

STATE OF COLORADO
COUNTY OF GILPIN
CITY OF BLACK HAWK

COUNCIL BILL NUMBER: CB30

ORDINANCE NUMBER: 2021-30

**TITLE: AN ORDINANCE AMENDING SECTION 6-73 OF THE BLACK HAWK
MUNICIPAL CODE AND ADDING A NEW SECTION 6-78 RELATING TO
FESTIVAL PERMITS**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BLACK HAWK,
GILPIN COUNTY:

Section 1. Section 6-73 of the City of Black Hawk Municipal Code is hereby amended
as follows:

Sec 6-73. Administrative Approval.

(a) In addition to the authority vested in the City Clerk pursuant to Section 6-55, 6-56 and 6-57, **and 6-78** of this Article, the City Clerk is authorized to administratively approve the following:

* * *

- (3) Change of trade name; and
- (4) Change of corporate structure; **and**
- (5) Approval of festival permits.**

Section 2. Article II of Chapter 6 of the City of Black Hawk Municipal Code is hereby amended with the addition of a new Section 6-78 entitled "Festival Permits" to read as follows:

Sec 6-78. Festival Permits.

(a) Permit Required. A licensee wishing to host a festival must first obtain a permit from the state and the local licensing authority. However, a limited winery or winery licensee is not required to obtain a festival permit from the local licensing authority. A licensee applying for both a festival permit and a special event permit from the state does not need to obtain a festival permit from the local licensing authority.

(b) Licensees Eligible. The following license types are eligible to apply for a local festival permit.

- (1) Beer and wine;
- (2) Brew pub;
- (3) Distillery pub;
- (4) Hotel and restaurant;
- (5) Manufacturer;
- (6) Tavern;
- (7) Vintner's restaurant; and
- (8) Wholesaler.

(c) Joint Participation. The licensee who hosts the festival must be the licensee who files the application for the festival permit; however, other licensees of the type described in subsection (b) of this Section, and in addition, a limited winery or winery licensee, may jointly participate under the permit issued to the licensee that applied for the permit.

(d) Number of festivals. A festival permit granted hereunder allows a licensee to hold nine (9) festivals during the twelve (12) month period after the permit is issued. To hold any festival after the initial festival, which is described in the initial application for a festival permit, the permittee must file a supplemental application with the state and local licensing authorities as described in subsection (h) of this Section 6-78.

(e) Length of festival. In no case shall a festival be held for longer than seventy-two (72) hours.

(f) Application. Application for issuance of a festival permit. The applicant for a festival permit must:

- (1) Specify the licensed premises for the first festival to be held;
- (2) File the application with the local licensing authority at least ten (10) days before the first festival is to be held; and
- (3) Establish the physical boundaries of the festival permit area in a manner to assure to the satisfaction of the local licensing authority that alcohol beverages will be kept within the physical boundaries of the festival permit area.

(g) Denial of a festival permit. The local licensing authority may deny a festival permit, or a supplemental application, as described in subsection (h) of this Section 6-78, for the following reasons:

- (1) A documented history of violations;
- (2) The filing of an incomplete or late application;
- (3) A finding that the application, if granted, would result in violation of state or local laws, rules, or regulations.

(h) Supplemental Applications. To hold any additional festival after the initial festival, which was described in the initial application, the permittee must notify the state and local licensing authority and include the information required in subsections (f)(3) and (f)(4) of this Section 6-78 at least ten (10) days prior to any additional festival being held.

(i) Administrative Approval. The City Clerk is authorized to administratively approve on behalf of the local licensing authority a festival permit.

Section 3. Safety Clause. The City Council hereby finds, determines, and declares that this Ordinance is promulgated under the general police power of the City of Black Hawk, 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 City Council further determines that the Ordinance bears a rational relation to the proper legislative object sought to be attained.


Section 4. 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 5. Effective Date. The City Clerk is directed to post the Ordinance as required by the Charter. This Ordinance shall become effective upon posting by the City Clerk.

READ, PASSED AND ORDERED POSTED this 13th day of October, 2021.


David D. Spellman, Mayor

ATTEST:


Melissa A. Greiner, CMC, City Clerk

