

ORDINANCE NO. 2018-034

AN ORDINANCE AMENDING CHAPTER 2.17 AND SECTION 5.08.020 OF THE CASTLE ROCK MUNICIPAL CODE BY UPDATING COLORADO REVISED STATUTES CITATIONS CONCERNING LIQUOR LICENSING

WHEREAS, the Town of Castle Rock is a home rule municipality organized under the laws of the state of Colorado; and

WHEREAS, the Town of Castle Rock has created a Liquor Licensing Authority to review and license applications for the sale at retail of malt, vinous or spirituous liquors and fermented malt beverages, as provided by law, conduct investigations as are required by law and suspend or revoke such licenses for cause in the manner provided by law having all of the powers of a local licensing authority, as set forth in Articles 46, 47 and 48 of Title 12, C.R.S.; and

WHEREAS, due to recent state legislation reorganizing existing liquor statutes into a new Title 44, effective October 1, 2018, the Town of Castle Rock requires an update to the existing citations throughout the Castle Rock Municipal Code.

NOW, THEREFORE, IT IS ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF CASTLE ROCK, COLORADO:

Section 1. Amendment. Section 2.17.010.A of the Castle Rock Municipal Code amended in its entirety to read as follows:

2.17.010 Liquor Licensing Authority established.

A. There is established a Liquor Licensing Authority ("Authority"), which shall have and is vested with the authority to grant or refuse licenses for the sale at retail of malt, vinous or spirituous liquors and fermented malt beverages, as provided by law, conduct investigations as are required by law and suspend or revoke such licenses for cause in the manner provided by law. Such Authority shall have all the powers of the local licensing authority, as set forth in ~~Articles 46, 47 and 48 of Title 12, C.R.S.~~ [Articles 3, 4 and 5 of Title 44, C.R.S.](#)

Section 2. Amendment. Section 2.17.010.C of the Castle Rock Municipal Code amended in its entirety to read as follows:

2.17.010 Liquor Licensing Authority established.

C. Qualifications of Hearing Officer. The Hearing Officer shall be an attorney currently licensed to practice in the State, in good standing with the Supreme Court of the State, have a minimum of three years' experience in the active practice of law at the time of appointment, and have sufficient knowledge and expertise to apply and enforce the State of Colorado Beer Code, Liquor Code, Special Events Code, and Code

of Regulations. The Hearing Officer shall not hold any other Town office, appointment or position, except that Town Council may appoint the Municipal Court Judge as the Hearing Officer. Additionally, the Hearing Officer shall not have any financial interest in the operation of any business located or operating in the Town that holds a license pursuant to C.R.S. § ~~12-46-101~~ [44-4-101](#), et seq., or C.R.S. § ~~12-47-101~~ [44-3-101](#), et seq.

Section 3. Amendment. Section 2.17.030 of the Castle Rock Municipal Code amended in its entirety to read as follows:

2.17.030 License application hearings; procedure.

The procedures set forth in ~~Title 12, Chapters 46 and 47~~ [Articles 3, 4 and 5 of Title 44](#), C.R.S., and the regulations that may from time to time be adopted by the State Licensing Authority, shall be followed in all liquor license application hearings before the Liquor Licensing Authority.

Section 4. Amendment. Section 2.17.110.A of the Castle Rock Municipal Code amended in its entirety to read as follows:

2.17.110 Tastings license authorization.

A. Authorization. In accordance with ~~Section 12-47-301~~ [§ 44-3-301](#)(10)(a), C.R.S., the Town hereby authorized tastings as that term is defined in ~~Section 12-47-103(37.5)~~ [§ 44-3-301\(56\)](#), C.R.S., thereby allowing retail liquor store and liquor-licensed drug store licensees to conduct tastings subject to all of the limitations set forth in ~~Section 12-47-301~~ [§ 44-3-301](#)(10), C.R.S.

