

**ORDINANCE NO. 2025-005**

**AN ORDINANCE AMENDING VARIOUS PROVISIONS OF CHAPTER 2.17 OF THE CASTLE ROCK MUNICIPAL CODE REGARDING THE RESPECTIVE ROLES OF THE LIQUOR LICENSING AUTHORITY AND THE TOWN CLERK IN THE LIQUOR LICENSING PROCESS**

**WHEREAS**, the Town Clerk has recommended that Chapter 2.17 of the Castle Rock Municipal Code (the “Town Code”) be updated with respect to those provisions that govern the respective roles of the Liquor Licensing Authority (the “Authority”) and the Town Clerk in the liquor licensing process; and

**WHEREAS**, with the recent retirement of the Municipal Judge, who also served as the Authority Hearing Officer, the Town Clerk has further recommended that the Town Council have greater flexibility in who it may appoint as the Authority Hearing Officer; and

**WHEREAS**, the Town Council finds it to be in the best interests of the Town and its residents to accept the Town Clerk’s recommendations and amend the Town Code accordingly.

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

**Section 1. Amendment.** Section 2.17.010 of the Castle Rock Municipal Code is amended to read as follows:

2.17.010 - Liquor Licensing Authority established.

- A. ESTABLISHMENT. There is established a Liquor Licensing Authority ("Authority"), which shall ~~have and is~~ BE vested with ALL 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~~ GRANTED TO A local licensing authority, as set forth in Articles 3, 4 and 5 of Title 44, ~~C.R.S~~ BY THE COLORADO LIQUOR CODE, § 44-3-101, ET SEQ., C.R.S., COLORADO BEER AND WINE CODE, § 44-4-101, ET SEQ., C.R.S., COLORADO SPECIAL EVENT LIQUOR PERMIT CODE, § 44-5-101, ET SEQ., C.R.S., AND COLORADO LIQUOR RULES, 1 C.C.R. 203-2.
- B. APPOINTMENT OF HEARING OFFICER. Subject to the delegation of authority TO THE TOWN CLERK OR DESIGNEE in Section 2.17.020.B OF THIS CODE, the Authority shall consist of a sole Hearing Officer who shall serve at the pleasure of Town Council. The Hearing Officer shall be appointed by resolution of the Town Council and may be removed with or without cause by a majority vote of Town Council. Town Council shall establish compensation for the Hearing Officer. In the event the Hearing Officer HAS NOT BEEN APPOINTED OR IS OTHERWISE ~~becomes~~ unavailable TO SERVE, the ~~Castle Rock Municipal Judge, or an Alternate~~ ASSISTANT Municipal Judge, OR

SUBSTITUTE MUNICIPAL JUDGE may serve as the Interim Hearing Officer until SUCH TIME AS the Hearing Officer is available or a new Hearing Officer is appointed by Town Council OR IS OTHERWISE AVAILABLE TO SERVE. The term "Hearing Officer" shall be synonymous with "Liquor Licensing Authority" as used throughout this Chapter 2.17 and Chapter 5.08 of this Code.

- 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, COLORADO Liquor Code, COLORADO BEER AND WINE CODE, COLORADO Special Events- LIQUOR PERMIT Code, and Code of Regulations COLORADO LIQUOR RULES. 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 OR PERMIT ISSUED pursuant to ~~C.R.S. § 44-4-101, et seq., or C.R.S. § 44-3-101, et seq~~ THIS CHAPTER.

**Section 2. Amendment.** Section 2.17.020 of the Castle Rock Municipal Code is amended to read as follows:

2.17.020 - Secretary of the Authority.

- A. The Town Clerk, ~~or his or her~~ designee, shall receive all applications for licenses and shall issue all licenses granted by the Authority, upon receipt of such license fees and taxes as are required by law and this Chapter. The Town Clerk, ~~or his or her~~ designee, shall serve as the official secretary of the Authority and shall ~~designate a person or persons to provide FOR the ALL necessary secretarial and reporting services for the Authority.~~ The Town Clerk, ~~or his or her~~ designee, shall attend the meetings of the Authority. All public notice ~~by publication in a newspaper and by the posting of signs as required by the Colorado Liquor Code of 1935, as amended,~~ shall be accomplished by the Town Clerk.
- B. EXCEPT AS OTHERWISE SET FORTH IN SUBSECTION C OF THIS SECTION, ~~the~~ the Town Clerk, ~~or his or her~~ designee, may administratively approve ~~the following~~ ALL applications FILED WITH THE LOCAL LICENSING AUTHORITY. PUBLIC NOTICE OF EACH APPLICATION SHALL BE GIVEN NOT LESS THAN TEN (10) DAYS PRIOR TO THE DATE UPON WHICH THE APPLICATION IS SCHEDULED TO BE APPROVED IN THE SAME MANNER AS IS OTHERWISE REQUIRED FOR A PUBLIC HEARING UNDER THE COLORADO LIQUOR CODE, COLORADO BEER AND WINE CODE, COLORADO SPECIAL EVENT LIQUOR PERMIT CODE, OR COLORADO LIQUOR RULES, AS APPLICABLE.÷
1. ~~Renewal, unless in the Town Clerk's opinion a hearing should be held on the application, in which case the Town Clerk shall forward the application to the~~

