

**TOWN OF SILT
ORDINANCE NO. 2
SERIES OF 2020**

**AN ORDINANCE OF THE TOWN OF SILT, COLORADO AMENDING
SECTIONS OF CHAPTER 5.25 RELATED TO THE TOWN OF SILT
LIQUOR CODE**

WHEREAS, the Board of Trustees ("Board") has the authority pursuant to Section 1-6 of the Town's Home Rule Charter and Colorado Revised Statutes ("C.R.S.") Section 31-15-103 and other laws to enact and enforce ordinances necessary and proper to provide for the safety, preserve the health, promote the prosperity, and improve the morals, order, comfort, and convenience of such municipality and the inhabitants thereof; and

WHEREAS, the Town of Silt finds it necessary to update the existing liquor code based on changes to Colorado Revised Statutes that now address the State liquor code in it's entirety under a new Title 44; and

WHEREAS, the Board wishes to amend Chapter 5.25 of the Silt Municipal Code to reflect those changes made by Title 44; and

WHEREAS, the liquor code is consistent with the laws of the State of Colorado; and

WHEREAS, the Town gave proper and timely published and/or posted notice of the dates and times of the public hearings at which the Board considered this ordinance; and

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF SILT, COLORADO, AS FOLLOWS:

Chapter 5.25

Liquor Code

5.25.010 State law applicable.

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, with all subsequent supplements thereto, are adopted by the Town. A copy of these provisions is on file with the Town Clerk and is available for inspection. The above-cited provisions are also

available on the internet through the Colorado Department of Revenue website. The above statute and regulations are incorporated and adopted as fully as if set out at length in this Chapter, except as otherwise provided in this Chapter.

5.25.020 Definitions.

A. As used in this Article, unless the context otherwise requires:

Applicant means and includes:

1. If an individual, that person making an application for a license under this Chapter;
2. If a partnership, all the partners of the partnership which are making application for a license under this Chapter;
3. If a corporation, any officer, director, manager or stockholder therein; or
4. If a limited liability company, any member therein.

Hearing Officer means the individual, licensed to practice law in Colorado, appointed by the Town Board, to carry out the duties as required under this Article and other rules, regulations, policies and procedures as may be established.

Land used for school purposes means any land owned by the school district, the state or a private educational institution, and used for the purpose of carrying out the academic, athletic or other programs of the school, college or university, but does not include vacant land owned by such entity or land used solely for maintenance or storage purposes where no student activities are conducted.

License means a grant of a license to dispense or sell fermented malt beverages or malt, vinous or spirituous liquors pursuant to Sections 44-3-101 et seq., 44-4-101 et seq., or 44-5-101 et seq., C.R.S., or 1 C.C.R. §§203-2 and 203-3.

Licensee means a natural, legal person selling malt, vinous and spirituous beverages pursuant to and authorized by a license issued pursuant to Sections 44-3-101 et seq., 44-4-101 et seq., or 44-5-101 et seq., C.R.S., or 1 C.C.R. §§203-2 and 203-3 by the Town and/or the State.

Liquor Licensing Authority means the Town Board or a hearing officer appointed by Town Board by resolution.

Manager or owner/operator means any person who manages or is the owner/operator preparing, serving, selling or otherwise providing alcoholic beverages

pursuant to licenses issued therefor. The *manager* or *owner/ operator* shall not include persons who sell, serve or dispense alcoholic beverages in the capacity of volunteer, or persons employed as clerks or checkout persons in an establishment licensed as a retail liquor store.

Person means and includes a natural person, partnership, association, company, corporation, limited liability company, organization or manager, agent, servant, officer or employee of any of them.

Personal identifying Information means any name or number that may be used, alone or in conjunction with any other information, to identify a specific person, including but not limited to name, address, telephone number, social security number, date of birth, government issued driver's license or identification number, alien registration number, government passport number, employer or taxpayer identification number, unique electronic identification number, or routing code.

Server means any person who is employed by a licensee to prepare, serve, sell or otherwise provide alcoholic beverages pursuant to the licensee's license. *Server* shall not include persons who sell, serve or dispense alcoholic beverages in the capacity of volunteer, or persons employed as clerks or checkout persons in an establishment licensed as a retail liquor store or retail store.

Special events permits statute means Section 44-5-101 et seq., C.R.S.

Tastings means the sampling of malt, vinous, or spirituous liquors that may occur on the premises of a retail liquor establishment licensee by adult patrons of the licensee pursuant to the provisions of C.R.S. Section 44-3-301(10).

B. All other words and phrases used in this Chapter shall have the meanings attached by the state statutes regulating the sale of liquor and fermented malt beverages, or if not otherwise defined by law, are used in their common, ordinary and accepted sense and meaning.

