

ORDINANCE NO.

18-07
Series of 2018

TITLE: AN ORDINANCE AMENDING SECTIONS OF ARTICLE 4 AND 5 OF CHAPTER 6 AND SECTIONS OF ARTICLE 5 OF CHAPTER 10 OF THE HUDSON MUNICIPAL CODE TO BRING THE CODE UP TO DATE WITH STATE LAW.

WHEREAS, the Colorado General Assembly recently passed, and the Governor recently signed into law, House Bill 18-1023 and House Bill 18-1025, which moves sections of Title 12 of Colorado Revised Statutes into a new Title 44; and

WHEREAS, the Town Council desires to amend portions of the Town Code that refer to the old Title 12 to cite to the new Title 44.

BE IT ORDAINED BY THE TOWN COUNCIL FOR THE TOWN OF HUDSON, COLORADO, THAT:

Section 1. Section 6-110 of the Hudson Municipal Code is hereby amended to read as follows:

Section 6-110. Alcoholic beverages tastings

(a) Pursuant to Section 44-3-301(10)(a), C.R.S., the town hereby authorizes alcoholic beverage tastings for licensed retail liquor stores and liquor-licensed drug stores within the town.

(b) The town shall not require a further application prior to allowing retail liquor licensees or liquor-licensed drug stores to conduct alcoholic beverage tastings, and elects not to impose additional limitations on such tastings beyond those limitations set forth in Title 44, Chapter 3, C.R.S.

Section 2. Section 6-123(c) of the Hudson Municipal Code is hereby amended to read as follows:

* * *

(c) The town clerk shall have the authority to issue a temporary permit to any applicant under this section who has also satisfied the applicable provisions of Section 44-3-303, C.R.S., and the provision of such statute shall apply to both the issuance and administration of such a temporary permit. The town clerk shall charge a fee as shall be adopted by the town by resolution of the town council for a temporary permit.

Section 3. Section 6-162(a)(1) of the Hudson Municipal Code is hereby amended to read as follows:

(a) Optional premises means:

(1) Premises specified in an application for a hotel and restaurant license under section 44-3-101, C.R.S., with related outdoor sports and recreational facilities for the convenience of its guests or the general public located on or adjacent to the hotel and restaurant within which such license is authorized to serve alcoholic beverages in accordance with the provisions of this division and at the discretion of the state and local licensing authorities; and

* * *

Section 4. Section 6-188 of the Hudson Municipal Code is hereby amended to read as follows:

Section 6-188. Definitions

The following words, terms and phrases, when used in sections 6-126 and 6-189 through 6-197 of this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

* * *

Good cause, for the purpose of refusing or denying a license renewal or initial license issuance, means:

* * *

c. In the case of a new license, the applicant has not established the reasonable requirements of the neighborhood or the desires of its adult inhabitants as provided in section 44-3-301(2), C.R.S.; or

* * *

Optional premises means:

a. Premises specified in an application for a hotel and restaurant license under section 44-3-103, C.R.S., with related outdoor sports and recreational facilities for the convenience of its guests or the general public located on or adjacent to the hotel or restaurant which is licensed to serve alcoholic beverages in accordance with the provisions of this article and at the discretion of the state and local licensing authorities; and

* * *

Sell or sale means any of the following: to exchange, barter or traffic in; to solicit or receive an order for, except through a licensee licensed under article 4 or 5 of title 44, C.R.S.; to keep or expose for sale; to serve with meals; to deliver for value or in any way other than gratuitously; to peddle or possess with intent to sell; to possess or transport in contravention of this article; or to traffic in for any consideration promised or obtained, directly or indirectly

* * *

Section 5. Section 6-189(a) of the Hudson Municipal Code is hereby amended to read as follows:

Section 6-189. Penalty for violation

(a) Any licensee who violates the terms of this article may be subject to suspension or revocation of his or her liquor license pursuant to Section 44-3-601, C.R.S.

* * *

Section 6. Section 6-209 of the Hudson Municipal Code is hereby amended to read as follows:

Section 6-209. Special event permit authorized

The town shall be authorized to issue special events permits in accordance with Section 44-5-101, C.R.S

Section 7. Section 6-211 of the Hudson Municipal Code is hereby amended to read as follows:

Section 6-211. Notification to state licensing authority of special event permit issuance.

