

**TOWN OF MEAD, COLORADO
ORDINANCE NO. 901**

**AN ORDINANCE OF THE TOWN OF MEAD, COLORADO,
AMENDING THE MEAD LIQUOR CODE
CONCERNING REFERENCES TO STATE ALCOHOL BEVERAGE LAWS,
APPLICATIONS FOR CERTAIN PERMITS, AND REFERENCING A FEE SCHEDULE**

WHEREAS, the Board of Trustees of the Town of Mead (“**Board of Trustees**”) has the authority pursuant to C.R.S. § 31-15-401 and its general police powers to pass and enforce regulations that may be necessary or expedient for the promotion of the health, safety and welfare of the citizens of the Town of Mead (“Town”); and

WHEREAS, the Colorado General Assembly (“**General Assembly**”) enacted House Bill 18-1025 on April 23, 2018, effective October 1, 2018, relocating laws related to regulation of alcohol beverages from Title 12 to Title 44 of the Colorado Revised Statutes (“**HB 18-1025**”); and

WHEREAS, the General Assembly enacted Senate Bill 18-243 on June 4, 2018, part of which is effective January 1, 2019, and part of which is effective July 1, 2019, which bill concerns the retail sale of alcohol beverages (“**SB 18-243**”); and

WHEREAS, Town staff recommends amending Chapter 6, Article III (“Mead Liquor Code”) of the Mead Municipal Code (“MMC”) for purposes of correcting references to the Colorado Revised Statutes, as amended by HB 18-1025 and SB 18-243, and recommends additional substantive revisions for purposes of streamlining and clarifying the requirements of the Mead Liquor Code, conveying additional authority to the Town Clerk for efficiency purposes, and referencing a fee schedule for licenses and permits to be adopted by the Board of Trustees; and

WHEREAS, the Board of Trustees desires to amend the Mead Liquor Code, as provided in this Ordinance, to advance the public health, safety, convenience and general welfare of the residents of the Town.

NOW THEREFORE, BE IT ORDAINED by the Board of Trustees of the Town of Mead, Weld County, Colorado, that:

Section 1. Section 6-3-30 of the MMC, titled “Definitions,” subsection (a) is hereby amended as follows, with portions to be removed struck through and portions to be added in italics and underlined, with the remaining definitions of Section 6-3-30(a) to remain in full force and effect:

C.R.S. means the Colorado Revised Statutes, as may be amended from time to time.

Fermented malt beverage means ~~any beverage obtained by the fermentation of any infusion or decoction of barley, malt, hops or any similar product or any combination thereof in water containing not less than one half of one percent (.5%) and not more than three and two tenths percent (3.2%) alcohol by weight~~ malt liquors, when purchased by a fermented malt beverage retailer from a wholesaler or when sold by a fermented malt beverage retailer pursuant to the Colorado Beer Code, Article 4 of Title 44, C.R.S.

~~*Investigator* means the liquor license investigative agency or investigator for the Town, as designated by the Board of Trustees.~~

License means a grant to a licensee to sell malt, vinous or spirituous liquors, as provided for by this Article and ~~Title 12, Articles 46, 47 and 48~~ Title 44, Articles 3, 4 and 5, C.R.S.

Malt liquor means beer and shall be construed to mean any beverage obtained by the alcoholic fermentation of any infusion or decoction of barley, malt, hops or any other similar products, or any combination thereof, in water containing ~~more than three and two tenths percent (3.2%) of alcohol by weight~~ not less than one-half of one percent alcohol by volume.

Spirituous liquor means any alcoholic beverage obtained by distillation, mixed with water and other substances in solution, and includes, but is not limited to, brandy, rum, whiskey, gin and every liquid or solid, patented or not, containing at least one-half of one percent alcohol by volume; and which is fit for use for beverage purposes. Any liquid or solid containing beer or wine in combination with any other liquor, except as provided in this Section, shall not be construed to be malt or vinous liquors, but shall be construed to be spirituous liquor.

State alcohol beverage laws means Title 44, Articles 3, 4 and 5, C.R.S.

