

**TOWN OF LOCHBUIE
COUNTIES OF WELD AND ADAMS
STATE OF COLORADO**

ORDINANCE NO. 2022-672

**AN ORDINANCE OF THE BOARD OF TRUSTEES OF THE TOWN OF LOCHBUIE,
COLORADO, AMENDING CHAPTER 6 OF THE LOCHBUIE MUNICIPAL CODE
CONCERNING LIQUOR LICENSING WITHIN THE TOWN**

WHEREAS, the Town of Lochbuie (the "Town") is a statutory municipality, governed by its elected Mayor and Board of Trustees; and

WHEREAS, the Town of Lochbuie regulates the sale of alcoholic beverages in accordance with state law through the provisions in Chapter 6, Article II of the Municipal Code of the Town of Lochbuie (the "Code"); and

WHEREAS, the Board of Trustees desires to revise Chapter 6, Article II of the Code by adding sections to clarify and streamline the process for renewal of liquor licenses and to amend provisions that refer to outdated state statute numbers.

**NOW, THEREFORE, BE IT ORDAINED BY THE TOWN OF LOCHBUIE,
COLORADO:**

Section 1. Amendment of Section 6-2-100. Section 6-2-100 of the Lochbuie Municipal Code is amended by deleting references to outdated state statute sections (references to C.R.S. in Title 12) addressing liquor licensing and to add in the correct and updated state statute section numbers in C.R.S. Title 44 as to read as follows in its entirety:

Sec. 6-2-100. - Local Liquor Licensing Authority established; Special events.

- (a) The Board of Trustees shall act as the Local Liquor Licensing Authority ("Authority") for the Town with all powers and authority granted to the local licensing authority as set forth in Title 44, Article 3, 4 and 5, C.R.S.
- (b) The Authority shall have the power to promulgate rules and regulations concerning the procedures for hearings before it and the presentation of evidence at hearings.
- (c) The Authority shall have the power to require any applicant for a license to furnish any relevant information required by the Authority.
- (d) No person shall serve as a member of the Authority who has any interest in any entity required to have a Town license or a state license issued pursuant to the state liquor laws. A person shall be deemed to have such an interest if the person or a member of his or her immediate family has such an interest. Ownership of stock solely for investment purposes in a corporation whose stock is publicly traded shall not be deemed a disqualifying interest.

- (e) All decisions of the Authority are final, subject only to appeal to a court of competent jurisdiction.
- (f) In accordance with Sections 44-5-101 et seq., and particularly 44-5-107(5)(a), C.R.S., the Authority is hereby authorized to approve an application for a special event permit for an event within the Town without notification or referral to the State Licensing Authority for its approval or disapproval. The Town Clerk shall report to the State Liquor Enforcement Division within ten (10) days after a special event permit is approved 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. In acting upon an application for a special event permit, the Town shall comply with Article 5 of Title 44, C.R.S., and all applicable regulations.

Section 2. Additions of New Sections. The Lochbuie Municipal Code is hereby amended by the adoption of new Sections 6-2-110, 6-2-120, 6-2-130 and 6-2-140 to read as follows in their entirety:

Sec. 6-2-110. - Application for liquor license.

- (a) Application forms and written procedures for submitting applications for a Town liquor license shall be available to applicants from the Town Clerk. Applicants shall submit applications to the Town Clerk accompanied by all the required fees and such additional materials as the Town Clerk deems necessary or appropriate to conduct a review under the provisions of the state liquor laws and Town Code. The Town Clerk will not consider any application which is not complete in every detail. The Town Clerk may return incomplete applications may to the applicant for completion or correction without any further action. Neither the Town nor the Authority shall be responsible for the failure of a license to be issued or renewed prior to an expiration date because of a late, incomplete, or defective application.
- (b) The Town Clerk will receive and process all applications, including conducting or directing investigations of the character, record and reputation of applicants and managers, and inspection of the licensed premises.
- (c) If an application requires Authority determination, the Town Clerk will then schedule the application for consideration by the Authority.
- (d) The Town Clerk will then approve or deny administrative applications, subject to appeal to the Authority, or referral by the Town Clerk to the Authority.
- (e) Upon approval by the Town Clerk or the Authority, the Town Clerk will forward applications to the State for final consideration.