(a) Pursuant to Section 44-5-107(5)(a), C.R.S., the 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 event permits.

* * *

(c) Upon receipt of an application for a special event permit, the town clerk shall, as required by Section 44-5-107(5)(c), C.R.S., 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 authority shall

consider compliance with the provisions of Section 44-5-105(3), C.R.S., which restricts the number of permits issued to an organization within a calendar year to fifteen (15), before approving any application.

* * *

(e) Each application for a special event permit shall be accompanied by an application fee in an amount equal to the maximum local licensing fee established by Section 44-5-107(2), C.R.S.

Section 8. Section 6-221(1) of the Hudson Municipal Code is hereby amended to read as follows:

Section 6-221. Findings and legislative intent.

The town council makes the following legislative findings:

(1) The town council finds and determines that the Colorado Medical Marijuana Code, Section 44-11-101, et seq., C.R.S., clarifies state law regarding the scope and extent of Amendment 20 to the Colorado Constitution.

* * *

Section 9. Section 6-222(1) of the Hudson Municipal Code is hereby amended to read as follows:

The town council hereby finds, determines and declares that it has the power and authority to adopt this article pursuant to:

(1) The Colorado Medical Marijuana Code, Section 44-11-101, et seq., C.R.S.;

* * *

Section 10. Section 10-70(c) of the Hudson Municipal Code is hereby amended to read as follows:

Section 10-70. Possession of alcohol in public places.

(c) A customer of a hotel or restaurant licensed pursuant to Section 44-3-413, C.R.S., may reseal, remove and transport from the licensed premises one (1) opened container of partially consumed vinous liquor purchased on the premises so long as the original container did not contain more than seven hundred fifty (750) milliliters of vinous liquor.

Section 11. Section 10-71(a) of the Hudson Municipal Code is hereby amended to read as follows:

Section 10-71. Illegal possession or consumption of ethyl alcohol by, or furnishing of same to, an underage person.

(a) Definitions. As used in this article, unless the context otherwise requires:

Private property means any dwelling and its curtilage which is being used by a natural person or natural persons for habitation and which is not open to the public, and privately owned real property which is not open to the public. Private property shall not include:

a. Any establishment which has or is required to have a license pursuant to Article 3, 4, or 5 of Title 44, C.R.S.; or

Section 12. Safety Clause. The Town Council hereby finds, determines, and declares that this ordinance is promulgated under the general police power of the Town of Hudson, that it is promulgated for the health, safety, and welfare of the public, and that this ordinance is necessary for the preservation of health and safety and for the protection of public convenience and welfare. The Council further determines that the ordinance bears a rational relation to the proper legislative object sought to be attained.

Section 13. Severability. If any clause, sentence, paragraph, or part of this ordinance or the application thereof to any person or circumstances shall for any reason be adjudged by a court of competent jurisdiction invalid, such judgment shall not affect application to other persons or circumstances.

Section 14. Effective Date. This Ordinance shall become effective ten (10) days after final publication by title only.

5 INTRODUCED, READ BY TITLE, AND ADOPTED ON FIRST READING this
day of September, 2018.

TOWN OF HUDSON, COLORADO



Dwayne Haynes, Mayor

ATTEST:


Charity Young, Interim, Town Clerk

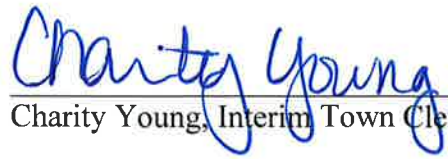
PASSED by a vote of 7 for and 0 against AND ORDERED PUBLISHED BY TITLE ONLY, with a complete copy available for public inspection and acquisition in the office of the town clerk this 19 day of September, 2018.

TOWN OF HUDSON, COLORADO



Dwayne Haynes, Mayor

ATTEST:



Charity Young, Interim Town Clerk



APPROVED AS TO FORM:



Corey Y. Hoffmann, Town Attorney