

TOWN OF SUPERIOR
ORDINANCE NO. O-5
SERIES 2018

AN ORDINANCE OF THE BOARD OF TRUSTEES OF THE TOWN OF SUPERIOR AMENDING SECTIONS 6-2-40, 6-2-80, 6-2-90, 6-2-100, 7-3-10, 10-8-10, 10-8-30 AND 10-8-40 OF THE SUPERIOR MUNICIPAL CODE, RELATING TO ALCOHOL

WHEREAS, the Colorado General Assembly recently passed House Bill 18-1023, which moves certain sections of Title 12 of the Colorado Revised Statutes addressing alcohol into a new Title 44; and

WHEREAS, the Town desires to amend the Superior Municipal Code accordingly.

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

Section 1. Section 6-2-40(e) of the Superior Municipal Code is hereby repealed in its entirety and reenacted as follows:

Sec. 6-2-40. Applications.

* * *

(e) Liquor license fee. At the time of submitting an application for a new liquor license, liquor license renewal, transfer of ownership, change of location or modification of premises, the applicant shall pay two (2) license fees: a fee to the State of Colorado Department of Revenue for state liquor license fees, as established by the State; and a fee to the Town for the local liquor license fees, as established by resolution of the Board of Trustees.

Section 2. Section 6-2-80(a) of the Superior Municipal Code is hereby repealed in its entirety and reenacted as follows:

Sec. 6-2-80. Alcoholic beverage tastings at licensed retail and drug stores.

(a) A licensed retail liquor store or a liquor-licensed drug store in the Town may apply to permit tastings of alcoholic beverages subject to the limitations set forth in C.R.S. § 44-3-101, *et seq.* The application shall be made on a form provided by the Town Clerk accompanied by the fee established by resolution of the Board of Trustees.

* * *

Section 3. Section 6-2-90(a) of the Superior Municipal Code is hereby amended as follows:

Sec. 6-2-90. Temporary permits.

(a) If an application for transfer of a liquor license has been submitted to the Town, the Authority may issue a temporary permit to the proposed transferee during the period in which the application to transfer the ownership of the license is pending. Such a temporary permit will authorize the transferee to continue selling such alcohol beverages as permitted under the permanent license. For purposes of this Section, the permanent license is the license which is the subject of the application for transfer. A temporary permit may be issued subject to compliance with all of the following conditions:

* * *

(4) At the time of submitting the application, the applicant shall pay an application fee of ~~one hundred dollars (\$100.00)~~ to the Town in accordance with ~~Section 12-47-303(e), C.R.S. § 44-3-303(3)(c).~~

* * *

Section 4. Section 6-2-100 of the Superior Municipal Code is hereby amended as follows:

Sec. 6-2-100. Special event permits.

(a) Pursuant to ~~Section 12-47-107(5)(a), C.R.S. § 44-5-107(5)(a)~~, the Board of Trustees, acting as the Local Licensing Authority ("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.

* * *

(c) 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. § 44-5-107(5)(c)~~, access information made available on the state licensing authority's web site to determine the statewide permitting activity of the organization applying for the permit. The Authority shall consider compliance with ~~the provisions of Section 12-48-105(3), C.R.S. § 44-5-103(3)~~, which restricts the number of permits issued to an organization within a calendar year to fifteen (15), before approving any application.

* * *

(e) 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 12-48-107(2), C.R.S. § 44-5-107(2)~~.

Section 5. The definition of "Bar" contained in Section 7-3-10 of the Superior Municipal Code is hereby amended as follows:

Bar means an indoor area that is operated and licensed under Article 47 3 of Title ~~42~~ 44, C.R.S., primarily for the sale and service of alcohol beverages for on-premises consumption and where the service of food is secondary to the consumption of such beverages.

Section 6. Section 10-8-10 of the Superior Municipal Code is hereby repealed in its entirety and reenacted as follows:

Sec. 10-8-10. Definitions.

All terms in this Article shall be defined as such terms are defined by the Colorado Liquor Code.

Section 7. Section 10-8-30 of the Superior Municipal Code is hereby repealed in its entirety and reenacted as follows:

Sec. 10-8-30. Alcohol in public places.

It is unlawful for a person to possess an open container of or to consume any fermented malt beverage or any malt, vinous or spirituous liquor, in any public place or upon property owned, operated, leased or maintained by the Town, the State or any political subdivision or agency thereof; provided, however, that it shall not be a violation of this Section to possess an open container of or to consume any fermented malt beverages or malt, vinous or spirituous liquor in conformance with a special event permit issued pursuant to Section 44-5-101, *et seq.*, C.R.S., or a permit issued by the Town pursuant to Section 10-8-40.

Section 8. Section 10-8-40(c) of the Superior Municipal Code is hereby amended as follows:

Sec. 10-8-40. Possession and consumption of alcoholic beverages in public places.

* * *

(c) No permit shall be issued to any person who is not of good moral character, as that term is used in ~~Section 12-47-307, C.R.S.~~ *the Colorado Liquor Code.*

* * *

Section 9. Severability. If any article, section, paragraph, sentence, clause, or phrase of this Ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect the validity or constitutionality of the remaining portions of this Ordinance. The Board of Trustees hereby declares that it would have passed this Ordinance and each part or parts hereof irrespective of the fact that any one, or part, or parts be declared unconstitutional or invalid.

Section 10. Safety. This Ordinance is deemed necessary for the protection of the health, welfare and safety of the community.

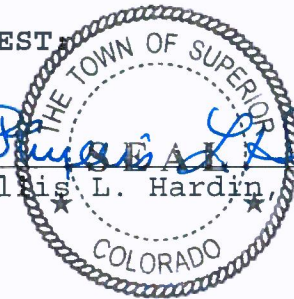
Section 11. Effective Date. The code amendments set forth in this Ordinance shall take effect on October 1, 2018.

INTRODUCED, READ, PASSED AND ORDERED PUBLISHED this 27th day of August, 2018.



Clint Folsom, Mayor

ATTEST:



Phyllis L. Hardin, Town Clerk-Treasurer