

STATE OF COLORADO
COUNTY OF GILPIN
CITY OF BLACK HAWK

COUNCIL BILL NUMBER: CB33

ORDINANCE NUMBER: 2023-33

TITLE: AN ORDINANCE AMENDING THE CITY OF BLACK HAWK MUNICIPAL CODE BY THE ADDITION THERETO OF A NEW SECTION 6-81 AND THE AMENDMENT OF SECTION 6-73 AUTHORIZING RETAIL ESTABLISHMENT PERMITS

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

Section 1. The City of Black Hawk Municipal Code is amended by the addition thereto of a new Section 6-81 to read as follows:

Sec. 6-81. Retail Establishment Permits Authorized.

(a) *Retail Establishment Permits authorized.* Retail establishment permits as defined by Section 44-3-424, C.R.S. are hereby authorized by the City, subject to the limitations set forth in Section 44-3-424, C.R.S.

(b) *Applications.* Applications for retail establishment permits 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 retail establishment permits shall be accepted by the City Clerk which is not complete in every detail.

(c) *Process.* Upon receiving a completed retail establishment permit application, the City Clerk may administratively approve such applications if the City Clerk determines that the applicant has complied with the provisions of Section 44-3-424, C.R.S.

(d) *Hearing.* If the City Clerk determines that an administrative approval of the retail establishment permit 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 retail establishment permit 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 retail establishment permit application may result in the approval or denial of such application, and the grounds for any decision shall be whether the applicant has established that it is able to offer complimentary alcohol beverages without violating the regulations in 44-3-424, C.R.S., and without creating a public safety risk to the neighborhood. The decision of the local licensing authority shall be final.

Section 2. Section 6-73 of the City of Black Hawk Municipal Code is amended by the addition thereto of a new subsection (a)(8) to read as follows:

Sec. 6-73. Administrative Approval.

(a) In addition to the authority vested in the City Clerk pursuant to Sections 6-55, 6-56 6-57, 6-78, and 6-79 of this Article, the City Clerk is authorized to administratively approve the following:

* * *

(8) Approval of retail establishment permits.

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.

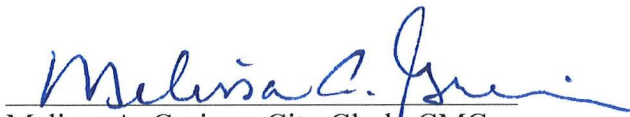
Section 4. Severability. If any clause, sentence, paragraph, or part of this Ordinance or the application thereof to any person or circumstances shall for any reason be adjudged by a court of competent jurisdiction invalid, such judgment shall not affect application to other persons or circumstances.

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.

INTRODUCED AND ADOPTED ON FIRST READING this 8th day of November, 2023.


David D. Spellman, Mayor

ATTEST:


Melissa A. Greiner, City Clerk, CMC

