

Chapter 3
CERTAIN LIQUOR LICENSING MATTERS

SECTIONS:

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- 4-3-1: Authority^{1 2}**

The Town Clerk is authorized to act as the Local Licensing Authority for the following Colorado Liquor and Colorado Beer Code licensing functions:

- a. Processing and issuance of special events permits pursuant to § 12-48-101, C.R.S., provided that no parties have filed a written objection to said permit.
- b. The Town Clerk shall renew a Town Liquor licensee's Annual Colorado Liquor Code and Colorado Beer Code License, provided that the Clerk is not aware of any information that the licensee has violated any provisions of the Colorado Liquor or Beer Codes or associated regulations during the preceding year. The Town Clerk shall not issue a renewal license if the Town Clerk is aware any violations of the Colorado Liquor Code and Colorado Beer Code, until such time as the state of Colorado authorizes the issuance of such license.

The Town Clerk shall suspend the Annual Colorado Liquor Code and Colorado Beer Code License of any Town licensee that is in arrears and is past due with any State and/or Local taxes or has past due taxes owed to any governmental agency at the time of license renewal. Provided no other known violations of the Colorado Liquor Code and Colorado Beer Code exist, upon satisfactory proof of compliance that all State and/or Local taxes due and owing are current, and all past due taxes owed to any governmental agency have been paid in full, the Town Clerk shall issue the renewal License.

- c. Changes in shareholders, officers, directors or trade names of a license, provided that any investigation conducted by the Town does not reveal

¹ Title 4, Chapter 3, Section 1, amended by the addition of Subsection f. and g., by (Ord. 2-2010, eff. 11/3/2010 Title 4, Chapter 3, Section 1 is amended by repealing and replacing subsection b. in its entirety, by (Ord. 5-2014, eff. 9/4/2014)

² Title 4, Chapter 3 is amended by the addition of a new section (h) (Ord. 1-2015, eff. 1/5/2015)

information that may reasonably form the basis of a determination that the applicant is not qualified to hold the respective license.

- d. Changes in registered manager of a licensee, provided that any investigation conducted by the Town does not reveal information that may reasonably form the basis of a determination that the proposed manager is not qualified to hold the position.
- e. The issuance of temporary permits pursuant to and in compliance with the provisions of § 12-47-303, C.R.S.
- f. Processing and issuance of art gallery permit renewals pursuant to § 12-47-422, C.R.S., provided that no person has filed a written objection to said permit.
- g. Processing and issuance of tasting permit renewals pursuant to § 12-47-301 (10), C.R.S., provided that no person has filed a written objection to said permit.
- h. Pursuant to C.R.S. § 12-48-107(5)(a) and Colorado Senate Bill 11-066 amending C.R.S. § 12-48-101, the Board of Trustees or its authorized agent, acting as the local licensing authority ("Authority"), elects to assume the responsibility of determining whether to issue a special event permit during which alcoholic beverages, as defined in C.R.S. 12-47-103, are contemplated to be served, without first obtaining approval by the state licensing authority.
 1. The Town of Westcliffe shall comply with all of the regulations and requirements as promulgated by Colorado Senate Bill 11-1066.

4-3-2: Decision

The Town Clerk shall refer any licensing decision authorized under this section to the Town Board if the Clerk believes an applicant does not qualify for action by the Clerk as set forth above, or if the Clerk believes, in her discretion, that a matter should be presented to the Town Board.

4-3-3: Expiration³

This Ordinance shall be effective immediately upon proper endorsement and shall expire and have no further force or effect on August 5, 2018, unless specific action is taken by the Town of Westcliffe to renew this Ordinance. (Ord. 4-2007, eff. 10/4/2007, Ord. 5-2008, eff. 11/1/2008, Ord. 3-2009, eff. 10/4/09, Ord. 2-2010, eff. 11/3/2010, Ord. 4-2011, eff. 11/3/2011, Ord. 6-2012, eff. 12/6/2012, Ord. 4-2013, eff. 12/5/2013, Ord. 5-2014, eff. 9/4/2014, Ord. 14-2015, eff. 11/7/2015)

³ Title 4, Chapter 3, Section 3 is repealed and reenacted by (Ord. 4-2007, eff. 10/4/2007, Ord. 5-2008, 11-1-2008, Ord. 3/2009, eff. 10/2/09, Ord. 2 -2010, eff. 11/3/2010, Ord. 4-2011, eff. 11/3/2011, Ord. 6-2012, eff. 12/6/2012, Ord. 4-2013, eff. 12/5/2013, Ord. 5-2014, eff. 9/4/2014, Ord. 14-2015, eff. 11/7/2015)

4-3-4: Validity

If any article, section, paragraph, sentence, clause or phrase of this ordinance is held to be unconstitutional or invalid for any reason, such decision shall no affect the validity or constitutionality of the remaining portions of this ordinance. The Town Board hereby declares that it would have passed this ordinance and each part or parts hereof irrespective of the fact that any one part or parts be declared unconstitutional or invalid.

4-3-5: Repeal

All other ordinances or portions thereof inconsistent or conflicting with this ordinance or any portion hereof is hereby repealed to the extent of such inconsistency or conflict.

4-3-6: Severability

The repeal or modification of any provision of the Code of Ordinances of Westcliffe, Colorado by this ordinance shall not release, extinguish, alter, modify or change in whole or in part any penalty, forfeiture or liability, either civil or criminal, which shall have been incurred under such provision. Each provision shall be treated and held as still remaining in force for the purpose of sustaining any and all proper actions, suits, proceedings and prosecutions for enforcement of the penalty, forfeiture or liability, as well as for the purpose of sustaining any judgment, decree or order which can or may be rendered, entered or made in such actions, suits, proceedings or prosecutions.

4-3-7: Necessity

This ordinance is deemed necessary for the protection of the health, welfare and safety of the community.