5.25.030 Designation of Liquor Licensing Authority and duties of Town Clerk.

The Town Clerk shall assist the Liquor Licensing Authority by receiving all applications, coordinating with other Town officers and departments when relevant, scheduling and noticing required public hearings and exercising his or her discretion in forwarding renewals, change of ownership, special event permits, change of manager notices and temporary licenses/ permits to the Liquor Licensing Authority. The Town Clerk shall serve as the official secretary of the Authority and shall designate a person

or persons to provide the necessary secretarial and reporting services for the Authority. The Town Clerk or his or her designee shall attend the meetings of the Authority.

5.25.040 Filing of applications.

A. All applications for liquor and fermented malt beverage licenses, including new, renewal, temporary, change of location or change of ownership licenses, as well as modification of premises, temporary and special event permits shall be filed with the Town Clerk. All applications shall be made under oath on forms provided by the Town.

B. The following information shall be filed with the Town:

1. A completed state license application form. Incomplete application forms will be rejected.

2. A completed local license application form. Incomplete application forms will be rejected.

3. If the applicant is a corporation, copies of the articles of incorporation, certificate of incorporation and corporate minutes showing current officers, directors and shareholders. In the case of a foreign corporation, the applicant shall also provide the name and address of the registered agent and proof of authority to transact business in the State. If the applicant is a limited liability company, copies of the articles of organization and operating agreement, and a list of managers and members. If the applicant is a partnership, a copy of the partnership agreement.

4. A description of the kind of business and the nature of the proposed establishment.

5. The name and address of the person who will manage and operate the establishment after the license has been issued, a copy of the management agreement, if any, and the names of other liquor or fermented malt beverage establishments managed by that person.

6. Evidence showing that the proposed location will not violate any Town zoning laws.

7. Evidence showing all financial interests in the proposed license, including but not limited to copies of documents governing the contract for purchase, promissory notes, shares of stock, mortgages, leases, insurance binders, recorded and unrecorded security interests and assignments of any of the above.

5.25.050 Application procedures; hearings.

A. Upon receipt of a complete application for a new license and/or a change of location of a license, the Town Clerk shall set a hearing date not less than thirty (30) days from the date of the application and provide notice of the hearing pursuant to Section 44-3-311, C.R.S. The application form shall be accompanied by an application fee, and successful applicants shall be subject to license fees as established by resolution.

B. Preliminary investigation; findings.

1. Prior to the date set for hearing, the Town Clerk and Chief of Police shall, on behalf of the Liquor Licensing Authority, investigate the following matters:

a. Whether any of the prohibitions contained in Section 44-3-313 or 44-4-104, C.R.S., apply to the applicant.

b. The number and type of outlets of a nature similar to the applicant's within one (1) mile in any direction of the proposed location.

2. A written report setting out the results of the investigations performed by the Town Clerk and the Chief of Police shall be prepared and mailed by certified mail, return receipt requested, or emailed to the person who is responsible for the application process as designated by the applicant by the Town Clerk to the applicant and, upon request, to other parties in interest, as defined by Section 44-3-311(5)(b), C.R.S., not less than ten (10) days prior to the date of the hearing upon the application. The original report shall be filed as a public record in the Town Clerk's office, with all personal identifying information redacted.

C. Petitions, reports, and statements prior to hearing.

1. Petitions may be circulated by the applicant or any person opposing or supporting the issuance of the license. Each person signing a petition may sign only his or her own name and his or her address. The date when the signature is affixed to the petition shall be put on the petition by the party signing the same. No person may sign more than one (1) petition.

2. All other petitions, remonstrances, surveys or statements in writing offered by the proponents, opponents or others interested in any application for a licensed outlet shall be filed in the office of the Town Clerk by 12:00 p.m. of the Wednesday preceding the day on which the hearing upon the application is held before the Liquor Licensing Authority. All notices of such hearings shall contain a statement that said petitions,

remonstrances, surveys and statements in writing should be filed by 12:00 p.m. of the Wednesday preceding the hearing.

D. Public hearing notice.

1. In addition to following the posting and publication requirements included in the Colorado beer and liquor codes, the Town will, no later than ten (10) days before hearing, make all reasonable attempts to mail a courtesy notice of any public hearing at which a new or change of location application is to be considered to those property owners within five hundred (500) feet, generally, of the proposed site.

2. The information typically provided in the courtesy letter shall contain the same information as that required for the sign and publication and a statement that additional information about the application is available at the Town Clerk's office.

3. Failure of the Town to provide all forms of public notice as provided herein shall not affect the validity of any hearing or determination by the Liquor Licensing Authority.

E. Public hearing.

1. The Licensing Authority may promulgate rules of procedure for the conduct of all hearings on applications for licenses or for revocation or suspension of licenses.

2. On the date scheduled, a public hearing shall be held on the application. The hearing may be continued from time to time, not to exceed thirty (30) days, upon the request of any party in interest, as defined by Section 44-3-311(5)(b), C.R.S., or upon motion of the Liquor Licensing Authority.