Town Clerk means the Town Clerk of the Town of Mead, or the Clerk's designee.

Vinous liquor means wine and fortified wines ~~not exceeding that contain not less than one-half of one percent and not more than~~ twenty-one percent (21%) of alcohol by volume, and shall be construed to mean alcoholic beverage obtained by the fermentation of the natural sugar contents of fruit or other agricultural products containing sugar.

Section 2. Section 6-3-30 of the MMC, titled "Definitions," subsection (b) is hereby amended as follows, with portions to be removed struck through and portions to be added in italics and underlined:

- (b) Other definitions not specifically enumerated in this Section shall be as defined, as applicable, ~~in the Colorado Liquor Code~~ state alcohol beverage laws, as amended. All other words and phrases used in this Article not otherwise defined by law are used in their common, ordinary and accepted sense and meaning.

Section 3. Section 6-3-40 of the MMC is hereby amended as follows, with portions to be removed struck through and portions to be added in italics and underlined:

Sec. 6-3-40. – Powers of Licensing Authority.

There is established a Liquor Licensing Authority, sometimes referred to as the *Licensing Authority* or as the *Authority*, which shall have and is vested with the authority to grant or to refuse for cause, licenses for the sale of malt, vinous or spirituous liquors, and such other

licenses and permits as may be granted pursuant to state alcohol beverage laws; to conduct investigations; and to suspend or revoke such licenses for cause. The Liquor Licensing Authority shall have all the powers provided in this Article, and shall have all the powers of the local licensing authority, as set forth in Title 12, Articles 46 and 47 C.R.S. state alcohol beverage laws and as may be delegated to the Town Clerk.

Section 4. Section 6-3-90 of the MMC, subsections (a)- (c), is hereby amended as follows, with portions to be removed struck through and portions to be added in italics and underlined:

Sec. 6-3-90. – Duties of Town Clerk.

(a) The Town Clerk shall assist the Authority by receiving all applications; coordinating with other Town officers and departments when relevant; *and scheduling required public hearings; and exercising his or her discretion in forwarding applications for renewals, transfer of ownership, change of manager of a licensee; temporary permits; modifications of premises; and special event licenses.*

(b) As set forth below, the Town Clerk is hereby vested with *the following* authority ~~to regarding~~ *administratively review and approval.* ~~approve applications for liquor license renewals, reissued licenses, transfer of ownership, change of manager of a licensee, temporary permits, modifications of premises, and special events licenses. The Town Clerk is also vested with authority to administratively review and approve applications for private parties serving alcoholic beverages at private gatherings on Town property.~~

(c) ~~The Town Clerk is authorized to act for the Authority for the following Colorado Liquor Code and Colorado Beer Code licensing functions:~~

(1) ~~Processing and issuance of special event permits pursuant to Section 12-48-101, C.R.S. state alcohol beverage laws, provided that no parties have filed a written objection to said permit.~~

(2) ~~Annual Colorado Liquor Code and Colorado Beer Code license renewals, provided that the Town Clerk is aware of no information that the licensee has violated any provisions of the Colorado Liquor or Beer Codes state alcohol beverage laws or associated regulations during the preceding year.~~

(3) ~~The reissuance of an annual license expired more than ninety (90) days but less than one hundred eighty (180) days, in accordance with Section 12-47-302, C.R.S.~~

(4) ~~Changes in shareholders, officers, directors or trade names of a licensee, provided that any investigation conducted by the Town does not reveal information that may reasonably form the basis of a determination that the applicant is not qualified to hold the respective license.~~

(5) ~~Changes in registered manager or a licensee, provided that any investigation conducted by the Town does not reveal information that may reasonably form the basis of a determination that the proposed manager is not qualified to hold the position.~~

(6) ~~Modification or alteration of the licensed premises, provided that the modification~~

or alteration is of the interior only and does not involve an increase of more than fifteen percent (15%) of the useable area.

(7) The issuance of temporary permits pursuant to and in compliance with the provisions of ~~Section 12-47-303, C.R.S.~~ state alcohol beverage laws.

