

**TOWN OF MEAD, COLORADO  
ORDINANCE NO. 1068**

**AN ORDINANCE OF THE TOWN OF MEAD, COLORADO REPEALING AND  
REENACTING ARTICLE III OF CHAPTER 6 OF THE *MEAD MUNICIPAL  
CODE* RELATING TO ALCOHOLIC BEVERAGES**

**WHEREAS**, the Board of Trustees of the Town of Mead (“Board of Trustees”) has the authority pursuant to its general police powers to pass and enforce regulations which may be necessary or expedient for the promotion of the health, safety, and welfare of the citizens of the Town of Mead (“Town”); and

**WHEREAS**, the Article III of Chapter 6 of the *Mead Municipal Code* (“MMC”) entitled “Alcoholic Beverages” sets forth the Town’s current liquor regulations; and

**WHEREAS**, the Board of Trustees finds that repealing and reenacting Article III of Chapter 6 of the *MMC* to provide an overall update of its liquor code due to recent changes in state law and for efficiency is in the best interests of the health, safety, and the welfare of the public.

**NOW THEREFORE, BE IT ORDAINED** by the Board of Trustees of the Town of Mead, Weld County, Colorado, that:

**Section 1.** Article III of Chapter 6 of the MMC, titled, “Alcoholic Beverages” is hereby repealed in its entirety and reenacted to read as follows:

**ARTICLE III  
ALCOHOL BEVERAGES**

**Division 1 – General Provisions**

**Sec. 6-3-10. Legislative Intent and State Laws Applicable.**

- (a) The purpose of the Mead Liquor Code shall be to provide for the regulation, control, and licensing of the sale of alcohol beverages.
- (b) Where applicable, the state liquor laws shall apply to the licensing of fermented malt beverages and malt, vinous, and spiritous liquors within the Town.
- (c) If any provision of the Mead Liquor Code in conflict with the state liquor laws, the state liquor laws govern. If the state liquor laws are silent on a matter contained within the Mead Liquor Code, the Mead Liquor Code governs.

**Sec. 6-3-20. Definitions.**

All words and phrases used in the Mead Liquor Code shall have the meanings as set forth in Title 44, Articles 3, 4, and 5, C.R.S., and the case law interpreting the same. All other words and phrases used in Mead Liquor Code shall have their common, ordinary, and accepted meanings, except that the following terms shall have the following meanings:

*Administrative application* means an application that the Authority has delegated authority to decide to the Town Clerk and includes: transfer of ownership of existing Town licenses; change of corporate structure of existing Town licenses; modification of premises of

existing Town licenses; renewal of existing Town licenses; special event permits; tasting permits; temporary liquor permits; change of corporate or trade name permit for existing Town licenses; applications for private parties serving alcoholic beverages at private gatherings on Town property; registered manager notification applications; and all other Town license-related applications that do not require a public hearing by the state liquor laws.

*Applicant* means a person or entity applying for a Town license or permit under the Mead Liquor Code, the term specifically includes:

- (a) If an individual, the person making the application.
- (b) If a partnership, the partnership, and each partner owning ten percent (10%) or more of the partnership.
- (c) If a corporation or other legal entity licensed by the Colorado Secretary of State, the corporation and each and every officer, director, manager, or stockholder holding ten percent (10%) or more of the stock therein.

*Board of Trustees* shall mean the Board of Trustees of the Town of Mead, Colorado and includes the Mayor.

*Code* means the Mead Municipal Code, including the Mead Liquor Code.

*C.R.S.* means the Colorado Revised Statutes, as may be amended from time to time.

*Licensee* means an applicant that has been issued a Town license pursuant to the Mead Liquor Code.

*Liquor Licensing Authority* or *Authority* or means the Board of Trustees.

*Manager* means an on-site person who manages, directs, supervises, oversees and administers the transactions and acts of servants of the establishment issued a Town license or permit.

*Mead Liquor Code* shall mean this Article III of Chapter 6. References to the Mead Liquor Code and the applicable section or section therefore shall be sufficient when citing the provisions of this Article in any legal document, summons, complaint, and memorandum.

*Person* whenever it appears in this Article shall be deemed to include a natural person, partnership, association, company, corporation, organization or manager, agent, servant, officer or employee of any of them.

