

ORDINANCE NO. _____

(Series of 2023)

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF DINOSAUR, COLORADO, CREATING A NEW CHAPTER 5.06 TO ADDRESS LICENSED LIQUOR ESTABLISHMENTS-REQUIREMENTS.

WHEREAS, the Dinosaur Municipal Code does not currently specifically address the licensing or regulation of licensed liquor establishments; and

WHEREAS, the Town Council finds that it is desirable and necessary, and in the best interest of the public health, safety and welfare, that a separate chapter addressing licensed liquor establishments be approved.

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF DINOSAUR, COLORADO:

Section 1. That a new Chapter 5.06 of the Dinosaur Municipal Code, concerning Licensed Liquor Establishments be enacted to read as follows:

Chapter 5.06

LICENSED LIQUOR ESTABLISHMENTS-REQUIREMENTS

Sections:

- 5.06.010 Definitions.
- 5.06.020 Delegation of Authority to Town Clerk.
- 5.06.030 Distance Limitations.
- 5.06.040 Special Event Permits.
- 5.06.050 Alcoholic Beverage Tastings.
- 5.06.060 General Penalty Guidelines for Violations.
- 5.06.070 Penalty Guidelines for Violations Involving Compliance Check.
- 5.06.080 Unlawful Acts.
- 5.06.090 Festival Permits.

5.06.010 Definitions. The following words, terms and phrases, when used in this Chapter, shall have the meanings ascribed to them in this Section, except where the context clearly indicates a different meaning. Terms shall have the same meaning as defined in Section 44-3-103, C.R.S.

“Manager” means any person who manages, directs, supervises, oversees or administers an establishment and its employees preparing, selling, serving or otherwise providing alcohol beverages for consumption on the premises pursuant to a tavern or hotel restaurant license issued thereof.

“Offense” or “violation” means any violation by the licensee or by any of the agents, servants, or employees of such licensee of the provisions of Title 44, Articles 3 and 4, C.R.S., or any of the rules and regulations authorized pursuant to said articles, or of any terms, conditions, or provisions of the license issued by the Local Licensing Authority, as determined by a court of competent jurisdiction, or as determined by the State Licensing Authority or the Local Licensing Authority, following an opportunity for a hearing as provided by law.

“Server” means any person who is employed by a licensee to prepare, serve, sell or otherwise provide alcohol beverages pursuant to a tavern license or hotel restaurant license.

“Tastings” mean the sampling of malt, vinous or spirituous liquors that may occur on the premises of a retail liquor store licensed or liquor-licensed drugstore licensee by adult patrons of the licensee pursuant to the provisions of Section 44-3-301(10), C.R.S. and Section 5.06.050.

5.06.020 Delegation of Authority to Town Clerk.

A. As set forth below, the Town Clerk is authorized to administratively review and approve changes to managers; special event permits; and local festival permits.

1. Changes of Manager. The Town Clerk may administratively approve an application for a change of a manager for a licensed establishment where, after reasonable investigation and consultation with the Dinosaur Marshal Department and other appropriate agencies, all of the following circumstances are found to exist:
 - a. The applicant has timely submitted a complete application and paid all required fees in accordance with this Chapter and Title 44, C.R.S.;
 - b. The new manager has applied to the Marshals Department for fingerprinting and a background investigation; and
 - c. There is no information known by the Town Clerk that could support denial of the application under applicable law.

2. Temporary Permits. The Town Clerk may administratively approve an application for a temporary permit where, after reasonable investigation and consultation with the Marshal Department and other appropriate agencies, all of the following circumstances are found to exist:
 - a. The applicant has timely submitted a complete application and paid all fees in accordance with this Chapter and Section 44-33-303, C.R.S.;
 - b. There is an application pending for the transfer of the license;
 - c. The premises subject to the proposed temporary permit is currently subject to a license; and
 - d. There is no information known by the Town Council that could support denial of the application under applicable law.

3. Special Event Permits. The Town Clerk may administratively approve an application for a special event permit where, after reasonable investigation and consultation with the Marshal Department and other appropriate agencies, all of the following circumstances are found to exist:
 - a. The applicant has timely submitted a complete application and paid all fees in accordance with this Chapter and Title 44, Article 5, C.R.S.;
 - b. There has been a timely and proper posting of conspicuous public notice of the proposed permit and protest procedures at the locations sought to be licensed;
 - c. The application and the applicant satisfy the eligibility criteria set forth in Section 12-28-102, C.R.S. and Section 23-28-103, C.R.S., as amended; and

d. There is no information known by the Town Council that could support denial of the application under applicable law.