(8) Transfers of ownership.

(9) Permits for tastings in accordance with state alcohol beverage laws.

(10) Applications for private parties serving alcoholic beverages at private gatherings on Town property.

Section 5. Section 6-3-100 of the MMC is hereby repealed and replaced as follows:

Sec. 6-3-100. – Duties of the investigator. ~~Reserved.~~

~~Such person as the Mayor designates shall be the liquor license investigator or investigative agency, and shall perform the investigative duties set forth in this Article and such other duties as the Authority may reasonably direct.~~

Section 6. Section 6-3-110 of the MMC is hereby amended as follows, with portions to be removed struck through and portions to be added in italics and underlined:

Sec. 6-3-110. – License required.

Within the Town, it is unlawful for any person to sell or to possess for sale any malt, vinous or spirituous liquors unless licensed to do so, as provided for by both this Article and the applicable provisions of ~~Title 12, Article 46 and 47, C.R.S.~~ state alcohol beverage laws, and unless the license required is in full force and effect and all applicable fees and taxes have been paid in full.

Section 7. Section 6-3-120 of the MMC titled “License application fees” is hereby repealed in its entirety and replaced with the addition of the following language in italics and underlined:

Sec. 6-3-120. – License application fees.

The Board of Trustees shall adopt a license application fee schedule by resolution to ensure defrayal of actual and necessary expenses incurred by the Town in connection with any application pursuant to the Mead Liquor Code. The Board of Trustees may amend such fee schedule by resolution.

Section 8. Section 6-3-140 of the MMC is hereby amended as follows, with portions to be removed struck through and portions to be added in italics and underlined:

Sec. 6-3-140. - Contents of application.

All applications for new licenses for the sale of alcoholic liquors may be obtained from, and shall be filed with, the Town Clerk, and shall be subject to the provisions of this Article and the applicable provisions of ~~Title 12, Articles 46 and 47, C.R.S.~~ state alcohol beverage laws. The Town Clerk shall accept no application that is not complete in every detail. If any application is filed with the Town Clerk and found, upon examination, to contain any omission or error, it shall be returned by the Town Clerk to the applicant for completion or correction by the applicant without further action either by the Town Clerk or the Authority. No application shall be deemed complete unless it is accompanied by the following:

(1) An oath or affirmation that all information submitted has been given fully, accurately, truthfully and without concealment of any material fact or facts;

(2) All forms required by the state licensing authority are complete in every detail;

(3) Payment in full of the Town and state license fees, Town application fees and any applicable Town taxes established by the Board of Trustees;

(4) The legal description and local address of the premises to be licensed, and ~~the plans and specifications for the interior of the building if the building to be occupied is in existence at the time~~ a detailed drawing of the premises to be licensed, outlined in bold black. The detailed drawing must identify and include: dimensions of the premises to be licensed, total seating, kitchen area (if applicable), entries and exits, and alcohol storage, including a separate diagram no larger than 8 ½ by 11 inches for each floor. If the building is not in existence, the applicant shall file a plot plan and a detailed sketch of the interior, and submit an architect's drawing of the building to be constructed. All new buildings must have the approval of the Planning and Zoning Commission and the Board of Trustees. The Authority may impose additional requirements ~~which~~ that, in its discretion, it deems to be necessary for the approval of the application;

(5) If the applicant is a corporation, a copy of its articles of incorporation and, in addition, the names and addresses of all persons holding over ten percent (10%) of the outstanding capital stock; and if a foreign corporation, evidence of its qualification to do business in the State;

(6) Suitable evidence of residence of the applicant, or in the case of a business association or two (2) or more persons, such evidence of the principals;

(7) ~~Three (3) character reference letters for the principals and manager of the proposed establishment~~ Proof that the applicant is entitled to possession of the premises, such as a deed or lease;

(8) ~~A fifteen year resume for every individual, partner or principal of a corporation~~ Background investigation documents as the Town Clerk may deem reasonably necessary, including but not limited to photo identification and fingerprints taken by a Colorado law enforcement agency or third party approved by the Colorado Bureau of Investigation. The Town Clerk shall have discretion to waive such requirements where a character and background investigation has been made within the past twelve-month period from the date of the license application and to employ such prior investigation;

