TOWN OF OAK CREEK

ORDINANCE NO. 666

AN ORDINANCE AMENDING CHAPTER 4.01 LIQUOR AND BEER REGULATIONS OF THE OAK CREEK MUNICIPAL CODE

WHEREAS, Chapter 4.01 of the Oak Creek Municipal Code provides liquor and beer regulations; and

WHEREAS, changes in the Colorado Liquor Code and Colorado Beer Code including references to Colorado Revised Statutes and State regulated local fees require updating the Town's Chapter 4.01 Liquor and Beer Regulations; and

WHEREAS, the Board considered amendments of Chapter 4.01 at a public meeting held on February 23, 2023; and

WHEREAS, the Board considered this Ordinance amending the Oak Creek Municipal Code Chapter 4.01 Liquor and Beer Regulations, at a public meeting held on April 13, 2023; and

WHEREAS, the Board has determined it is necessary to amend certain provisions contained in Chapter 4.01 Liquor and Beer Regulations; and

WHEREAS, Trustee _____ made a motion to approve the amendments to Chapter 4.01 Liquor and Beer Regulations as proposed. Trustee _____ seconded the motion. The motion passed unanimously.

NOW, THEREFORE, be it ordained by the Board of Trustees of the Town of Oak Creek as follows:

Section 1. The Town of Oak Creek Municipal Code Chapter 4.01 Liquor and Beer Regulations is hereby amended as follows (additions are underlined, deletions are struck-through):

4.01.010 Licensing authority.

The Oak Creek Board of Trustees is hereby designated the local licensing authority for purposes of exercising the duties and powers provided for in the Colorado Beer Code and Colorado Liquor Code.

4.01.020 Town license to sell required.

A. No person shall sell or offer for sale any malt, vinous or spirituous liquor in the Town without first having obtained a Town license therefor under the provisions of this chapter and laws of the state, in addition to any other license required by the state.

B. No person shall sell or offer for sale any fermented malt beverages without first having obtained a Town license therefor under the provisions of this chapter and laws of the state, in addition to any other license required by the state.

C. Nothing in this Code shall be deemed to require a person to obtain a separate Town license in order to sell or offer for sale any malt, vinous, spirituous liquor or fermented malt beverage pursuant to a special event permit. The Town Board, however, having been delegated the necessary power and authority under C.R.S. § 44-5-107(5)~~Section 12-48-107, C.R.S~~. shall review and approve all applications for special event permits before notification to the state, all in accordance with state law.

D. Applicants for a Town license under this title shall apply therefor to the Town Clerk on forms provided by the Town Clerk.

E. Provisions of the Colorado Liquor Code (C.R.S. § 44-3-301~~Section 12-47-101 et seq., C.R.S.~~) and the Colorado Beer Code (C.R.S. § 44-4-107~~Section 12-46-101 et seq., C.R.S.)~~ governing procedures for applications, hearing and decisions for state liquor or fermented malt beverage~~s~~ and wine, including tastings (which are hereby authorized pursuant to ~~Section 12-47-301 (10), C.R.S.)~~C.R.S. § 44-3-301(10), shall apply for Town licenses.

F. No person licensed under this chapter shall fail to comply with all applicable provisions of state law and applicable requirements of this Code and any ordinance of the Town regulating the conduct of the licensed business.

G. Pursuant to C.R.S. § 44-3-601 t~~T~~he Town Board may suspend, ~~or~~ revoke and/or fine the license of any licensee who has failed to comply with all applicable provisions of state law or applicable requirements of this Code. Standards for suspension and revocation are those applicable to the suspension or revocation of state licenses under state law. ~~The optional procedures set forth in C.R.S. § 12-47-601(3) - (6) are accepted and adopted for application by the Town Board.~~

H. No person licensed under this chapter is permitted to transfer the Town license to another person or to another location without the prior approval of the Board of Trustees. Standards for transfer of a Town license are those applicable to transfers of state licenses under state law.

I. A temporary permit may be issued by the Town Clerk in the event of the sale or transfer of a licensed premise. The applicant for a temporary permit must submit, as part of the application, a copy of the agreement of sale of business or other documentation demonstrating transfer of possession of the licensed premise, an application for a transfer of ownership pursuant to the requirement of state law, and an application for a temporary permit on forms provided by the Town Clerk. A temporary permit shall be valid until such time as the application for transfer of ownership of the license to the applicant is granted or denied or for one hundred twenty days, whichever shall first occur; except that if the application to transfer has not been granted during the one hundred twenty-day period and the transferee demonstrates good cause, the Town Clerk may extend the temporary permit for an additional sixty days.