*State liquor laws* include Articles 3, 4 and 5 of Title 44, C.R.S., and the rules and regulations of the executive director of the department of revenue of the state, the deputy directory thereof if the executive director so designates, as the state licensing authority, as amended from time to time.

*Tastings* means the sampling of malt, vinous, or spiritous liquors that may occur on the premises of a retail liquor store licensee or liquor-licensed drugstore licensee by adult patrons of the licensee pursuant to the provisions of section 44-3-301(10), C.R.S.

*Tastings license* means a separate license issued by the Liquor Licensing Authority pursuant to this Chapter authorizing tastings to be conducted by the licensee.

*Town Clerk* means the Town Clerk for the Town, or such person as may be assigned by the Town Clerk to perform the functions or duties required under this Mead Liquor Code.

*Town License* means a license or permit issued pursuant to the Mead Liquor Code. The term Town license shall include temporary permits.

#### **Sec. 6-3-30. Powers of Licensing Authority.**

- (a) The Liquor Licensing Authority shall have the following powers:
  - (1) To grant or to refuse for cause, licenses for the sale of fermented malt beverages, malt, vinous, or spirituous liquors, and any other licenses and permits that may be granted pursuant to state liquor laws.
  - (2) To conduct investigations.
  - (3) To suspend or revoke licenses for cause.
  - (4) To promulgate rules and regulations concerning the procedures for hearings before the Liquor Licensing Authority and presentation of evidence at such hearings.
  - (5) To administer oaths and issue subpoenas to require the presence of persons and the production of papers, books and records necessary to the determination of any hearing which the Authority is authorized to conduct. It shall constitute a violation of the Mead Liquor Code for any person to fail to comply with any subpoena issued by the Authority in the proper conduct of its hearings. A subpoena shall be served in the same manner as a subpoena issued by the District Court. The Municipal Court or the District Court shall enforce the subpoenas of the Authority, and upon good cause shown enter its orders compelling witnesses to attend and testify or produce books, records, or other evidence and shall impose penalties of punishment for contempt in case of failure to comply with such orders.
  - (6) To continue any hearing for the purpose of requesting additional information.
  - (7) To delegate certain powers to the Town Clerk, as permitted by state liquor laws.
  - (8) To adopt guidelines for the purpose of defining the neighborhood for the applications.
  - (9) All powers provided in the Mead Liquor Code and all powers of local licensing authorities as set forth in state liquor laws.

#### **Sec. 6-3-40. Terms of Membership.**

- (a) The members of the Authority shall serve for terms commensurate with their terms

as members of the Board of Trustees.

**Sec. 6-3-50. Presiding Officer.**

- (a) The Mayor shall serve as the Chair of the Authority. The Mayor Pro Tem shall serve as the Chair Pro Tem of the Authority. In absence of both the Mayor and the Mayor Pro Tem, the Authority shall designate one of its members to serve as a temporary chairman of the Authority pursuant to Section 2-2-80 of this Code.

**Sec. 6-3-60. Quorum.**

- (a) A quorum of the Authority shall be determined in the same manner set forth in Section 2-2-150 of this Code. In the absence of a quorum, the Authority shall have the power to schedule or continue any meeting or hearing to a later date. In the absence of all members of the Authority, any official of the Town, including the Town Manager, may adjourn any meeting to a date and time certain.

**Sec. 6-3-70. Duties of Town Clerk.**

- (a) The Town Clerk shall assist the Authority by receiving all applications, coordinating with other Town officers and departments when relevant, and scheduling required public hearings.
- (b) Administrative Applications. The Authority hereby delegates the authority to the Town Clerk to administrative decide administrative applications, subject to the following conditions:
  - (1) The Town Clerk may refer to the authority for a decision regarding any administrative application when, as determined in the discretion of the Town Clerk, either the public interest would be best served by the determination on the matter by the Authority or where the investigation on the application, if applicable, revealed information that would reasonably form the basis for a determination that the proposed applicant is not qualified to hold the license or permit.
  - (2) Applications denied by the Town Clerk may be appealed to the Authority by filing an appeal in writing to the Town Clerk within ten (10) calendar days of the denial and may include a request for a hearing. Appeals to the Authority will be decided de novo.