(9) Copies of any contract or agreement ~~which~~that confers a power or authority upon any party to manage, operate or supervise the affairs of the proposed establishment and the acts of its servants, whether it is intended to become effective following issuance of such license;

(10) Information concerning the financial and management interest of persons connected with the business, and copies of documents governing the terms and conditions of ownership, management and rights to possession of the premises proposed to be licensed; and

(11) Any other information, document or form ~~which~~that the Authority deems necessary to carry out its duties, as set forth in ~~Title 12, Articles 46 and 47, C.R.S.~~state alcohol beverage laws, and all applicable regulations.

Section 9. Section 6-3-150 of the MMC is hereby amended as follows, with portions to be removed struck through and portions to be added in italics and underlined:

Sec. 6-3-150. – Representation to Authority.

The following persons shall be in attendance at the ~~meeting~~hearing at which the application is ~~presented to the Licensing Authority~~considered:

- (1) If the applicant is an individual, that individual;
- (2) If the applicant is a partnership, any partner;
- (3) If the applicant is a corporation, any officer of the corporation; or
- (4) Counsel for the applicant.

Section 10. Section 6-3-160 of the MMC is hereby amended as follows, with portions to be removed struck through and portions to be added in italics and underlined:

Sec. 6-3-160. – Defining neighborhood.

The Authority shall adopt guidelines to set the boundaries of the neighborhood to be considered as part of the application process, ~~affected by the proposed location. The applicant shall have the opportunity at this time to give any evidence as to the propriety of any proposed boundary, and to give any objections thereto.~~

Section 11. Section 6-3-170 of the MMC is hereby amended as follows, with portions to be removed struck through and portions to be added in italics and underlined:

Sec. 6-3-170. – Setting of hearing date.

The ~~Licensing Authority~~Town Clerk shall also set a date for public hearing on the application, which date shall be not less than thirty (30) days from the date ~~of the meeting at which the application is presented~~that the Town Clerk deems the application complete in accordance with Section 6-3-140 above.

Section 12. Section 6-3-190 of the MMC is hereby amended as follows, with portions to be removed struck through and portions to be added in italics and underlined:

Sec. 6-3-190. - Public notice of application and hearing.

The Authority shall cause to be posted and published public notice of the hearing to be held on the application, as provided in ~~Title 12, Article 47, C.R.S.~~ state alcohol beverage laws, the regulations promulgated thereunder and rules and regulations of the Authority.

Section 13. Section 6-3-200 of the MMC is hereby amended as follows, with portions to be removed struck through and portions to be added in italics and underlined:

Sec. 6-3-200. – Investigation.

(a) ~~After the setting of a hearing date and defining of the neighborhood an application is deemed complete pursuant to Section 6-3-140 above, the investigator or investigative agency Town Clerk shall proceed with the~~ coordinate a background and character investigation of the applicant.

(b) ~~The Town Clerk shall make character and background investigations of the below-named individuals, and for this purpose, such individuals shall provide all information necessary for the investigation. Where a partner or a corporate officer, director or stockholder lives at such a distance from the Town that travel would impose undue expense or inconvenience, the Town Clerk shall have the discretion to make other suitable arrangements in order to obtain the necessary photographs, fingerprints and information, subject to the approval of the Authority. Where character and background investigation has been previously made of any individual enumerated in this Section, either by the Town Clerk or a law enforcement agency, within the past twelve month period from the date of the license application, the Town Clerk shall have the discretion to employ such investigation, and may waive the fingerprinting and photographing required by this Section.~~

(e)~~b~~) ~~The following individuals shall present themselves to the Police Department or in the absence of a Police Department, the County Sheriff's Department, to be photographed and fingerprinted~~ be subject to investigation and required to submit materials for purposes of Section 6-3-140(8) above, unless waived by the Town Clerk in accordance with Section 6-3-140(8):

- (1) If the applicant is a natural person, that person;
- (2) If the applicant is a partnership, all of the partners; or
- (3) If the applicant is a corporation, both the officers and directors, together with any person owning more than ten percent (10%) of the stock thereof; and
- (4) Irrespective of the identity of the applicant, the manager of the proposed establishment.