3. All hearings before the Liquor Licensing Authority shall be public and shall be conducted in accordance with this Article and so as to ascertain facts affecting the substantial rights of the parties to the proceedings. The conduct of the hearing and the information to be presented shall be as set forth in Sections 44-3-311 and 44-3-312, C.R.S. The Liquor Licensing Authority shall consider the information contained in the report of the investigations of the Town Clerk and the Chief of Police. Evidence and requirements of proof shall conform, to the extent practicable, with those in civil nonjury cases in the district courts; however, evidence not admissible under such rules will be admitted if such evidence possesses significant probative value.

4. Applicants or parties in interest, as defined in Section 44-3-311(5)(b), C.R.S., may appear in person or be represented by counsel.

5. The Liquor Licensing Authority shall consider all evidence presented relating to the following standards:

a. The character, record, or reputation of the applicant as set forth in Section 44-3-307, C.R.S.

b. The neighborhood surrounding the proposed establishment and the existing licensed premises located in or near the neighborhood under consideration.

c. The reasonable requirements of the neighborhood and the desires of the adult inhabitants for the type of license for which application has been made.

d. The financial resources of the application for the acquisition and outfitting of the establishment sought to be licensed.

e. Any pertinent matters affecting the qualifications of the applicant for the conduct and the type of business proposed.

f. Evidence which would indicate that the building or location proposed for the operation of the license is not suited for the intended purpose.

6. The applicant and a party in interest, as defined in Section 44-3-311(5)(b), C.R.S., may introduce evidence at the public hearing on the matters set forth above.

7. All testimony given at a public hearing shall be sworn. The Town Clerk or other hearing officer shall have the power to administer oaths and issue subpoenas on behalf of the Liquor Licensing Authority. A subpoena shall be served in the same manner as a subpoena issued by the District Court of the State. Upon failure of any witness to comply with such subpoena, the Town Attorney shall, at the direction of the Liquor Licensing Authority, petition the Municipal Court setting forth that due notice has been given of the time and place of attendance of the witness and the service of the subpoena. The Court, after hearing evidence in support of or contrary to the petition, shall enter its order compelling the witness to attend and testify or produce books, records or other evidence under penalty of punishment for contempt in case of willful failure to comply with such order of the Court.

8. Any attorney at law who appears before the Licensing Authority at any hearing shall be required to state the names and addresses of all persons whom he or she has been authorized to represent at the hearing.

F. Decision by Liquor Licensing Authority.

1. At the conclusion of the presentation of all the evidence, the Liquor Licensing Authority shall enter its decision granting or denying the license, or it may take the application under advisement for a maximum of thirty (30) days, during which time it shall consider all the evidence. For purposes of this Section, good cause for refusing or

denying an initial license application shall be as defined in Section 44-3-103(19), C.R.S., in effect or as hereafter amended.

2. When the decision is made, the motion shall contain such findings of facts and conclusions of law as are relevant and necessary to support the decision. As appropriate for the type of license under consideration, the motion should specifically describe the neighborhood under consideration, the needs of the neighborhood for the outlet, the desires of the adult inhabitants and the qualifications of the applicant. The motion may be made orally or in writing. Upon making of the motion and the reasons therefor, a vote shall be taken and entered into the minutes of the Liquor Licensing Authority.

5.25.060 License renewals; hearing.

A. All applications for renewal of fermented malt beverage, malt, vinous and spirituous liquor licenses shall be on forms provided by the State Licensing Authority and the Liquor Licensing Authority, and must be submitted to the Town Clerk not less than forty-five (45) days prior to the license expiration date, together with the required renewal application fee, as established by the Town.

B. Upon receiving the renewal application, the Town Clerk shall assemble the applicant's file containing reports from staff regarding the applicant or the premises for the preceding year. Unless there is evidence to the contrary in the applicant's file or otherwise, it will be presumed that the occupied premises are in compliance with the provisions of state statutes and Town regulations, and that the character of the applicant continues to be satisfactory. If these presumptions apply, the application for renewal shall be recommended for approval by the Town Clerk and set for Liquor Licensing Authority consent at the next Town Board meeting. All successful applicants shall be subject to license fees as referenced in Section 5.25.160 of this Article and established by resolution.

C. If there is evidence to rebut the presumptions in Subsection (B) above which otherwise arise, the Town Clerk shall immediately notify the licensee in writing of the objections to the renewal application and set a public hearing date to be held not less than ten (10) nor more than thirty (30) days after the date of such notice. The written notice shall be mailed by certified mail to the applicant, shall state generally the grounds for staff's recommendation of nonrenewal, and shall provide the date, time and place of the hearing to show cause for nonrenewal. Notice of the hearing must also be conspicuously posted on the premises for a period of ten (10) days prior to the hearing. The hearing shall be conducted in the same manner as provided for hearings on revocation or suspension of the type of license involved.

