

Chapter 3
CERTAIN LIQUOR LICENSING MATTERS

SECTIONS:

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- 4-3-1: Authority¹**

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. Annual Colorado Liquor Code and Colorado Beer Code license renewals, provided that the Clerk is aware of no information that the licensee has violated any provisions of the Colorado Liquor of Beer Codes or associated regulations during the preceding year.
- c. Changes in shareholders, officers, directors or trade names of a license, provided that any investigation conducted by the Town does not reveal 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.

¹ Title 4, Chapter 3, Section 1, amended by the addition of Subsection f. and g. by (Ord. 2-2010, eff. 11/3/2010)

- 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.

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: Expiration²

This ordinance shall expire and be of no further force of effect on November 5, 2012, unless it is renewed by the Town Board. (Ord. 4-2007, eff. 10/4/2007, Ord. 5-2008, 11-1-2008, Ord. 3-2009, eff. 10/4/09, Ord. 2-2010, eff. 11/3/2010, Ord. 4-2011, eff. 11/3/2011)

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.

² 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)

4-3-7: Necessity

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