Section 14. Section 6-3-210 of the MMC is hereby repealed and replaced as follows:

Sec. 6-3-210. – Reference verification Reserved.

~~Letters of reference may be verified with the person signing the letters.~~

Section 15. Section 6-3-230 of the MMC is hereby amended as follows, with portions to be removed struck through and portions to be added in italics and underlined:

Sec. 6-3-230. - Additional information required.

~~The investigator or investigative agency shall acquire additional information, upon direction of the Authority or Town Clerk may acquire additional information~~ as necessary to properly carry out the provisions of ~~Title 12, Article 46 and 47, C.R.S.~~ *state alcohol beverage laws*, the rules and regulations promulgated thereunder by the State Department of Revenue, the ordinances of the Town and the rules and regulations of the Authority.

Section 16. Section 6-3-340 of the MMC is hereby amended as follows, with portions to be removed struck through and portions to be added in italics and underlined:

Sec. 6-3-340. - License renewal procedure.

All renewal applications for malt, vinous and spirituous liquor licenses shall be submitted to the Town Clerk on the prescribed forms no later than forty-five (45) days prior to the date on which the license expires, except that the Authority, for good cause, may waive the time requirement set forth in this Section. The forms shall be accompanied by all the required fees and taxes and such additional materials as the Authority deems necessary to carry out the provisions of ~~the Colorado Liquor Code~~ *state alcohol beverage laws*, this Article and all applicable regulations. No renewal application shall be accepted by the Town Clerk which is not complete in every detail. Any application mailed to or deposited with the Town Clerk which, upon examination, is found to have some omission or error shall be returned to the applicant for completion or correction without any action on the part of the Town Clerk or the Authority. Should any renewal application be received in completed form less than forty-five (45) days prior to the date on which the license expires, it shall be deemed a late application. The Authority shall not be answerable for the failure of the license to be issued by the expiration date on any late application. Nothing in this Section shall serve as authority for any sale of alcoholic liquor without a license pursuant to law.

Section 17. Section 6-3-360 of the MMC titled “Local license fees” is hereby repealed in its entirety and replaced with the addition of the following language:

Sec. 6-3-360. – Local license and permit fees.

The Board of Trustees shall adopt a local license and permit fee schedule by resolution, consistent with state alcohol beverage laws. The Board of Trustees may amend such fee schedule by resolution.

Section 18. Section 6-3-380 of the MMC is hereby amended as follows, with portions to be removed struck through and portions to be added in italics and underlined:

Sec. 6-3-380. - Alcoholic beverage tastings.

(a) Licensing in general.

(1) The Town hereby authorizes tastings to be conducted by retail liquor store or liquor-licensed drugstore licensees in accordance with this Section and pursuant to ~~Section 12-47-301, C.R.S~~ *state alcohol beverage laws*. Within the Town, it is unlawful for any person or licensee to conduct tastings unless a tastings license has been obtained in accordance with this Section. ~~The local Licensing Authority~~ *Town Clerk* is authorized to issue tastings licenses *on behalf of the Local Licensing Authority* in accordance with the requirements of this Section. The term of the tastings license shall be for the period of the existing retail liquor store or liquor-licensed drugstore license.

(2) A retail liquor store or liquor-licensed drugstore licensee that wishes to conduct tastings shall submit an application for a tastings license to the ~~Local Licensing Authority~~ *Town Clerk*. ~~The Local Licensing Authority~~ *Town Clerk*, on behalf of the Local Licensing Authority, may reject the application if the applicant fails to establish that the licensee is able to conduct tastings without violating the provisions of this Section or creating a public safety risk to the neighborhood. ~~The Local Licensing Authority shall establish the application procedure.~~

(3) Tastings shall be subject to the following limitations:

- a. Tastings shall be conducted only by a person who has completed a server training program that meets the standards established by the Liquor Enforcement Division of the Colorado Department of Revenue and who is either a retail liquor store licensee, a liquor-licensed drugstore licensee or an employee of a licensee, and only on a licensee's licensed premises.
- b. The alcohol used in tastings shall be purchased through a licensed wholesaler, licensed brew pub, *licensed distillery pub*, or winery licensed pursuant to this Section in accordance with Section ~~12-47-403~~ *44-3-403*, C.R.S., at a cost not less than the laid-in cost of such alcohol.
- c. The size of an individual alcohol sample shall not exceed one (1) ounce of malt or vinous liquor or one-half (½) ounce of spirituous liquor.
- d. Tastings shall not exceed a total of five (5) hours in duration per day, which need not be consecutive.
- e. Tastings shall be conducted only during the operating hours in which the licensee on whose premises the tastings occur is permitted to sell alcoholic beverages and in no case earlier than 11:00 a.m. or later than ~~7:00~~ *9:00* p.m.
- f. The licensee shall prohibit patrons from leaving the licensed premises with an unconsumed sample.
- g. The licensee shall promptly remove all open and unconsumed alcoholic beverage samples from the licensed premises, ~~or~~ shall destroy the samples immediately following the completion of the tasting, *or shall store any open containers of unconsumed alcohol beverages in a secure area outside the sales area of the licensed premises for use at a tasting conducted at a later time and date.*
- h. The licensee shall not serve a person who is under twenty-one (21) years of age or who is visibly intoxicated.
- i. The licensee shall not serve more than four (4) individual samples to a patron during a tasting.

- j. Alcohol samples shall be in open containers and shall be provided to a patron free of charge.
 - k. *A licensee may conduct tastings no more than one hundred fifty-six (156) days per year. Tastings may occur on no more than four (4) of the six (6) days from a Monday to the following Saturday, not to exceed one hundred four (104) days per year.*
 - l. No manufacturer of spirituous or vinous liquors shall induce a licensee through free goods or financial or in-kind assistance to favor the manufacturer's products being sampled at a tasting. The licensee shall bear the financial and all other responsibility for a tasting.
 - m. The applicant for a tastings license shall certify on the application that all persons serving alcohol at tastings have completed a server training program that meets the standards established by the Liquor Enforcement Division of the Colorado Department of Revenue. The applicant for a tastings license shall state on the application the days and times that tastings will occur. The applicant shall give at least twenty-four (24) hours' prior notice to the Town of any deviations in the tastings schedule as set forth in the application.
- (b) Responsibility for violations. A violation of a limitation specified in this Section or of ~~Section 12-47-801, C.R.S.,~~ *state alcohol beverage laws* by a retail liquor store or liquor-licensed drugstore licensee, whether by his or her employees, agents or otherwise, shall be the responsibility of the retail liquor store or liquor-licensed drugstore licensee ~~who is conducting~~ *that conducted* the tasting.
- (c) Revocation, suspension and enforcement. A retail liquor store or liquor-licensed drugstore licensee conducting a tasting shall be subject to the same revocation, suspension and enforcement provisions as otherwise apply to the licensee.
- (d) Proof of qualifications of person conducting tastings. Upon the request of any peace officer, the holder of a tastings license shall provide proof that tastings are being conducted only by a person who has completed a server training program that meets the standards established by the Liquor Enforcement Division of the Colorado Department of Revenue and who is either the retail liquor store licensee, a liquor-licensed drugstore licensee or an employee of such licensee.

Section 19. Section 6-3-390 of the MMC is hereby amended as follows, with portions to be removed struck through and portions to be added in italics and underlined:

Sec. 6-3-390. - Special events license.

- (a) Pursuant to ~~Section 12-48-107(5)(a)~~ *Section 44-5-107(5)(a)*, C.R.S., the Board of Trustees of the Town of Mead, acting as the local liquor licensing authority, elects not to notify the state licensing authority to obtain the state licensing authority's approval or disapproval of applications for special event permits.
- (b) An applicant shall file a special event permit application at least thirty (30) days prior to the date of the event, unless such requirement is waived by the Town Clerk for good cause shown.