Section 5. Amendment. Section 2.17.110.C of the Castle Rock Municipal Code amended in its entirety to read as follows:

2.17.010 Liquor Licensing Authority established.

C. Process. Upon receiving the completed tastings application, the Town Clerk shall prepare the file for review by the Town Liquor Licensing Authority at its regularly scheduled meeting. In the event the Liquor Licensing Authority determines that the applicant has complied with the provisions of ~~Section 12-47-301~~ [§ 44-3-301](#), C.R.S., and that the applicant is able to conduct tastings without creating a public safety risk to the neighborhood, the application shall be granted.

Section 6. Amendment. Section 2.17.110.D.2 of the Castle Rock Municipal Code amended in its entirety to read as follows:

2.17.010 Liquor Licensing Authority established.

2. The alcohol used in tastings shall be purchased through a

licensed wholesaler, licensed brew pub or winery licensed pursuant to ~~Section 12-47-403~~ [§ 44-3-403](#), C.R.S., at a cost that is not less than the laid-in cost of such alcohol.

Section 7. Amendment. Section 2.17.110.E of the Castle Rock Municipal Code amended in its entirety to read as follows:

2.17.010 Liquor Licensing Authority established.

E. Hearing. If the Liquor Licensing Authority determines that there is good cause for a hearing to consider whether the applicant has complied with the provisions of ~~Section 12-47-31~~ [§ 44-3-301](#), C.R.S., or whether the applicant is able to conduct tastings without creating a public safety risk to the neighborhood, the Town Clerk, at the direction of the Liquor Licensing Authority, shall cause to be issued a notice of hearing on the tastings application. In the event the Town Clerk issues a notice of hearing on the tastings application, the notice shall be conspicuously posted on the premises at least ten (10) days prior to the hearing. Hearings held on any tasting application may result in approval or denial of said application, and the grounds for any decision on said application shall be whether the applicant had complied with the provision of ~~Section 12-47-301~~ [§ 44-3-301](#), C.R.S., and whether the applicant is able to conduct tastings without creating a public safety risk to the neighborhood. Such decision of the Liquor Licensing Authority shall be final.

Section 8. Amendment. Section 2.17.130 of the Castle Rock Municipal Code amended in its entirety to read as follows:

2.17.130 Special events permits.

The Liquor Licensing Authority may issue special events permits for the sale, by drink only, of malt, spirituous or vinous liquor to organizations qualifying under ~~Section 12-48-101~~ [§ 44-5-101](#), et seq., C.R.S. The Liquor Licensing Authority may elect to issue special events permits without notifying the State Licensing Authority to obtain its approval or disapproval of applications for special events permits.

Section 9. Amendment. Section 5.08.020 of the Castle Rock Municipal Code amended in its entirety to read as follows:

5.08.020 Authority.

In accordance with ~~Section 12-47-135.5~~ [§ 44-3-310](#) C.R.S., the issuance of an optional premises license, or an optional premises for hotel and restaurant license, shall be allowed in a municipality only after such municipality has adopted by ordinance specific standards for the issuance of such licenses.

Section 10. Severability. If any clause, sentence, paragraph, or part of this ordinance or the

application thereof to any person or circumstances shall for any reason be adjudged by a court of competent jurisdiction invalid, such judgment shall not affect the remaining provisions of this ordinance.

Section 11. Safety Clause. The Town Council finds and declares that this ordinance is promulgated and adopted for the public health, safety and welfare and this ordinance bears a rational relation to the legislative object sought to be obtained.

APPROVED ON FIRST READING this 4th day of September, 2018 by a vote of 6 for and 0 against, after publication in compliance with Section 2.02.100.C of the Castle Rock Municipal Code; and

PASSED, APPROVED AND ADOPTED ON SECOND AND FINAL READING this 18th day of September, 2018, by the Town Council of the Town of Castle Rock by a vote of __ for and __ against.

ATTEST:

TOWN OF CASTLE ROCK

Lisa Anderson, Town Clerk

Jennifer Green, Mayor

Approved as to form:

Approved as to content:

Robert J. Slentz, Town Attorney

Lisa Anderson, Town Clerk