**Division 2 – Liquor License Requirements and Applications for New Licenses.**

**Sec. 6-3-200. Liquor License Required.**

- (a) No person shall sell alcohol beverages at retail within the Town except pursuant to a current valid Town License.

**Sec. 6-3-210. Conditions of Issuance.**

- (a) It shall be deemed a condition of the issuance of every Town license that the licensee complies with the terms of the Code and state liquor laws.

**Sec. 6-3-220. Application for New Liquor License.**

- (a) Application forms and written procedures for submitting applications for a Town license shall be available to applicants from the office of the Town Clerk.
- (b) Applications shall be submitted to the Town Clerk and accompanied by all the required fees. No application shall be considered which is not complete in every detail. Incomplete applications may be returned to the applicant for completion or correction without any further action. Neither the Town nor the Authority shall be responsible for the failure of a license to be issued or renewed prior to an expiration date because of a late, incomplete, or defective application.
- (c) Applications for a new license shall contain, at minimum, the following:
  - (1) An oath or affirmation that all information submitted has been given fully, accurately, truthfully and without concealment of any material fact or facts;
  - (2) All forms required by the state licensing authority are complete in every detail;
  - (3) Payment in full of the state license fees and Town license fees as set forth in Section 6-3-240;
  - (4) The legal description and local address of the premises to be licensed, and a detailed drawing of the premises to be licensed, outlined in bold black. The detailed drawing must identify and include: dimensions of the premises to be licensed, total seating, kitchen area (if applicable), entries and exits, and alcohol storage, including a separate diagram no larger than eight and one-half (8 ½) by eleven (11) inches for each floor. If the building is not in existence, the applicant shall file a plot plan and a detailed sketch of the interior, and submit an architect's drawing of the building to be constructed;
  - (5) If the applicant is a corporation, a copy of its articles of incorporation and, in addition, the names and addresses of all persons holding over ten percent (10%) of the outstanding capital stock; and if a foreign corporation, evidence of its qualification to do business in the State;
  - (6) Suitable evidence of residence of the applicant, or in the case of a business association or two (2) or more persons, such evidence of the principals;
  - (7) Proof that the applicant is entitled to possession of the premises, such as a deed or lease;
  - (8) Background investigation documents as the Town Clerk may deem reasonably necessary, including but not limited to photo identification and fingerprints taken by a Colorado law enforcement agency or third party approved by the Colorado Bureau of Investigation. The Town Clerk shall have discretion to waive such requirements where a character and background investigation has been made within the past twelve-month

period from the date of the license application and to employ such prior investigation;

- (9) Copies of any contract or agreement that confers a power or authority upon any party to manage, operate or supervise the affairs of the proposed establishment and the acts of its servants, whether it is intended to become effective following issuance of such license;
  - (10) Information concerning the financial and management interest of persons connected with the business, and copies of documents governing the terms and conditions of ownership, management and rights to possession of the premises proposed to be licensed; and
  - (11) An authorization for any source to release to the Town, without further permission from the applicant or licensee, financial information concerning the applicant or licensee.
- (d) The Authority or the Town Clerk may acquire additional information as necessary to properly carry out the provisions of the state liquor laws and the Code.

**Sec. 6-3-230. Distance Requirements.**

- (a) Pursuant to C.R.S. § 44-3-313(1)(d)(III), the Town of Mead hereby reduces the distance requirements of the state liquor laws, as set forth herein.
- (b) No application for the issuance of any license under this Article shall be received or acted upon if the building in which the malt, vinous or spirituous liquor is to be sold is located within one hundred (100) feet of any public or parochial school or the principal campus of any college, university or seminary; except that this provision shall not affect the renewal or reissuance of a license once granted or apply to licensed premises located or to be located on land owned by the Town, or apply to an existing licensed premises on land owned by the State, or apply to a liquor license in effect and actively doing business before said principal campus was constructed, or apply to any club located within the principal campus or any college, university or seminary that limits its membership to the faculty or staff of such institution.
- (c) The distance referred to in Subsection (b) above is to be computed by direct measurement from the nearest property line of the land used for school purposes to the nearest portion of the building in which liquor is to be sold, using a route of direct pedestrian access.