J. With the exception of a temporary permit, the term of the Town license issued under this chapter is twelve months from the date of issuance. An applicant for renewal of a Town license shall apply to the Town Clerk on or before the 45th day prior to the date of expiration of the license.

4.01.030 Schedule of fees.

The following schedule of Town fees is imposed in connection with Town licensing under the Colorado Liquor Code and Colorado Beer Code.

Application Fees	**Local Fees**
Initial Application Fee (including Liquor-Licensed Drugstore)~~:~~	$500.00
Application Fee with Concurrent Review (including Liquor-Licensed Drugstore)	500.00
Change Application Fee Transfer of Ownership:	~~500.00~~Per LED Fee Schedule
Application Fee Manager ~~Registration~~ Permit (Hotel & Restaurant, Tavern or Lodging & Entertainment Licensees only)	Per LED Fee Schedule~~ 75.00~~
~~Transfer of Location~~ (move to Additional Fees section)	~~500.00~~
Late Renewal Application Fee	Per LED Fee Schedule~~ 500.00~~
Application Reissue **Fee** (More than 90-days but less than 180-days of license expiration date)	Per LED Fee Schedule
Application Reissue **Fine** (More than 90-days but less than 180-days of license expiration date)	Per LED Fee Schedule
Annual Renewal Application Fee	Per LED Fee Schedule ~~50.00~~
Annual Art Gallery Fee	Per LED Fee Schedule
~~Corporate Report of Changes~~ (move to Additional Fees section)	~~100.00~~
Temporary Permit Pending Change of Ownership	100.00
Alcoholic Beverages Tasting Permit	100.00
Retail License Fees	
Art~~s~~	Per LED Fee Schedule
Art Gallery (move to Local and State Issued Permit Fees)	Per LED Fee Schedule
~~Bed & Breakfast Permit:~~ (move to Local and State Issued Permit Fees)	~~Per LED Fee Schedule~~
Beer & Wine	Per LED Fee Schedule
Brew Pub	Per LED Fee Schedule
Club	Per LED Fee Schedule

Brew Pub License Distillery Pub	Per LED Fee Schedule
Hotel & Restaurant	Per LED Fee Schedule
Liquor--Licensed Drugstore	Per LED Fee Schedule
Lodging & Entertainment	Per LED Fee Schedule
~~Modification of Premise~~ (move to Additional Fees section)	~~Per LED Fee Schedule~~
Optional Premises License	Per LED Fee Schedule
Racetrack	Per LED Fee Schedule
Retail Liquor Store	Per LED Fee Schedule
Tavern	Per LED Fee Schedule
Local and State Issued Permit Fees	
Art Gallery Permit	Per LED Fee Schedule
Bed & Breakfast Permit	Per LED Fee Schedule
Special Event Permit	
Malt, Vinous and Spirituous Liquor	Per LED Fee Schedule
Fermented Malt Beverage (3.2% Beer)	Per LED Fee Schedule
Mini Bar Permit with Hotel Restaurant License	Per LED Fee Schedule
Vintner's Restaurant	Per LED Fee Schedule
Fermented Malt Beverage On Premises	Per LED Fee Schedule
Fermented Malt Beverage and Wine Retailer Off Premises	Per LED Fee Schedule
Fermented Malt Beverage On/Off Premises	Per LED Fee Schedule
Additional Fees	
Change of Location	500.00
Corporate LLC Change (per person)	Per LED Fee Schedule
Modification of Premises	Per LED Fee Schedule

4.01.040 Reserved.

SECTION 2. **SEVERABILITY, CONFLICTING ORDINANCES REPEALED**. 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 of the remaining portions of this Ordinance. All other ordinances in conflict with the provisions of this Ordinance are hereby repealed.

SECTION 3. **EFFECTIVE DATE**. This ordinance shall take effect and be in full force and effect thirty (30) days after adoption and publication pursuant to C.R.S. § 31-16-105.

INTRODUCED, READ, APPROVED AND ORDERED PUBLISHED this 13th day of April, 2023.

_____
Nikki Knoebel, Mayor

ATTEST:

_____
David Torgler
Town Administrator/Clerk