5.25.070 Change of location; hearing.

A. To request a change of location of premises under an existing license, the licensee shall submit an application to the Town Clerk on forms provided by the State Licensing Authority and the Liquor Licensing Authority. An application fee, as referenced in Section 5.25.160 and established by resolution, shall accompany the application.

B. All applications for a change of location of premises under an existing license shall be subject to Section 5.25.050 above, except that the character of the applicant shall not be considered.

C. The scheduling and notice of the hearing on a change of location shall be as provided in Section 44-3-311, C.R.S.

5.25.080 Change of ownership; hearing.

A. All applicants for the issuance of a license by reason of transfer of ownership of the business, or of possession of the licensed premises, shall file with the Town Clerk an application on forms provided by the State Licensing Authority and the Liquor Licensing Authority. The application form shall be accompanied by an application fee, and successful applicants shall be subject to license fees as established by resolution.

B. The Town Clerk and Chief of Police shall conduct an investigation of the character of the applicant, pursuant to the process set forth in Section 5.25.050(b)(1) above.

C. If the Town Clerk recommends approval of the change of ownership after the investigation, no hearing is necessary, and the change of ownership shall be scheduled for Liquor Licensing Authority consent within thirty (30) days.

D. If the Town Clerk does not recommend approval of the change of ownership after the investigation, the Liquor Licensing Authority shall schedule a public hearing and provide notice pursuant to Section 44-3-311, C.R.S. The Liquor Licensing Authority shall hold a public hearing in accordance with Section 5.25.100 below, and it shall consider only the character of the applicant. The applicant shall be required to submit information concerning good moral character, the applicant's ability to conduct the business according to law and the applicant's source of funding.

E. Pending approval by the Liquor Licensing Authority of a change in ownership, a temporary permit may be issued upon application, pursuant to Section 44-3-303, C.R.S.

5.25.090 Temporary licenses.

A licensee who allows a liquor license to expire can obtain a temporary license pursuant to the terms of Section 44-3-303, C.R.S. The application form shall be accompanied by an application fee, and successful applicants shall be subject to license fees, as referenced in Section 5.25.160 of this Article and established by resolution. The Liquor Licensing Authority shall have the authority to issue temporary licenses only to the extent set forth in Section 44-3-303, C.R.S. If a temporary license is issued to an applicant, such temporary license shall contain the name of the licensee, the address of the licensed premises and the date of issuance, and it shall be posted conspicuously on the licensed premises.

5.25.100 Suspension and revocation of licenses; hearings.

A. Proceedings for suspension or revocation of a liquor license shall be commenced in either of the following manners: (1) upon the filing of a complaint with the Liquor Licensing Authority by a third party which is supported by probable cause; or (2) upon the request of the Chief of Police or Town Clerk based on a determination that there is probable cause to believe a violation has occurred or is occurring after a full investigation. The Liquor Licensing Authority shall set a time and place for a hearing on the matter, and the Town Clerk shall give the licensee timely written notice of the date, time and place of the hearing. The notice shall describe generally the alleged violations and the grounds showing probable cause for suspension or revocation of a license. The notice shall be served on the licensee by certified mail to the last address furnished to the Town at least forty-eight (48) hours prior to the hearing.

B. The Liquor Licensing Authority or a hearing officer appointed by the Liquor Licensing Authority shall conduct the hearing. The hearing officer may be designated by the Town Board.

C. The Liquor Licensing Authority, the Town Clerk, and the hearing officer shall have the power to administer oaths, issue subpoenas and, when necessary, grant continuances.

D. In all such hearings, the Town Attorney shall act on behalf of and advise the Liquor Licensing Authority. The Liquor Licensing Authority shall appoint special counsel to conduct an investigation and prosecute the licensee on behalf of the Town.

E. All hearings before the Liquor Licensing Authority or the hearing officer shall be conducted in accordance with the procedures adopted by the Liquor License Authority.

F. If the Liquor Licensing Authority conducts a hearing, it shall render a decision that shall contain such findings of facts and conclusions of law as are relevant and necessary to support the decision under this Code. If the hearing is held before a hearing officer, the hearing officer shall make a recommendation in writing to the Liquor Licensing Authority within thirty (30) days after the close of the hearing. The written recommendation shall contain findings of fact and conclusions of law based on the evidence presented at the hearing. A copy of this summary and recommendation shall be transmitted to the licensee. At the next regular Board meeting following the submission of the hearing officer's recommendation, the Liquor Licensing Authority shall consider the same. In its discretion, the Liquor Licensing Authority may reject the hearing officer's recommendation, refer the matter back for further proceedings, adopt the recommendation or order a new hearing, either before the original hearing officer or before the entire Liquor Licensing Authority or a committee or member thereof.

G. The Liquor Licensing Authority may suspend any license for a period up to six (6) months, following the guidelines below, or revoke a license permanently, based on evidence of good cause presented at the hearing.

H. In the event of revocation, suspension or cessation of business, no portion of the license fee or occupation tax shall be refunded.