**Sec. 6-3-240. Fees.**

- (a) License fees. An applicant shall pay a Town license fee at the time of application. Such license fee shall not be rebated or discounted on a proportionate or other basis for any license in existence or issued for less than one (1) full year.
- (b) Application fees. In addition to the fees set forth in Subsection (a), the applicant shall pay to the Town at the time of application for any liquor license, liquor license amendment, permit or other form of review and approval, including but not limited

to an application for a new license, special events permit, transfer of location or ownership, change of corporate structure, renewal, late fee for renewal or temporary permit pending transfer of ownership.

- (c) Investigation fees. An applicant for a new license or any license that requires the Town to investigate the background of the applicant shall also be subject to a background investigation fee. The amount shall be set in the Town of Mead Comprehensive Fee Schedule.
- (d) Temporary Permit Fee. An application for a license transfer shall be set in the Town of Mead Comprehensive Fee Schedule.
- (e) Where a specific fee is not set forth in this Code, all fees under this Code shall be set by the Town Clerk to be consistent with the maximum amount allowed to be charged under the state liquor laws.

#### **Sec. 6-3-250. License Renewal.**

- (a) All renewal applications for Town licenses shall be submitted to the Town Clerk within the timeframes set forth in state statute, as may be amended from time to time. Should any renewal application be received in completed form less than the timeframe indicated by the state liquor laws, it shall be deemed a late application.
- (b) The Town Clerk shall cause a routine investigation to be completed upon receipt of a renewal application.
- (c) If there is evidence that the license should not be renewed, the Town Clerk shall set the application for hearing with the Authority. Otherwise, the Town Clerk may administratively approve the renewal.
- (d) Renewal of expired license:
  - (1) have been obtained.
  - (2) A licensee whose license has expired for not more than ninety (90) days may file an expired license renewal application. A licensee who files such an application and pays the requisite fees may continue to operate until both the State and the Town have taken final action to approve or deny the late renewal application.
- (e) An expired license renewal application will not be accepted more than ninety (90) days after the expiration of a licensee's permanent annual license. If more than ninety (90) days have elapsed since the expiration of a permanent annual license, the licensee must apply for a new license and shall not sell or possess for sale any alcohol beverage until all required licenses. The Authority shall not be answerable for the failure of the license to be issued by the expiration date on any late application. Nothing in this Section shall serve as authority for any sale of alcoholic liquor without a license pursuant to law.
- (f) The Licensing Authority shall revoke or elect not to renew a retail license presently in existence if it determines that construction of the proposed outlet has not been

completed and the facility placed in operation within two (2) years of approval of the license application, or construction of the facility has not commenced within one (1) year of such approval.

**Sec. 6-3-260. Investigations of Applicant and Premises.**

- (a) After an application for a new license is deemed complete pursuant to Section 6-3-230 above, the Town Clerk shall coordinate a background and character investigation of the applicant. Any reports of the result of this investigation shall be delivered to the Town Clerk not less than five (5) days prior to the date of the hearing on the application. Copies of the results of the investigation shall be made available to the applicant upon request.
- (b) As a condition of approval of any new license, the premises proposed for a license shall also be inspected to ensure that the plan and specifications submitted with the application are true representations of the premises.

**Sec. 6-3-270. Setting of Hearing and Notice Requirements.**

- (a) After an application for a new license is deemed pursuant to Section 6-3-230 above, the Town Clerk shall schedule a public hearing on the application, which date shall be not less than thirty (30) days from the date the Town Clerk determines the application is complete.
- (b) The Authority shall cause to be posted and published public notice of the hearing to be held on the application, as provided in the state liquor laws.

**Sec. 6-3-280. Public Hearings.**

- (a) The following persons shall attend the hearing at which the application is considered:
  - (1) If the applicant is an individual, that individual;
  - (2) If the applicant is a partnership, any partner;
  - (3) If the applicant is a corporation, any officer of the corporation; or
  - (4) Counsel for the applicant.

The Authority may, in its discretion, waive attendance by any one or more of such designated persons. The Authority may also require the attendance of such other people as it deems necessary or desirable.

