes a local licensing authority to create a local permit for alcohol beverage festivals; and

WHEREAS, if the Board of Trustees elects not to implement a local permit for alcohol beverage festivals, the licensee need only obtain a state permit to hold the festival; and

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

WHEREAS, the Board of Trustees finds that Chapter 6 Article II should additionally be amended to reflect the recodification of the alcohol beverage regulations that were relocated from Title 12 to Title 44 of the Colorado Revised Statutes; and

WHEREAS, the Board of Trustees finds and determines that it is in the interest of the Town to update and amend the Code for concert permits as set forth herein.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF PALISADE, COLORADO THAT:

Section 1. The foregoing recitals are incorporated herein as if set forth in full.

Section 2. Article II of Chapter 6 of the Palisade Municipal Code is hereby amended as follows, with underlined text added and ~~strike through language deleted~~:

Sec. 6-31. Fermented malt beverage license requirements.

Under the provisions of Section ~~12-47-505(4)(a)~~ 44-3-505(4)(a), C.R.S., each application provided for in Article ~~46~~ 4 of Title ~~12~~ 44, C.R.S., pertaining to fermented malt beverages, ~~and each application provided for in Article 47 of Title 12, C.R.S., pertaining to alcoholic beverages,~~ which is filed with the Town Clerk, shall be accompanied by an application fee in an amount determined by the Board of Trustees and set by resolution.

Sec. 6-32. Alcoholic beverage license requirements.

Under the provisions of Section ~~12-47-505(4)(a)~~ 44-3-505(4)(a), C.R.S., ~~each application provided for in Article 46 of Title 12, C.R.S., pertaining to fermented malt beverages, and~~ each application provided for in Article ~~47~~ 3 of Title ~~12~~ 44, C.R.S. pertaining to alcoholic beverages, which is filed with the Town Clerk, shall be accompanied by an application fee in an amount determined by the Board of Trustees and set by Resolution.

Sec. 6-33. Distance between schools and licensed liquor establishments.

The restrictions on the location of buildings in which liquor is sold within five hundred (500) feet of land used for school purposes, set forth in Section 44-3-313(1)(d), C.R.S., may be eliminated or reduced by the Liquor Licensing Authority on a case-by-case basis upon the request of the license holder. Any ~~waiver or modification~~ elimination or reduction of the distance ~~requirements~~ restrictions otherwise applicable to such licenses shall only be granted after review and comment by the governing body of the applicable school or university. A request to ~~waive or modify~~ eliminate or reduce the statutory distance requirements will be reviewed based on the following criteria:

- (1) Type of school property and uses involved;
- (2) Schedules of school operation;
- (3) Type of liquor license involved;
- (4) Hours of operation of the proposed establishment or event;
- (5) Potential for disruption of school activities; and
- (6) Likelihood of increase in liquor-related violations by minors.

Sec. 6-34. Delegation of authority to town clerk to issue licenses.

The Town Clerk is vested with authority to review and approve applications for liquor license renewals and transfers, special event licenses and temporary permits pursuant to the following criteria:

- (1) Renewals and transfers.

- a. The timely submission of a complete application and the payment of all fees by the applicant.
 - b. The referral of the application by the Town Clerk to the Police Department and other appropriate Town departments for review and comment.
 - c. For license transfers, whether the applicant satisfies the eligibility criteria set forth in Sections ~~12-47-307~~ 44-3-301 and 44-3-303, C.R.S.
 - ~~d.~~ d. For license renewals, whether the applicant satisfies the eligibility criteria set forth in Sections 44-3-301 and 44-3-302, C.R.S.
 - ~~e.~~ e. Whether there exists a fact or information on the application, or as provided in referral comments, illustrating reasonable grounds or good cause to deny the application.
- (2) Special event ~~licenses~~ permits.
- a. The timely submission of a complete application and the payment of all fees by the applicant.
 - b. The referral of the application by the Town Clerk to the Police Department and other appropriate Town departments for review and comment.
 - c. The timely and proper posting of a conspicuous public notice of the proposed license and protest procedures at the location sought to be licensed.
 - d. Whether the application and applicant satisfy the eligibility criteria set forth in ~~Sections 12-48-102 and 12-48-103~~ Article 5 of Title 44, C.R.S.
 - e. Whether there exist facts or information on the application, or as provided in referral comments or a protest against the license filed by affected persons, illustrating grounds or good cause to deny the application.
 - ~~f.~~ f. The local licensing authority may, pursuant to Section 44-5-106, C.R.S., deny the issuance of a special event permit upon the grounds that the issuance would be injurious to the public welfare because the nature of the special event, its location within the community, or the failure of the applicant in a past special event to conduct the event in compliance with applicable laws.
 - ~~g.~~ g. Public notice of the proposed permit and of the procedure for protesting issuance of the permit shall be conspicuously posted at the proposed location for at least ten days before approval of the permit by the local licensing authority.
- (3) Temporary permits.
- a. The timely submission of a complete application and the payment of all fees by the applicant.
 - b. The timely filing of an application for the transfer ownership of the liquor license corresponding to the application for a temporary permit.

- c. Whether the premises subject to the proposed temporary permit is currently subject to a valid liquor license.

(4) Festival permits.

- a. The timely submission of a complete application at least thirty days before holding the festival and the payment of all fees by the applicant.
- b. The referral of the application by the Town Clerk to the Police Department and other appropriate Town departments for review and comment.
- c. Whether the application and applicant satisfy the eligibility criteria set forth in Sections 44-3-301 and 44-3-404, C.R.S.
- d. Whether there exists facts or information on the application, or as provided in referral comments or a protest against the license filed by affected persons, illustrating grounds or good cause to deny the application.

~~(4)~~ (5) In the event the Town Clerk cannot or will not approve a transfer or renewal of a license, or the issuance of a special event license or temporary permit, then the Town Clerk shall automatically and promptly agendize the application for public hearing before the Board of Trustees acting as the Local Liquor Licensing Authority. Written notice of the time and place of the hearing shall be mailed to the applicant by regular mail at least ten (10) days in advance thereof and shall contain such facts or reasons relied upon by the Town Clerk to initially deny the license or permit. Notice of the hearing shall also be timely published and posted on the subject premises in accordance with the requirements set forth in Section ~~12-47-311~~ 44-3-311, 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 dissatisfied with a decision of the Town Clerk under this Section may appeal the same to the Board of Trustees 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 Board of Trustees in accordance with the notice and hearing procedures described above.

~~(5)~~ (6) The Town Clerk shall not approve an application for the renewal or transfer of a license, nor issue a special event permit, where the 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 Board of Trustees in accordance with the procedures set forth in Paragraph (4) above.

~~(6)~~ (7) The Town Clerk, for good cause, may waive the forty-five-day time requirement for filing a license renewal application.

(8) The Town Clerk, for good cause, may waive the thirty-day time requirement for filing a festival permit application.

INTRODUCED, READ, PASSED, APPROVED AND ORDERED PUBLISHED BY
TITLE, at the regular meeting of the Board of Trustees of the Town of Palisade, Colorado held
on June 28, 2022.


TOWN OF PALISADE, COLORADO

By:



Greg Mikolai, Mayor

ATTEST:



Keli Frasier, Town Clerk