I. The licensee shall have the right to appeal or seek judicial review of a decision of the Liquor Licensing Authority as provided in the Colorado Rules of Civil Procedure.

5.25.110 Penalty guidelines.

Violations of any provisions of this Chapter shall result in penalties according to the generally accepted and practiced state penalty guidelines provided below. Nothing in the following guidelines is meant to restrict the Local Licensing Authority from issuing a lesser penalty, a higher penalty, or additional penalties as allowed by this Code or state law, up to and including suspension or revocation of a liquor license or the imposition of a fine in lieu of suspension as provided under the provisions of Section 44-3-601, C.R.S and/or Chapter 5.24 of this Code. For the second incident in one (1) year, any days held in abeyance will be automatically imposed from the first incident in addition to any other suspension imposed by the Liquor Licensing Authority.

Code Violation	Suspension
<i>Sale to Minor:</i>	
First Incident	
1 Charge	15 days total, 5 served and 10 held in abeyance for a period of one year from date of hearing, pending no further violations.
2 Charges	30 days total, 10 served and 20 held in abeyance for a period of one year from date of hearing, pending no further violations.
3 + Charges	45 days total, 15 served and 30 held in abeyance for a period of one year from date of hearing, pending no further violations.
 <i>Purchase of Liquor from Someone Other Than a Wholesaler</i>	
First Incident	
1 Charge	10 days total, 3 served and 7 held in abeyance for a period of one year from date of hearing, pending no further violations.
2 Charges	10 days total, 5 served and 5 held in abeyance for a period of one year from date of hearing, pending no further violations.
 <i>Sale to Intoxicated Patron:</i>	
First Incident	
1 Charge	15 days total, 5 served and 10 held in abeyance for a period of one year from date of hearing, pending no further violations.
2 Charges	30 days total, 10 served and 20 held in abeyance for a period of one year from date of hearing, pending no further violations.
3 + Charges	45 days total, 15 served and 30 held in abeyance for a period of one year from date of hearing, pending no further violations.
 <i>Failure to Meet Food Requirement (H & R/Brew Pubs):</i>	
First Incident	15 days total, 5 served and 10 held in abeyance for a period of one year from date of hearing, pending no further violations, with 30 days to comply.
 <i>Permitting Illegal Gambling:</i>	
First Incident	10 days total, 3 served and 7 held in abeyance for a period of one year from date of hearing, pending no further violations.
Second Incident	45 days total, 15 served and 30 held in abeyance for a period of one year from date of hearing, pending no further violations.
Third Incident	Days held in abeyance automatically imposed from first incident, plus additional suspension as stated in first incident above.

Failure to Maintain Adequate Books/Records:

First Incident 15 days total, 5 served and 10 held in abeyance for a period of one year from date of hearing, pending no further violations

Second Incident 30 days total, 10 served and 20 held in abeyance for a period of one year from date of hearing, pending no further violations.

Sale After Legal Hours:

First Incident 10 days total, 3 served and 7 held in abeyance for a period of one year from date of hearing, pending no further violations.

Second Incident 30 days total, 10 served and 20 held in abeyance for a period of one year from date of hearing, pending no further violations.

Permitting or Not Reporting Disturbances:

First Incident 30 days total, 10 served and 20 held in abeyance for a period of one year from date of hearing, pending no further violations.

Second Incident Days held in abeyance automatically imposed from first incident, plus additional suspension as stated in first incident above.

Violations on Follow-up Inspections:

For each incident 3 days total, 1 served and 2 held in abeyance for a period of one year from date of hearing, pending no further violations.

Failure to Report Manager, Corporate, Financial Change:

First Incident 5 days total, all 5 held in abeyance for a period of one year from date of hearing, pending no further violations.

Second Incident 10 days total, 3 served and 7 held in abeyance for a period of one year from date of hearing, pending no further violations.

Underage Employee Selling or Serving:

First Incident
1 Charge 7 days total, 2 served and 5 held in abeyance for a period of one year from date of hearing, pending no further violations.

2 Charges 14 days total, 4 served and 10 held in abeyance for a period of one year from date of hearing, pending no further violations.

3 Charges 30 days total, 10 served and 20 held in abeyance for a period of one year from date of hearing, pending no further violations.

Altered Liquor:

1 Charge 15 days total, 5 served and 10 held in abeyance for a period of one year from date of hearing, pending no further violations.

5.25.120 Optional premises license.

A. The following standards for the issuance of optional premises licenses or for optional premises for a hotel and restaurant license are hereby adopted pursuant to the provisions of Section 44-3-310, C.R.S. 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 license or for optional premises for a hotel and restaurant license. These two types of licenses for optional premises will be collectively referred to as "optional premises" in these standards unless otherwise provided.