- (b) The Authority shall consider all facts in evidence adduced as a result of the investigation and hearing, including the reasonable requirements of the neighborhood and the desires of the inhabitants affected, the number, type and availability of outlets located in or near the neighborhood under consideration, all other reasonable restrictions applicable to the area under consideration, and any other pertinent matters affecting the qualifications of the applicant to conduct the type of business proposed.



- (c) Following the public hearing on the new applications, the Authority shall render its decision not later than thirty (30) days thereafter; provided, however, that the Authority may continue the hearing from time to time as may be necessary to gather necessary facts and evidence and to permit witnesses to testify, and the time limited in this Section shall run from the date of conclusion of the hearing, as continued.
- (d) The Town Clerk shall send a written copy of the decision of the Authority and the reason thereof by certified mail or email to the applicant at the address shown on the application and, upon request, to any other party in interest.

**Sec. 6-3-290. Approval of Building Not in Existence; Extension.**

- (a) Applications may be approved where a building is not in existence; however, any premises where a building is not in existence shall have one (1) year immediately following the date of approval of the license to obtain an occupancy permit issued by the Town, and to obtain the Town and state licenses.
- (b) Whenever it appears that the applicant will not have completed the structure for which the license was approved, nor obtained an occupancy permit, within the one-year period, the applicant must file a written application with the Authority within thirty (30) days prior to the end of the one-year period, requesting an extension for the necessary time to complete the structure and obtain an occupancy permit for a maximum of one (1) additional year. An application and affidavit of due diligence must be accompanied by an extension fee. The amount shall be set in the Town of Mead Comprehensive Fee Schedule and which shall not be refundable.
- (c) The applicant shall be required to demonstrate to the Authority as to the progress being made toward the completion of the structure and diligence on the part of the applicant, and the specific reason as to why the premises have not been completed. The Authority shall, at its next regularly scheduled meeting following receipt of the application, hold a hearing on the applicant's affidavit and, if satisfied that the applicant is diligently making progress toward the completion of the building, may extend the authorization of same for an additional period not to exceed one (1) year. No more than one (1) extension shall be granted under this Section.

**Division 3 – Operation Requirements**

**Sec. 6-3-300. License Display Required.**

- (a) Once a temporary or permanent Town license is issued, it shall be unlawful for the licensee to fail to display said license in a prominent location within the licensed premises.

**Sec. 6-3-310. Disturbances**

- (a) It is unlawful for any licensee to permit any disturbance, undue noise or unlawful or disorderly act or conduct by any person or group of persons upon the premises.
- (b) It is unlawful for any licensee, in any manner, to encourage or participate in any disturbance, unlawful act or disorderly conduct upon the premises; provided,

however, that such licensee may use such lawful means as may be proper to protect his or her person or property from damage or injury.

- (c) Any licensee shall immediately report to the police authority of the Town any unlawful or disorderly act, disorderly conduct or disturbance committed on the premises.
- (d) It shall not be a defense that the licensee was not personally present on the premises at the time of any violation of this Section; provided, however, that an agent, servant or employee of the licensee shall not be liable under this Section when absent from the premises while not on duty.

#### **Division 4 – Tastings**

##### **Sec 6-3-400. Authority.**

- (a) Alcohol beverage tastings, as defined in 44-3-103(56), C.R.S., are permitted within the Town only following approval of an application for alcohol beverage tastings permit and subject to the limitations set forth in this Division and Section 44-3-301(10), C.R.S.

##### **Sec. 6-3-410. Applications for Alcohol Beverage Tasting Permits.**

- (a) A retail liquor store or liquor-licensed drugstore licensee desiring to conduct alcohol beverage tastings must submit a permit application or permit renewal for that purpose.
- (b) An alcohol beverage tastings permit shall be valid for the period of the then-existing liquor license, and the permit may be renewed at the time of any liquor license renewal.
- (c) An application for an alcohol beverage tastings permit must be submitted to the Town Clerk no later than thirty (30) days prior to the date of the first alcohol beverage tasting requested in the application or at the time of license renewal, whichever occurs first.
- (d) At a minimum, the application must include the following information:
  - (1) The name of the licensee and location of the licensed premises of the retail liquor store or liquor-licensed drugstore;
  - (2) Description of the proposed tasting event, including information describing where within the licensed premises the tasting event will be conducted and how such an event will comply with this Division.
  - (3) Schedule of the specific dates and times of requested alcohol beverage tastings for the period of the permit. Such schedule shall conform to all requirements imposed by Section 6-3-420 below. Following approval of a tastings permit and the tastings schedule by the Town, the licensee may

amend such schedule by delivering to the liquor licensing Administrator, at least forty-eight (48) hours prior to an unscheduled event, a notice of amendment of the Town-approved schedule.