(c) Investigations; findings.

(1) Upon receipt of a complete application for a special event permit the Town Clerk shall investigate, through consultation with appropriate town administrative personnel and the state licensing authority, as applicable, and make determinations on the following matters;

- a. Whether the applicant has timely and properly submitted a complete application for a special event permit and tendered all required fees in accordance with this chapter and the provisions of ~~Article 48 of Title 12, C.R.S.~~ state alcohol beverage laws;
- b. Whether there has been a timely and proper posting of conspicuous public notice of the proposed special event permit and protest procedures at the location for which the permit is sought pursuant to ~~Section 12-48-106(2)~~ Section 44-5-106(2), C.R.S.;
- c. Whether the applicant satisfies the eligibility criteria set forth in ~~Article 48 of Title 12, C.R.S.~~ state alcohol beverage laws; and
- d. Whether issuance of a special event permit to the applicant will comply with the special event permit issuance restrictions of ~~Section 12-48-105(3), C.R.S.~~ in state alcohol beverage laws.

(d) Decision by Town Clerk.

(1) At the conclusion of the investigation by the Town Clerk, the Town Clerk may enter his or her decision granting the special event permit only upon a finding by the Town Clerk that the application satisfies all the criteria set forth in Section 6-3-390 of this Chapter.

(2) If, in the Town Clerk's opinion, a decision on the application should be made by the Authority, the Town Clerk may withhold a decision and refer the application for a hearing and decision on it by the Authority.

(3) If the Town Clerk determines that sufficient grounds appear to exist to deny issuance of a special event permit, the Town Clerk shall refer the application to the Authority for a hearing and decision. Sufficient grounds for denial of a permit may exist if the Town Clerk determines that the issuance of a permit would be injurious to the public welfare because of the nature of the special event, or the applicant's ability to conduct the event in compliance with applicable laws and regulations.

(4) The Town Clerk shall not issue any decision on an application, including a decision to refer the application to the Authority, until after the expiration of ten (10) calendar days from the date on which conspicuous public notice was first made pursuant to ~~Section 12-48-106(2)~~ Section 44-5-106(2), C.R.S. The Town Clerk must issue a decision on an application, including a decision to refer the application to the Authority, before the expiration of fourteen (14) calendar days from the date on which conspicuous public notice was first made.

(5) The decision of the Town Clerk to grant a special event permit may be appealed to the Authority for consideration at a public hearing by any person who timely filed a protest to the application and who also timely files a written notice of appeal of the Town Clerk's decision to issue a special event permit. A protest is timely filed if such protest is made before the first date on which the Town Clerk may issue a decision on an application. A

notice of appeal is timely filed if such filing is made with the Town Clerk not more than five (5) calendar days after the Town Clerk issues a decision approving a permit.

(6) Upon the Town Clerk referring a decision on an application to the board or receipt of a compliant notice of appeal after the Town Clerk has issued decision, the Town Clerk shall schedule the referral or appeal for hearing and decision by the Authority at the Board of Trustees' next regular meeting and provide notice as set forth in Subsection (e) of this Section 6-3-390. Prior to any hearing, the Town Clerk shall provide the Authority a report of the findings made by the Town Clerk during the course of his or her investigation ~~which~~ that states the facts or reasons relied upon by the Town Clerk in making a discretionary referral or approving a permit, or the sufficient grounds that appear to exist for denial of a permit in the case of a mandatory referral.

(e) Public hearings upon referral or appeal of decision by Town Clerk.

(1) The Town Clerk shall provide written notice regarding a referral or appeal hearing to the applicant and any person who timely filed a protest to the application. The notice shall provide the time and place of such hearing and shall be mailed by first class U.S. mail. As to referral hearings only, the notice shall contain such facts or reasons relied upon by the Town Clerk in making a discretionary referral, or in the case of a mandatory referral, the sufficient grounds for denial of a permit that appear to exist.

