

## **ORDINANCE 2024-13**

### **AN ORDINANCE OF THE CITY OF FRUITA, COLORADO AMENDING CHAPTER 5.20 OF THE FRUITA MUNICIPAL CODE TO ALLOW ADMINISTRATIVE APPROVALS FOR CERTAIN LIQUOR-RELATED APPLICATIONS**

**WHEREAS**, the City of Fruita, Colorado is a home rule municipal corporation authorized to adopt ordinances in furtherance of the public health, safety and welfare; and

**WHEREAS**, pursuant to state law and the Fruita Municipal Code, a license is required to sell or offer alcoholic beverages in the City of Fruita; and

**WHEREAS**, licenses to sell or offer alcoholic beverages are issued by the Fruita City Council as the local licensing authority; and

**WHEREAS**, pursuant to Chapter 5.05 of the Fruita Municipal Code, the Fruita City Council delegates its authority to the office of the City Clerk as the Licensing Officer for the City; and

**WHEREAS**, the Fruita City Council desires to allow the Licensing Officer to administratively approve certain liquor license applications as more fully described below.

**NOW, THEREFORE, BE IT HEREBY ORDAINED BY THE CITY COUNCIL OF THE CITY OF FRUITA, COLORADO THAT:**

**Section 1.**     **Section 5.20.010 DEFINITIONS** of the Fruita Municipal Code is hereby amended to add new definitions as follows:

Local Licensing Authority means the Fruita City Council.

Licensing Officer means the Fruita City Clerk.

**Section 2.**     Section 5.20 of Chapter 5 of the Fruita Municipal Code titled “Alcoholic Beverages Licenses,” is hereby amended to add a new Section 5.20.130 to allow for administrative approvals of certain applications to read in full as follows:

#### **5.20.130 ADMINISTRATIVE APPLICATIONS.**

A.     If there have been no violations of the Colorado Liquor or Beer Code during the preceding year, and there is no other derogatory information regarding the licensee, its partners, officers, directors, managers or shareholders, then the following liquor-related applications may be decided by the Licensing Officer, subject to appeal or referral to the Local Licensing Authority:

1.   Change of corporate structure of existing license;

2. Renewal of existing license;
  3. Modifications or alterations of licensed premises provided the alteration does not involve an increase of more than 15% of the usable area;
  4. Manager registration or changes of manager for existing license;
  5. Special events permit;
  6. Festival Permit;
  7. Alcoholic Beverage Tasting Permit (for Retail Liquor Store licenses);
  8. Change of corporate or trade name for existing license;
  9. Special events liquor permit;
  10. Recertification of Promotional Associations (for Common Consumption Areas); and
  11. All other City license-related applications not requiring a public hearing by the Colorado Liquor Code.
- B. The City Clerk may refer to the Local Licensing Authority for a decision regarding any administrative application when, as determined in the discretion of the City Clerk, the public interest would be best served by the determination of the matter by the Local Licensing Authority.
- C. Administrative applications denied by the City Clerk may be appealed to the Local Licensing Authority. Appeals must be submitted in writing to the City Clerk within ten (10) days of denial and may request a hearing. Appeals to the Local Licensing Authority will be decided de novo.
- D. As authorized pursuant to Section 12-48-107(5) of the Colorado Revised Statutes and Resolution 2011-32 adopted by the Fruita City Council, approval by the City of a special event permit application shall not require the state's approval or disapproval. Within ten (10) days of issuance of a special event permit, the City Clerk shall notify the state liquor enforcement division of the name of the organization to which a special event permit was issued, the address of the permitted location, and the permitted dates of alcohol beverage service.

**Section 2. Effective Date.** This Ordinance shall take effect thirty days after the date of final passage in accordance with Section 6.4 of the Fruita Home Rule Charter.

**Section 3. Severability.** If any provision of this Ordinance, or the application of such provision to any person or circumstance, is for any reason held to be invalid, such invalidity shall not affect

other provisions or applications of this Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared to be severable. The City Council hereby declares that it would have passed this Ordinance and each provision thereof, even though any one of the provisions might be declared unconstitutional or invalid. As used in this Section, the term “provision” means and includes any part, division, subdivision, section, subsection, sentence, clause or phrase; the term “application” means and includes an application of an ordinance or any part thereof, whether considered or construed alone or together with another ordinance or ordinances, or part thereof, of the City

**Section 4. Repeal.** Any and all ordinances or codes or parts thereof in conflict or inconsistent herewith are, to the extent of such conflict or inconsistency, hereby repealed; provided, however, that the repeal of any such ordinance or code or part thereof shall not revive any other section or part of any ordinance or code heretofore repealed or superseded and this 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 effective date of this Ordinance.

**PASSED AND ADOPTED BY THE FRUITA CITY COUNCIL  
THIS 6<sup>TH</sup> DAY OF AUGUST, 2024**

**CITY OF FRUITA**

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Mayor Matthew Breman

**ATTEST:**

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City Clerk Deb Woods