- (4) A copy of a certificate of training for individuals who will conduct alcohol beverage tastings.
- (5) Payment of the application fee.
- (6) Any other information requested by the Town Clerk reasonably necessary to ensure compliance with the requirements of this Division, state law or applicant regulation.

**Sec. 6-3-420. Decision on Application.**

- (a) In accordance with Section 6-3-70(b), the Town Clerk shall administratively decide on applications for alcohol beverage tastings or refer such decision to the Authority. The Town Clerk shall cause a routine investigation to be completed upon receipt of a renewal application. The Town Clerk or Authority, as appropriate, may deny an application if the applicant fails to establish that the applicant is able to conduct alcohol beverage tastings in compliance with the Mead Liquor Code or Section 44-3-301(10), C.R.S., or if such alcohol beverage tastings create or threaten to create a public safety risk to the neighborhood. A decision to deny an alcohol beverage tastings application shall be made in writing and shall be provided to the applicant within five (5) business days of the date of the decision. Approval of an application for alcohol beverage tastings shall also constitute approval of the schedule for tastings submitted with the application unless such schedule fails to conform to all applicable requirements imposed by Section 6-3-430 below.

**Sec. 6-4-430. Alcohol Beverage Tasting Regulations.**

- (a) Alcohol beverage tastings shall comply with the requirements of Section 44-3-301(10), C.R.S., as may be amended.

**Sec. 6-4-440. Tasting Violations.**

- (a) Any violation of the regulations specified in this Division or in Section 44-3-301(10), C.R.S., by a retail liquor store or liquor-licensed drugstore licensee, whether by the licensee's employees, agents or otherwise, shall be the responsibility of the retail liquor store or liquor-licensed drugstore licensee which is conducting the alcohol beverage tasting.
- (b) A licensee's noncompliance with any provision of this Division shall be deemed a violation of the Mead Liquor Code and shall be cause for revocation of the licensee's alcohol beverage tastings permit, or shall be cause for revocation, suspension or other enforcement provisions as otherwise apply to the licensee's license.

## **Division 5 – Special Events**

### **Sec. 6-3-500. Special Event Permit Fees.**

- (a) Accompanying an application for a special event permit shall be a local fee to cover the expenses of processing such application and issuing the requested permit in such amounts as are set by the state liquor laws. The Authority shall amend the fees to follow the state liquor laws as they are amended from time to time.

### **Sec. 6-3-510. Application Procedures.**

- (a) An applicant shall file a special event permit application at least thirty (30) days prior to the date of the event, unless such requirement is waived by the Town Clerk for good cause shown.
- (b) Upon receipt of a complete application for a special events permit, the Town Clerk shall investigate, through consultation with appropriate town administrative personnel and the state licensing authority, as applicable, and decide on the following:
  - (1) Whether the applicant has timely and properly submitted a complete application for a special event permit and tendered all required fees in accordance with this Chapter and the provisions of state alcohol beverage laws;
  - (2) Whether there has been a timely and proper posting of conspicuous public notice of the proposed special event permit and protest procedures at the location for which the permit is sought pursuant to Section 44-5-106(2), C.R.S.;
  - (3) Whether the applicant satisfies the eligibility criteria set forth in state alcohol beverage laws; and
  - (4) Whether issuance of a special event permit to the applicant will comply with the special event permit issuance restrictions in state alcohol beverage laws.
- (c) A special event permit may be issued only upon a satisfactory showing by an organization or a qualified political candidate that:
  - (1) Other existing facilities are not available or are inadequate for the needs of the organization or political candidate; and
  - (2) Existing licensed facilities are inadequate for the purposes of serving members or guests of the organization or political candidate and that additional facilities are necessary by reason of the nature of the special event being scheduled; or
  - (3) The organization or political candidate is temporarily occupying premises

other than the regular premises of such organization or candidate during special events such as civic celebrations or county fairs and that members of the general public will be served during such special events.