B. Eligible facilities. An optional premises may only be approved when that premises is located on or adjacent to an outdoor sports and recreational facility as defined in Section 44-3-103, C.R.S. The types of outdoor sports and recreational facilities in the Town which may be considered for an outdoor premises license include the following:

- 1. Country club;
- 2. Golf courses and driving ranges;
- 3. Swimming pools;
- 4. Parks and arenas.

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 Local 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.

C. Number of optional premises. There are no restrictions on the number of optional premises which any one (1) licensee may have on his or her outdoor sports or recreational facility. However, any applicant requesting approval of more than one (1) optional premise shall demonstrate the need for each optional premise in relationship to the outdoor sports or recreational facility and its guests.

D. Submittal requirements. When submitting a request for the approval of an optional premise, in addition to meeting the license application requirements of this Article, 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 premise requested.

2. A description of the method which shall be used to identify the boundaries of the optional premises when it is in use.

3. 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.

E. Advance notification. Pursuant to Section 44-3-310(3), C.R.S., no alcohol beverages may be served on the optional premises until the licensee has provided written notice to the Police Department forty-eight (48) hours prior to serving alcohol beverages on the premises, unless notice is waived by the Authority. 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 one hundred eighty (180) days from the notice date.

F. Fees for application and processing of an optional premises license shall be as set forth in Sections 44-3-501(1)(l), C.R.S., and Section 5.25.160 of this Code.

5.25.130 Special event permit application.

Pursuant to Section 44-5-101 et seq., C.R.S., the Town Clerk may issue special event permits for the sale of fermented malt and alcoholic beverages to those organizations set forth in the special event permit statute and on the grounds set forth therein.

5.25.140 Alcohol beverage tastings authorized.

A. Authorization. The town hereby authorizes tastings to be conducted by retail liquor establishment licensees in accordance with this section and pursuant to C.R.S. Section 44-3-301(10)(a), and subject to approval by the Town Clerk. It is unlawful for any person or licensee to conduct tastings without first having obtained a permit from the Town of Silt to do so in accordance with this section.

B. Application for permit. A retail liquor establishment licensee who wishes to conduct tastings shall submit an annual application for a permit on forms supplied by the Town Clerk. Such application shall be accompanied by a non-refundable annual fee as set annually by the Board of Trustees by resolution . Permit holders shall notify the Town Clerk and police department by completing a notification form provided by the Town at least seven (7) days prior to any tasting.

C. Term. The annual tastings permit is valid for a period of one (1) year, and shall run and expire concurrently with the license of the retail liquor establishment; provided however, that the first tastings permit issued to a retail liquor establishment licensee is

valid only until the expiration of the current liquor license. First year tastings permits shall be prorated as to the permit fee based on an average of three (3) tastings events per week. No more than one hundred fifty-six (156) tastings may be held during the annual term of any permit issued.

D. Limitations. Tastings are subject to the limitations set forth in C.R.S. Section 44-3-301(10), as may be amended from time to time; and tastings are subject to the limitations set forth by the Liquor Licensing Authority as may be created or amended from time to time.

5.25.150 Issuance of licenses.

All licenses shall be issued in accordance with the laws of the State and the ordinances of the Town. Licenses may be issued after the applicable requirements have been met for posting and publication of notice, the preliminary investigation has been conducted, a public hearing has been held before the Liquor Licensing Authority when required, and approval is granted by the State Licensing Authority. In no event shall any license be issued until it is satisfactorily established that:

1. All requirements and conditions of licensure set forth in Sections 44-3-307 and 44-3-313, C.R.S., have been met or found to exist
2. The applicant or any principal, partner, officer, director or stockholder holding over ten percent (10%) of the issued and outstanding stock, if any change since initial approval, has good moral character and reputation.
3. The applicant remains or will be entitled to possession of the premises for which the application is made under a lease, or by virtue of ownership thereof, and that the use of the premises at the proposed location does not violate the zoning laws or any other laws of the Town or the State.
4. After approval of an application by the Liquor Licensing Authority and after the building in which the license is sought to be exercised has been made ready for occupancy with such furniture, fixtures and equipment as is necessary to comply with the provisions of these rules and the laws of the State, an inspection of the premises has been made to determine that the application has complied in every material detail with the plans and specifications submitted at the time of the filing of the application.
5. The applicant has not applied for and been denied a liquor license for an establishment located within five hundred (500) feet of the proposed location within the preceding two (2) years.

5.25.160 Application fees.

A. An application fee shall be paid to the Town in connection with all applications for liquor and fermented malt beverage licenses, including new, renewal, temporary, change of location or change of ownership licenses, modification of premises permits, temporary permits and special event permits. Town application fees shall be established by resolution, a copy of which is available in the office of the Town Clerk. The application fee shall be collected to cover the costs of the preliminary investigation made by the Town, administrative time, publication and posting costs and other necessary and incidental expenses.

B. An application fee payable to the State Department of Revenue shall also be paid by all applicants in an amount as provided by the State Licensing Authority.