Sec. 6-2-120. – Determining neighborhood.

Whenever state law requires the Authority to determine or consider factors within a relevant neighborhood, the entire boundaries of the Town shall be deemed to be the neighborhood. Interested persons with a right to speak at any public hearing on a liquor license application or liquor license related matter (such as a hearing on whether a violation of the liquor laws has occurred) have the right to challenge this definition of the relevant neighborhood at the hearing. If, following such testimony, the Authority determines some change to the boundaries of the relevant neighborhood is appropriate, the Authority may continue the hearing to a specific date in order to allow the applicant to gather and present information relevant to the amended neighborhood boundary.

Sec. 6-2-130. – License renewal.

- (a) Applicants shall submit all renewal applications for a Town liquor license to the Town Clerk within the timeframes set forth in state statute.
- (b) If there is evidence that the Town Clerk should not renew the license, the Town Clerk shall set the application for hearing with the Authority. In the absence of such evidence, the Town Clerk may administratively approve the renewal.
- (c) Renewal of expired license:
 - (1) A licensee whose license has expired for not more than ninety (90) days may file an expired license renewal application. A licensee who files such application and pays the requisite fees may continue to operate until both the State and the Town have taken final action to approve or deny the late renewal application.
 - (2) The Town Clerk will not accept an expired license renewal application more than ninety (90) days after the expiration of a licensee's permanent annual license. If more than ninety (90) days have elapsed since the expiration of a permanent annual license, the licensee must apply for a new license and shall not sell or possess for sale any alcohol beverage until the applicant has obtained all required licenses.

Sec. 6-2-140. – Administrative applications.

- (a) The Town Clerk may decide the following administrative applications, subject to appeal to the Authority:
 - (1) Transfer of ownership of existing Town license.
 - (2) Change of corporate structure of existing Town license.
 - (3) Modification of premises of existing Town license.
 - (4) Renewal of existing Town license.

- (5) Manager registration for existing Town license.
 - (6) Special events permit.
 - (7) Change of corporate or trade name permit for an existing Town license.
 - (8) Bed and breakfast permits.
 - (9) All other Town license-related applications not requiring a public hearing by the state liquor laws.
- (b) If the Town Clerk concludes that a determination of an application by the Authority would best serve the public interest, the Town Clerk may refer any administrative application to the Authority for a decision.
- (c) An applicant may appeal an application denial by the Town Clerk to the Authority. Applicants must submit appeals, in writing, to the Town Clerk within ten (10) days of denial and may include a request for a hearing. The Authority will decide appeals de novo.

Section 3. Severability. Should any one or more sections or provisions of this Ordinance be judicially determined invalid or unenforceable, such judgment shall not affect, impair, or invalidate the remaining provisions of this Ordinance, the intention being that the various sections and provisions are severable.

Section 4. Safety Clause. The Board of Trustees hereby finds, determines, and declares that the Town has promulgated this Ordinance under the general police power of the Town of Lochbuie, that it is promulgated for the health, safety, and welfare of the public, and that this Ordinance is necessary for the preservation of health and safety and for the protection of public convenience and welfare. The Board of Trustees further determines that the Ordinance bears a rational relationship to the proper legislative objective it seeks to obtain.

Section 5. Effective Date. This Ordinance shall take effect thirty (30) days after publication, as provided by C.R.S. § 31-16-105 and Section 1-3-60 of the Lochbuie Municipal Code.

ADOPTED by a vote of 6 in favor, 0 against and 0 abstaining, AND ORDERED PUBLISHED by title only following public hearing, this 19 day of April, 2022.

TOWN OF LOCHBUIE, COLORADO


Michael Mahoney, Mayor

I hereby certify that the Board of Trustees of the Town of Lochbuie adopted the above Ordinance at its meeting of April 19, 2022 and ordered published by title only one time by *The Brighton Blade* newspaper on April 28, 2022, 2022.

[SEAL]



ATTEST:

Heather Meierkort
Heather Meierkort, Town Clerk