

ORDINANCE

AN ORDINANCE AMENDING TITLE 5, CHAPTER 5.20 OF THE MANITOU SPRINGS MUNICIPAL CODE BY THE ADDITION OF A NEW SECTION 5.20.075 GOVERNING SPECIAL EVENTS PERMITS

WHEREAS, the Colorado General Assembly has adopted Senate Bill 11-066, which took effect August 10, 2011, and which allows local licensing authorities to elect to assume sole authority to approve or deny applications for special events permits to serve alcohol; and

WHEREAS, the City Council wishes to assume local control over special events permitting as allowed by Senate Bill 11-066.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MANITOU SPRINGS, COLORADO, THAT:

Section 1: Title 5, Chapter 5.20 of the Manitou Springs Municipal Code is hereby amended by the addition of a new Section 5.20.075, to read as follows:

Sec. 5.20.075. Special events permits.

(a) Pursuant to C.R.S. § 12-48-107(5)(a), the City's Local Licensing Authority ("Authority") elects not to notify the state licensing authority to obtain the state licensing authority's approval or disapproval of applications for special events permits.

(b) Pursuant to Section 5.20.060(A), authority to process and issue special events permits is delegated to the City Clerk provided that there are no parties filing a written objection to said permit.

(c) The City Clerk shall report to the Colorado Liquor Enforcement Division, within ten (10) days after issuance of a special events 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.

(d) Upon receipt of an application for a special events permit, the City Clerk shall, as required by C.R.S. § 12-48-107(5)(c), access information made available on the state licensing authority's website to determine the statewide permitting activity of the organization applying for the permit. The City Clerk shall consider compliance with the provisions of C.R.S. § 12-48-105(3), which restricts the number of permits issued to an organization within a calendar year to fifteen (15), before approving any application.

(e) A special events permit may be issued only upon a satisfactory showing by an organization or a qualified political candidate that:

- (1) 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 events being scheduled; or

(2) 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.

(e) Each application for a special events permit shall be accompanied by an application fee in an amount equal to the maximum local licensing fee established by C.R.S. § 12-48-107(2).

Section 2: 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 not affect the validity or constitutionality of the remaining portions of this ordinance. The City Council 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.

Section 3: The repeal or modification of any provision of Manitou Springs Municipal Code 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.

Section 4: This ordinance is deemed necessary for the protection of the health, welfare and safety of the community.

Section 5: This ordinance shall take effect five (5) days after final approval and adoption on second reading.

Passed on First Reading and Ordered Published this 21st day of May 2013.

/s/ Donna Kast
City Clerk

A Public Hearing will be held at the June 4, 2013 City Council meeting. The Council Meeting will be held at 7:00 P.M. at City Hall, 606 Manitou Avenue, Manitou Springs, Colorado.

Ordinance Published May 23, 2013 (in full)
City's Official Website and City Hall

Passed on Second Reading and Ordered Published this 4th day of June 2013.

Approved: /s/ Marc A. Snyder
Mayor and City Council

Attest: /s/ Donna Kast
City Clerk

Published June 6, 2013 (in full)
City's Official Website and City Hall