(2) All hearings before the Authority regarding a special event permit application shall be public and shall be conducted in accordance with this chapter so as to ascertain facts affecting the substantial rights of the parties to the proceedings. The applicant and any person filing a protest may present evidence and cross-examine witnesses. The Authority, in its discretion, may limit the presentation of evidence and cross examination so as to prevent repetitive and cumulative evidence or examination. The Authority shall consider the information contained in the report of the investigations of the Town Clerk. 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. All testimony given at a public hearing shall be sworn.

(3) An applicant or a protesting party may appear in person or be represented by counsel.

(4) At the conclusion of the presentation of all the evidence, the Authority shall enter its decision granting or denying the license in the case of a referral, or upholding or overturning an appeal in the case of an appeal. The Town Clerk shall then withhold or issue a special event permit consistent with Authority's decision.

(f) As required by ~~Section 12-48-107(5)(a), C.R.S.~~ state alcohol beverage laws, the Town Clerk shall report to the Colorado Liquor Enforcement Division, within ten (10) days after the town issues any special event permit, 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.

(g) Upon receipt of an application for a special event permit, the Town Clerk shall, ~~as required by Section 12-48-107(5)(e), C.R.S.~~, access information made available on the

website of the state licensing authority to determine the statewide permitting activity of the organization applying for the permit. ~~The town shall consider compliance with the provisions of Section 12-48-105(3), C.R.S., limiting to fifteen (15) the number of special event permits issued in any one year to any one organization, before any application is approved.~~ State alcohol beverage law limitations shall apply to any application.

(h) A special event permit may be issued only upon a satisfactory showing by an organization or a qualified political candidate that:

(1) Other existing facilities are not available or are inadequate for the needs of the organization or political candidate; and

(2) Existing licensed facilities are inadequate for the purposes of serving members or guests of the organization or political candidate and that additional facilities are necessary by reason of the nature of the special event being scheduled; or

(3) The organization or political candidate is temporarily occupying premises other than the regular premises of such organization or candidate during special events such as civic celebrations or county fairs and that members of the general public will be served during such special events.

(i) Each application for a special event permit shall be accompanied by an application fee in an amount equal to the maximum local licensing fee established by ~~Section 12-48-104, C.R.S.~~ the Board of Trustees.

(j) ~~the~~ The Town Clerk shall report to the Authority no less than quarterly all special event permits issued by the Town Clerk under the provisions of this Section for which a hearing has not been held.

Section 20. Effective Date. This Ordinance shall be published and become effective as provided by law.

Section 21. Remaining Provisions. Except as specifically amended hereby, all other provisions of the Mead Municipal Code shall continue in full force and effect.

Section 22. Codification Amendments. The codifier of Mead's Municipal Code is hereby authorized to make such numerical, technical and formatting changes as may be necessary to incorporate the provisions of this Ordinance within the Mead Municipal Code.

Section 23. Severability. If any part, section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid, such invalidity shall not affect the validity of the remaining sections of the Ordinance. The Board of Trustees hereby declares that it would have passed the Ordinance including each part, section, subsection, sentence, clause or phrase thereof, irrespective of the fact that one or more part, section, subsection, sentence, clause or phrase is declared invalid.

Section 24. Repealer. All ordinances or resolutions, or parts thereof, in conflict with this Ordinance are hereby repealed, provided that such repealer shall not repeal the repealer clauses of such ordinance nor revive any ordinance thereby.

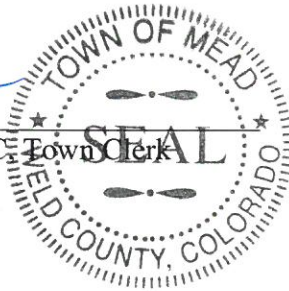
Section 25. Certification. The Town Clerk shall certify to the passage of this Ordinance and make not less than one copy of the adopted Code available for inspection by the public during regular business hours.

INTRODUCED, READ, PASSED, AND ADOPTED THIS 24th DAY OF JUNE, 2019.

ATTEST:

By: _____

Mary E. Strutt, CMC, Town Clerk



TOWN OF MEAD:

By: _____

Colleen Whitlow, Mayor