- (d) Upon receipt of an application for a special event permit, the Town Clerk shall access information made available on the website of the state licensing authority to determine the statewide permitting activity of the organization applying for the permit. State alcohol beverage law limitations shall apply to any application.

**Sec. 6-3-520. Administrative Approval.**

- (a) At the conclusion of the investigation in Section 6-3-510 above, the Town Clerk, pursuant to Section 6-3-70(b) of this Code, is authorized to administratively approve special event permits.
- (b) If the Town Clerk determines that sufficient grounds appear to exist to deny issuance of a special event permit, the Town Clerk shall refer the application to the Authority for a hearing and decision. Sufficient grounds for denial of a permit may exist if the Town Clerk determines that the issuance of a permit would be injurious to the public welfare because of the nature of the special event, or the applicant's ability to conduct the event in compliance with applicable laws and regulations.
- (c) The Town Clerk shall not issue any decision on an application, including a decision to refer the application to the Authority, until after the expiration of ten (10) calendar days from the date on which conspicuous public notice was first made pursuant to Section 44-5-106(2), C.R.S. The Town Clerk must issue a decision on an application, including a decision to refer the application to the Authority, before the expiration of fourteen (14) calendar days from the date on which conspicuous public notice was first made.
- (d) The Town Clerk shall report to the Authority no less than quarterly all special event permits issued by the Town Clerk under the provisions of this Section for which a hearing has not been held.

**Sec. 6-3-530. Hearings on Special Events.**

- (a) The Town Clerk shall provide written notice regarding a referral or appeal hearing to the applicant and any person who timely filed a protest to the application. The notice shall provide the time and place of such hearing and shall be mailed by first class U.S. mail. As to referral hearings only, the notice shall contain such facts or reasons relied upon by the Town Clerk in making a discretionary referral, or in the case of a mandatory referral, the sufficient grounds for denial of a permit that appear to exist.
- (b) All hearings before the Authority regarding a special event permit application shall be public and shall be conducted in accordance with this chapter so as to ascertain facts affecting the substantial rights of the parties to the proceedings. The applicant and any person filing a protest may present evidence and cross-examine witnesses. The Authority, in its discretion, may limit the presentation of evidence and cross examination so as to prevent repetitive and cumulative evidence or examination. The Authority shall consider the information contained

in the report of the investigations of the Town Clerk. Evidence and requirements of proof shall conform, to the extent practicable, with those in civil nonjury cases in the district courts; however, evidence not admissible under such rules will be admitted if such evidence possesses significant probative value. All testimony given at a public hearing shall be sworn.

- (c) An applicant or a protesting party may appear in person or be represented by counsel.
- (d) At the conclusion of the presentation of all the evidence, the Authority shall enter its decision granting or denying the license in the case of a referral or upholding or overturning an appeal in the case of an appeal. The Town Clerk shall then withhold or issue a special event permit consistent with the Authority's decision.

**Sec. 6-3-540. Reporting to State Licensing Authority.**

- (a) As required by state alcohol beverage laws, the Town Clerk shall report to the Colorado Liquor Enforcement Division, within ten (10) days after the town issues any special event permit, the name of the organization to which the permit was issued, the address of the permitted location, and the permitted dates of alcohol beverage service.

**Division 6 – Festival Permits**

**Sec. 6-3-600. Festival Permit Requirements.**

- (a) Applicants must specify the licensed premises where the festival will be held, and the date of the festival.
- (b) Applications must include information such as copies of the current liquor licenses, completed applicant questionnaires, diagrams, operation plan, possession documents and other documents as required by the local licensing authority necessary to review the application.
- (c) Applicants must file a complete festival permit application with the local licensing authority and include the local fee at least 30 business days before the festival is to be held.
- (d) The local licensing authority may deny a festival permit or supplemental application for any of the following reasons:
  - (1) The location where the festival is to be held is unsuitable due to time and proximity of other inhabitants of the area that would be adversely impacted; or
  - (2) The record, reputation, and character of the applicant, other associated parties and venue associated with the event are not acceptable to the authority; or
  - (3) If the issuance of the permit would be injurious to the public welfare because of the nature of the festival or its location; or

