

**TOWN OF FRASER
ORDINANCE NO. 463
SERIES OF 2018**

AN ORDINANCE AMENDING CHAPTER 6, ARTICLE 4 SECTION 20 OF THE FRASER
MUNICIPAL CODE REGARDING ALCOHOLIC BEVERAGES

WHEREAS, the Colorado State Statues have been revised and the current town code requires amending accordingly.

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

PART 1: AMENDMENT OF MUNICIPAL CODE

Chapter 6 (Business License and Regulations), Article 4 (Alcoholic Beverages) of the Fraser Municipal Code (herein sometimes referred to as the "Municipal Code") is hereby amended as follows [Note: additions are shown in **bold underlined** print; deletions are shown as ~~strikethrough~~ print]:

ARTICLE 4- Alcoholic Beverages

Sec. 6-4-10. - Licensing Authority; assistant.

(a) The Liquor and Beer Licensing Authority for the Town shall be the Board of Trustees ("Town Board"). As such, the Town Board shall be known as the "Liquor Licensing Authority" or, in this Article, as the "Authority."

(b) The Town Clerk shall assist the Authority by receiving all applications; coordinating with other Town officers and departments when relevant; 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.

(c) As set forth below, the Town Clerk is hereby vested with authority to administratively review and approve applications for liquor license renewals; transfer of ownership; change of manager of a licensee; temporary permits; modifications of premises; and special events licenses.

Sec. 6-4-20. - Delegation of licensing functions to Town Clerk.

(a) The Town Clerk is authorized to act as and 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~~ **44-5-101**, C.R.S., 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 or associated regulations during the preceding year.

(3) 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.

(4) Changes in registered manager 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 proposed manager is not qualified to hold the position.

(5) 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.

(6) The issuance of temporary permits pursuant to and in compliance with the provisions of Section ~~12-47-303~~ **44-3-303**, C.R.S.

(b) The Town Clerk shall refer any licensing decision authorized under this Section to the Town Board if the Town Clerk believes an applicant does not qualify for action by the Town Clerk as set forth above, or if the Town Clerk believes, in his or her discretion, that a matter should be presented to the Town Board.

~~(c) The Town Clerk shall regularly report to the Town Board in a timely manner all licensing actions taken by the Town Clerk under the provisions of this Section.~~

Sec. 6-4-30. - Application requirements.

(a) All applications for licensing actions shall be filed with the Town Clerk on prescribed forms, together with applicable fees.

(b) The Town Clerk may prescribe the form and other requirements for any petitions submitted in favor of or opposed to any proposed licensing action. The Town Clerk or the Authority may reject any petitions that fail to meet such requirements.

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

(d) The fees payable for each type of application shall be as established by the Colorado Revised Statutes and the fee schedule adopted by the Colorado Department of Revenue Liquor Enforcement Division, as amended from time to time.

Sec. 6-4-40. - Neighborhood considerations.

(a) For applications that involve a determination of the reasonable requirements of the neighborhood and the desires of the adult inhabitants, the boundaries of the relevant neighborhood shall be established as the same boundaries of the Fraser Valley Metropolitan Recreation District.

(b) Pursuant to Section ~~12-47-313(1)(d)~~ **44-3-313(1)(d)**, C.R.S., the five-hundred-foot distance restrictions applicable to licensed premises located near schools or campuses is hereby eliminated as to all classes of licenses and as to all types of schools and campuses.

Sec. 6-4-50. - Alcoholic beverage tastings.

(a) Pursuant to Section ~~12-47-301(10)(a)~~ **44-3-301(10)(a)**, C.R.S., the Town hereby authorizes alcoholic beverage tastings for licensed retail liquor stores and liquor-licensed drugstores within the Town. Written notification of intent to hold alcoholic beverage tastings must be received by the Town prior to the first scheduled tasting and subsequently on a yearly basis at the time of renewal of their liquor license.

(b) The Town shall not require a further application prior to allowing retail liquor licensees or liquor-licensed drugstores to conduct alcoholic beverage tastings, and elects not to impose additional limitations on such tastings beyond those limitations set forth in ~~Chapter 47 of Title 12~~ **44-3-301(10)**, C.R.S.

Sec. 6-4-60. - Other applicable requirements.

(a) Pursuant to Section ~~12-48-107(5)(a)~~ **44-5-107(5)(a)**, C.R.S., the Board of Trustees, as the local licensing authority, elects not to notify the state licensing authority to obtain the state licensing authority's approval or disapproval of an application for a special event permit; provided that the Town Clerk, acting for the Authority, is required only to report to the liquor enforcement division, within ten (10) days after the issuance of a permit, the name of the organization to which a permit was issued, the address of the permitted location and the permitted dates of alcohol beverage service.

(b) Except as otherwise provided in this Article, the requirements and procedures provided in the Colorado Liquor Code and Colorado Beer Code shall apply to applications, proceedings and licensing actions under the jurisdiction of the Authority.

PART 2: REPEAL. Any and all existing ordinances or parts of ordinances of the Town of Fraser covering the same matters as embraced in this Ordinance are hereby repealed and all ordinances or parts of ordinances inconsistent with the provisions of this ordinance are hereby repealed; provided, however, that such repeal shall not affect or prevent the prosecution or punishment of any person for any act done or committed in violation of any ordinance hereby repealed prior to the taking effect of this Ordinance.

PART 3: SEVERABILITY. If any section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be invalid or unconstitutional, such decision shall not affect the validity or constitutionality of the remaining portions of this Ordinance. The Town of Fraser hereby declares that it would have adopted this Ordinance, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases thereof be declared invalid or unconstitutional.

PART 4: EFFECTIVE DATE. This Ordinance shall take effect thirty (30) days after passage, adoption and publication thereof as provided by law.

PART 5: PUBLICATION. This Ordinance shall be published by title only.

READ, PASSED, ADOPTED AND ORDERED PUBLISHED BY THE BOARD OF TRUSTEES AND SIGNED THIS _____ DAY OF _____, 2018.

Votes in favor: _____
Votes opposed: _____
Votes abstained: _____

BOARD OF TRUSTEES OF THE
TOWN OF FRASER, COLORADO

BY: _____
Philip Vandernail, Mayor

ATTEST:

(S E A L)

Antoinette McVeigh, Town Clerk

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