C. An annual license fee shall also be paid to the Town by the owners of all licensed premises. Such Town license fee shall be as set forth in Sections 44-4-107(2) and 44-3-505, C.R.S.

D. Annual license fees shall also be paid to the State Department of Revenue for particular state licenses, as set forth in Sections 44-4-104 and 44-3-501, C.R.S.

5.25.170 Appeals; cost of transcript.

Any party aggrieved by a decision of the Liquor Licensing Authority may appeal said decision or seek judicial review. An administrative fee as established by resolution shall be charged, together with the cost of preparing a transcript of the proceedings, whenever a transcript is demanded by the person seeking the review or furnished by the Town pursuant to an order of court. The cost of preparing a transcript of testimony before the Liquor Licensing Authority shall be charged at rates ordinarily charged by certified shorthand reporters.

5.25.180 Education requirements for licensees.

A. The education requirements for licensees are as follows:

1. All managers or owners/operators registered with the State and the Liquor Licensing Authority are required to attend an educational liquor seminar approved by the Liquor Licensing Authority and receive a certificate of completion within two (2) months after the date the license is approved by the Liquor Licensing Authority. Such certificate may take the form of a card or any other form decided upon by the Liquor Licensing Authority. Successful completion of the educational liquor seminar must be recorded with the Liquor Licensing Authority. The certificate of completion shall be valid for a period of three (3) years.

2. Except for volunteers serving alcoholic beverages pursuant to a special events permit, every licensee, including club licensees, shall ensure that seventy-five percent (75%) of all servers employed or engaged by the licensee, and one hundred percent (100%) of those servers employed or engaged by the licensee for at least six (6) months, shall have successfully completed within six (6) months of the effective date of the initial ordinance codified herein, and at all times thereafter, an educational liquor serving seminar approved by the Liquor Licensing Authority. When a new server is hired or begins to serve alcoholic beverages pursuant to a club license, the licensee shall have a two-month grace period to ensure that the new server has successfully completed an approved educational liquor serving seminar. The certificate received by servers who successfully complete the educational liquor serving seminar shall be valid for a period three (3) years.

3. At every event for which a special event liquor license is issued, the licensee shall ensure that at least one (1) server, manager or owner/operator, including volunteers, who has successfully completed an approved educational liquor serving seminar, is present at all times and is supervising the dispensing of alcoholic beverages.

4. At the time an applicant files an application for issuance, renewal or transfer of a liquor or fermented malt beverages license, or to change the location or corporate structure of the licensed premises or entity, the applicant shall submit to the Town Clerk information to prove that the requisite percentage of servers, managers and/or owners/operators required to be certified under this Section have certificates in full force and effect as a condition of approval of the application. Required information shall include the names of all servers, the date of hire of all servers, the date each server attended training and the date of expiration of each server's certification. All licensees shall maintain a file of certificates on all managers and owners/operators employed by said licensee and shall exhibit said copies of certificates when requested to do so by the Town Clerk, the Chief of Police, police employees or other appropriate officials of the Town.

B. The course requirements for the education for licensees are as follows:

1. Every agency offering a course of instruction approved by the Liquor Licensing Authority shall issue a certificate to those enrollees who successfully complete the liquor educational seminar. The certificate shall be dated to show the date of completion of the training and the date of certificate expiration, and shall be evidence that the person has been in actual attendance a minimum number of hours at the course and has achieved a reasonable mastery of the theories and facts presented. No agency approved by the Liquor Licensing Authority to provide manager or owner/operator training shall issue a

certificate unless the person has actually attended and achieved a reasonable mastery of the materials.

B. Costs. All persons enrolled in an educational liquor seminar presented by the Town pursuant to this Section must pay to the Town Clerk the actual cost of attending the seminar.

C. Penalties for noncompliance.

1. Failure to comply with this Section shall be considered a violation of the conditions for the issuance of a license and a violation of this Code and may result in fines or other penalties.

2. Failure to maintain continuous compliance with the educational requirements of Subsection (b) above may subject a licensee to suspension or revocation of a license as provided for in Section 44-3-601, C.R.S.

5.25.190 Licensee to report disorderly conduct.

A. Each licensee shall conduct his or her establishment in a decent, orderly and respectable manner, and shall not permit within or upon the licensed premises the loitering of habitual drunkards or intoxicated persons, lewd or indecent displays, profanity, rowdiness, undue noise or other disturbance or activity offensive to the sensitivities of the average citizen, or to the residents of the neighborhood in which the establishment is located. It shall be unlawful for a licensee to permit the above-described conduct, and it shall be unlawful for:

1. Any licensee having authority to sell alcoholic beverages on his/her premises to permit any disturbances or disorderly acts or conduct to be committed by any person or group of persons on his/her premises.

2. Any licensee having authority to sell alcoholic beverages on his/her premises to in any manner encourage or participate in any disturbance or unlawful or disorderly act or conduct upon his/her premises, provided, however, such licensee may use such lawful means as may be proper to protect his/her person or property from damage or injury.