- (4) The filing of an incomplete or late application; or
  - (5) A finding that the application, if granted, would result in violations of state liquor laws or violations of the City Code.
- (e) The local licensing authority may place conditions on a festival permit or supplemental application necessary to ensure the public health, safety, and welfare.
  - (f) If a festival permittee notifies the local licensing authority of the location of and dates of each festival at least 30 business days before holding the festival, the permittee may hold up to, but no more than, nine festivals during the 12 months after the festival permit is issued.
  - (g) Permittee and participating licensees are authorized to use the licensed premises of the permittee to jointly conduct alcohol beverage tastings and to engage in the same retail sales of alcohol beverages that the permittee and participating licensees are authorized to conduct at their licensed premises.
  - (h) Permittee shall prohibit patrons from leaving the licensed premises with an unconsumed sample.
  - (i) Permittee must comply with the state liquor laws.

#### **Division 7 – Violations and Show Cause Hearings**

##### **Sec. 6-3-700. Suspension, Revocation, and Fines.**

- (a) The Authority shall have the power upon its own motion or upon complaint, and in accordance with the state liquor laws, to:
  - (1) Summarily suspend any Town license for a period not to exceed the maximum suspension period allowed by state law.
  - (2) Upon notice to the licensee and hearing, suspend any Town license for a period not to exceed the maximum suspension period allowed by state law.
  - (3) Upon notice to the licensee and hearing, revoke the license.
  - (4) Accept payment of a fine in lieu of suspension.

##### **Sec. 6-3-710. Notice of Show Cause Hearing.**

- (a) Whenever the Authority or the Town Clerk receives a written complaint charging any person with a violation of the Code or the state liquor laws, the Authority shall cause an investigation to be made to determine the veracity of the charge. After investigating the charge and determining the probable truth of the charge, the Authority shall issue a written notice to show cause directed to such person.
- (b) The notice to show cause shall be served personally or by certified mail to the licensee at the address contained in the license or to such other person at the person's residence or principal place of business. The notice shall direct the person to appear at a certain place and at a time designated, which date shall be not earlier

than ten (10) days after mailing, to show cause, if any, why the Town license should not be suspended or revoked or the person found in violation of the state liquor laws or Code. The notice shall further contain information generally describing the alleged charge.

**Sec. 6-3-720. Fines in Lieu of Suspension.**

- (a) The Authority is empowered to impose fines in lieu of the suspension of a license to sell alcohol beverages as provided for in C.R.S. § 44-3-601(3)(a), as amended.

**Sec. 6-3-730. Appeals.**

- (a) Except as otherwise provided in this chapter, any appeal of a decision made pursuant to this chapter, shall be in accordance with the provisions in C.R.S. § 44-3-802, as amended.

**Section 2. Effective Date.** This ordinance shall be published and become effective as provided by law.

**Section 3. Remaining provisions.** Except as specifically amended hereby, all other provisions of the Mead Municipal Code shall continue in full force and effect.

**Section 4. Codification Amendments.** The codifier of the MMC is hereby authorized to make such numerical, technical and formatting changes as may be necessary to incorporate the provisions of this ordinance within the MMC.

**Section 5. Severability.** If any part, section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid, such invalidity shall not affect the validity of the remaining sections of the ordinance. The Board of Trustees hereby declares that it would have passed the ordinance including each part, section, subsection, sentence, clause or phrase thereof, irrespective of the fact that one or more part, section, subsection, sentence, clause or phrase is declared invalid.

**Section 6. Repealer.** All ordinances or resolutions, or parts thereof, in conflict with this ordinance are hereby repealed, provided that such repealer shall not repeal the repealer clauses of such ordinance nor revive any ordinance thereby.

**Section 7. Certification.** The Town Clerk shall certify the passage of this ordinance and make not less than one copy of the adopted Code available for inspection by the public during regular business hours.

**INTRODUCED, READ, PASSED, AND ADOPTED THIS 30<sup>TH</sup> DAY OF SEPTEMBER, 2024.**

**ATTEST:**

**TOWN OF MEAD:**

By: \_\_\_\_\_  
Mary E. Strutt, MMC, Town Clerk

By: \_\_\_\_\_  
Colleen G. Whitlow, Mayor