~~Authority for a hearing and cause notice of the hearing to be provided as required by state statute.~~

~~2. Special events permit.~~

~~3. Transfer of ownership, unless in the Town Clerk's opinion a hearing should be held on the application, in which case the Town Clerk shall forward the application to the Authority for a hearing and cause notice of the hearing to be provided as required by state statute.~~

~~4. Tastings permit.~~

~~5. Change of corporate structure.~~

~~6. Modification of premises.~~

~~7. Change of trade name.~~

~~8. Change in location.~~

C. THE TOWN CLERK OR DESIGNEE SHALL FORWARD AN APPLICATION TO THE AUTHORITY FOR A PUBLIC HEARING UNDER THE FOLLOWING CIRCUMSTANCES:

1. THE TOWN CLERK OR DESIGNEE DETERMINES THERE IS SUFFICIENT EVIDENCE OR PROBABLE CAUSE TO BELIEVE THAT THE RENEWAL OF A LICENSE MAY BE DENIED FOR GOOD CAUSE;
2. THE TOWN CLERK OR DESIGNEE DETERMINES THERE IS SUFFICIENT EVIDENCE OR PROBABLE CAUSE TO BELIEVE THAT AN APPLICANT OR LICENSEE MAY NOT BE OF GOOD MORAL CHARACTER;
3. THE TOWN CLERK OR DESIGNEE IS AWARE THE APPLICATION MAY BE IN CONFLICT WITH A PROVISION OF THE COLORADO LIQUOR CODE, COLORADO BEER AND WINE CODE, COLORADO SPECIAL EVENT LIQUOR PERMIT CODE, OR COLORADO LIQUOR RULES;
4. THE TOWN CLERK OR DESIGNEE DETERMINES THE PUBLIC INTEREST WOULD BE BETTER SERVED BY THE HEARING OFFICER CONDUCTING A PUBLIC HEARING ON THE APPLICATION; OR
5. A PARTY IN INTEREST, AS DEFINED IN SECTION 44-3-311(5)(B), C.R.S., HAS FILED A WRITTEN REQUEST WITH THE TOWN CLERK'S OFFICE FOR A PUBLIC HEARING ON AN APPLICATION WITHIN TEN (10) DAYS FOLLOWING PUBLIC NOTICE OF THE APPLICATION.

**Section 3. Amendment.** Section 2.17.030 of the Castle Rock Municipal Code is amended to read as follows:

2.17.030 - License application hearings; procedure.

- A. The procedures set forth in 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.
- B. THE LIQUOR LICENSING AUTHORITY IS HEREBY AUTHORIZED TO ISSUE BIENNIAL LICENSES IN ACCORDANCE WITH THE REQUIREMENTS SET FORTH IN SECTION 44-3-302(3), C.R.S.,

**Section 4. Amendment.** Section 2.17.110 of the Castle Rock Municipal Code is amended to read as follows:

2.17.110 - Tastings license authorization.

- A. Authorization. In accordance with Section 44-3-301(10)(a), C.R.S., the Town hereby authorizes "tastings." Retail liquor store, liquor-licensed drug store, and fermented malt beverage and wine retailer licensees shall be allowed to conduct tastings subject to all of the limitations set forth in § 44-3-301(10), C.R.S. and this Code.
- B. Applications. Applications for tastings shall be submitted to the Town Clerk on forms provided by the Town, together with the applicable license fee. The Town Clerk will determine whether applications comply with § 44-3-301(10)(b), C.R.S. and this Code.
- C. Limitations. In addition to the limitations set forth in Section 44-3-301(10), C.R.S., tastings shall be subject to the following limitations:
  - 1. Tastings shall be conducted in no case earlier than ~~11:00~~ 10:00 a.m. or later than ~~7:00~~ 9:00 p.m.
  - 2. Tastings may occur on no more than four (4) of the six (6) days from a Monday to the following Saturday, not to exceed a total of one hundred ~~four~~ FIFTY-SIX (104 156) days per year.

**Section 5. Severability.** If any part or provision of this Ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provisions or application, and to this end the provisions of this Ordinance are declared to be severable.

**Section 6. 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 21st day of January, 2025, by the Town Council of the Town of Castle Rock, Colorado, by a vote of 7 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 4<sup>th</sup> day of February, 2025, by the Town Council of the Town of Castle Rock, Colorado, by a vote of \_\_\_ for and \_\_\_ against.

**ATTEST:**

**TOWN OF CASTLE ROCK**

\_\_\_\_\_  
Lisa Anderson, Town Clerk

\_\_\_\_\_  
Jason Gray, Mayor

**Approved as to form:**

**Approved as to content:**

\_\_\_\_\_  
Michael J. Hyman, Town Attorney

\_\_\_\_\_  
David L. Corliss, Town Manager