

STATE OF COLORADO
COUNTY OF GILPIN
CITY OF BLACK HAWK

COUNCIL BILL NUMBER: CB32

ORDINANCE NUMBER: 2021-32

TITLE: AN ORDINANCE AMENDING SECTION 6-73 OF THE BLACK HAWK MUNICIPAL CODE AND ADDING A NEW SECTION 6-80 RELATING TO TASTINGS IN RETAIL LIQUOR STORES

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

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

Sec. 6-73. Administrative Approval.

- (5) Approval of festival permits; ~~and~~
- (6) Approval of communal dining areas; ~~and~~
- (7) Approval of tasting applications.

Section 2. Article II of Chapter 6 of the Black Hawk Municipal Code is hereby amended with the addition thereto of a new Section 6-80 of the City of Black Hawk Municipal Code entitled "Tastings Authorized" to read as follows:

Sec. 6-80. Tastings Authorized.

- (a) Tastings Authorized. Retail liquor store and liquor-licensed drug store licensees are hereby authorized to conduct tastings subject to all limitations as set forth in Section 44-3-301(10), C.R.S.
- (b) Applications. Applications for tastings shall be submitted to the City Clerk on forms provided by the City together with the applicable license fee as set forth by the fee schedule. No tasting application shall be accepted by the City Clerk which is not complete in every detail.
- (c) Process. Upon receiving the completed tastings application, the City Clerk may administratively approve tastings applications if the City Clerk determines that the applicant has complied with the provisions of Section 44-3-301(10), C.R.S., and that the applicant can conduct tastings without creating a public safety risk to the neighborhood.

(d) Hearing. If the City Clerk determines that an administrative approval of the tasting application is not warranted and that good cause exists for a hearing to consider whether the application should be granted, the City Clerk, at the direction of the local licensing authority, shall cause to be issued a notice of hearing on the tasting application. In the event a notice of hearing is issued, the notice shall be conspicuously posted on the premises at least ten (10) days prior to hearing. Hearings held on any tasting application may result in the approval or denial of such application, and the grounds for any decision shall be whether the applicant has complied with the provisions of Section 44-3-301, C.R.S., and whether the applicant is able to conduct tastings without creating a public safety risk to the neighborhood. The decision of the local licensing authority shall be final.

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