3. Individuals employed as bartenders to consume alcoholic beverages during those times in which they are actually engaged in the serving of alcoholic beverages to customers on a licensed premises or for such individuals to engage in the serving of alcoholic beverages to customers on the licensed premises while in an intoxicated condition; or for a licensee having authority to sell alcoholic beverages on his/her premises to permit such conduct by his/her bartenders.

B. A licensee having authority to sell alcoholic beverages upon his/her premises shall immediately report to the police department any unlawful or disorderly act or conduct or any disturbance committed on his/her premises.

C. It shall not be a defense that the licensee was not personally present on his/her premises at the time such unlawful or disorderly act, conduct or disturbance took place. However, an agent, servant or employee of the licensee shall not be liable hereunder when absent from the premises and not on duty.

D. Any licensee, agent, servant or employee of a licensee who shall violate any of the provisions of this Section shall be subject to the penalty provided for in Chapter 1.12 of this Code.

5.25.200 Lighting in licensed premises.

All licensees shall be required to maintain a level of light within the licensed premises which would permit the checking of identification materials without resort to other lighting.

5.25.210 Licensed premises to be open for inspection.

All premises licensed under this Chapter shall be open to inspection by the Police Department, the County Health Department, the State Licensing Authority and any other federal, state, county or Town agency which is permitted or required by law to inspect licensed premises. It is unlawful for the licensee, its employees or agents or for any other person to refuse to permit any such inspection of the licensed premises or to otherwise interfere with any such inspection.

5.25.220 License requirements.

The licensee shall be a resident of Colorado and, if a corporation, corporation must be incorporated under the laws of Colorado and duly qualified to do business in Colorado. If a nonresident corporation, partnership or limited liability company wishes to hold a liquor license within the Town pursuant to this Code and the Colorado Revised Statutes, such entity shall be properly registered and licensed to do business within the State by the Secretary of State.

5.25.230 Character and reputation requirements.

The licensee shall be of good moral character and reputation. No license shall be issued to or held by any corporation if any of its officers, directors or stockholders holding over ten percent (10%) of the outstanding and issued stock thereof is not of good moral character and reputation.

A. In determining whether an applicant for a license or a licensee is of good moral character, the Licensing Authority shall be governed by the provisions of Section 24-5-101, C.R.S.

B. In investigating the character of an applicant or a licensee, the Licensing Authority may have access to criminal record information furnished by a criminal justice agency subject to any restrictions imposed by such agency. In the event the Licensing Authority takes into consideration information concerning the applicant's criminal history record, the Licensing Authority shall also consider any information provided by the applicant regarding such criminal history record, including but not limited to evidence of rehabilitation, character references and educational achievements, especially those pertaining to the period of time between the applicant's last criminal conviction and the consideration of his or her application for a license.

C. As used in this Section, *criminal justice agency* means any federal, state or municipal court or any governmental agency or subunit of such agency which performs the administration of criminal justice pursuant to a statute or executive order and which allocates a substantial part of its annual budget to the administration of criminal justice.

Section 3. If any part, section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance; and the Town Board of Trustees hereby declares it would have passed this ordinance, and each part, section, subsection sentence, clause or phrase thereof, regardless of the fact that any one or more parts, sections, subsections, sentences, clauses or phrases be declared invalid.

Section 4. The Town Board of Trustees hereby finds, determines, and declares that this ordinance is necessary and proper for the health, safety, and welfare of the Town of Silt and the inhabitants thereof.

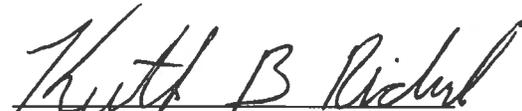
Section 5. The repeal or the repeal and reenactment of any provision of the Municipal Code of the Town of Silt as provided in this ordinance shall not affect any right which has accrued, any duty imposed, any violation that occurred prior to the effective date hereof, any prosecution commenced, nor any other action or proceedings as commenced under or by virtue of the provision repealed or repealed and reenacted. The repeal of any provision hereby shall not revive any provision or any ordinance previously repealed or superseded unless expressly stated herein.

Section 6. All bylaws, orders, resolutions, and ordinances, or parts thereof, inconsistent herewith are repealed to the extent only of such inconsistency. This repealer shall not be construed to revise any bylaw, order, resolution, or ordinance, or part thereof, theretofore repealed.

INTRODUCED, READ, APPROVED ON FIRST READING, a public hearing, this 27th day of January, 2020 at 7:00 p.m. at the municipal building of the Town of Silt, Colorado.

PASSED AND APPROVED ON SECOND READING, ADOPTED AND ORDERED PUBLISHED following a public hearing this 10th day of February, 2020.

TOWN OF SILT



Mayor Keith B. Richel

ATTEST:



Town Clerk Sheila M. McIntyre, CMC