4. Local Festival Permits. The Town Clerk may approve applications for the initial festival permit and all other subsequent applications, as described in Section 5.06.090, where, after reasonable investigation and consultation with the Marshals Department and other appropriate agencies, all the following circumstances are found to exist:

a. The licensee applying for the permit does not have a history of violations;

b. The application is complete and timely; and

c. The application, if granted, would not result in a violation of State or local laws, rules, or regulations.

B. The Town Clerk shall not approve an application if the Marshal's Department has timely submitted written objections to the Town Council concerning such action. If such objections are received, the Town Clerk shall set the application for a hearing before the Local Licensing Authority.

C. Notwithstanding any authority delegated to the Town Clerk under this Section, the Town Clerk, may, in his or her discretion, refer any licensing or permitting decision to the Town Council, if, in the Town Clerk's opinion, the matter should be presented to the Local Licensing Authority. The hearing before the Local Licensing Authority shall be noticed as required by law.

D. Any applicant or party in interest, as defined in Section 44-3-311, C.R.S., who is dissatisfied with a decision of the Town Clerk under this Section may appeal the same to the Local Licensing Authority by filing a written protest with the Town Clerk not more than ten (10) days after the date of the decision. The Town Clerk shall promptly set the appeal for a hearing before the Local Licensing Authority, which hearing shall be noticed as required by law.

E. The Town Clerk shall report to the Authority in a timely manner all actions taken by the Town Clerk under this Section.

5.06.030 Distance Limitations.

Pursuant to Section 44-3-313(1)(d), C.R.S., there is no required minimum distance between a building in which malt, vinous or spirituous liquor is sold pursuant to the issuance of any license under Title 44, Articles 3 or 4, C.R.S., and any public or parochial school or the campus of any college, university or seminary.

5.06.040 Special Event Permits.

A. Pursuant to Section 44-5-107(5)(a), C.R.S., the Town Council, acting as the Local Licensing Authority, elects not to obtain the State Licensing Authority's approval or disapproval of applications for special events permits pursuant to Title 44, Article 5, C.R.S. The Town Council hereby authorizes the issuance of special event permits for the sale, by the drink only, of alcohol beverages by the Town, organizations, and political candidates in accordance with this Chapter and Title 44, Article 5, C.R.S. No alcoholic beverages shall be sold at any special event until a special event permit is obtained from the Town. The standards in this Chapter shall be in addition to all other applicable requirements of the Colorado Liquor Code, Section 44-3-101, *et. seq.*, C.R.S.

B. Any organization or political candidate desiring to sell alcohol beverages at a special event shall obtain a permit from the Local Licensing Authority by first completing an

application and paying the fee established by resolution of the Town Council. An application shall be filed at least thirty (30) days prior to the event, unless waived by the Town Clerk for good cause shown.

C. Upon receipt of an application for a special event permit, the Local Licensing Authority, 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. Before approving an application, the Town Council shall consider compliance with Section 44-5-105(3) C.R.S., which restricts the number of permits issued to an organization in a calendar year.

D. The Local Licensing Authority may deny issuance of a special event permit if it determines that the issuance would be injurious to the public welfare, because of the nature of the special event, or the applicant's ability to conduct the event in compliance with applicable laws and regulations. Special event permits shall not be transferable.

E. As required by Section 44-5-107(5)(a), C.R.S., the Town Clerk, acting on behalf of the Local Licensing Authority, shall report to the State Liquor Enforcement Division within ten (10) days after the issuance of a permit, the name of the organization to which a permit was issued, the address of the permitted location, and the permitted dates of alcohol beverage service.

F. Pursuant to Section 44-5-105, C.R.S., a special event permit shall not be issued to any organization for more than fifteen (15) days in any one calendar year.

5.06.050 Alcoholic Beverage Tastings.

A. In accordance with Section 44-3-301(10)(a), C.R.S., retail liquor store licensees and liquor-licensed drugstore licensees may conduct alcohol beverage tastings subject to the limitations contained in Section 44-3-301(10), C.R.S., and subject to approval by the Town Council, acting as the Local Licensing Authority, of an alcoholic beverage tastings permit and payment of all requisite fees.

B. A retail liquor store licensee or a liquor-licensed drugstore licensee who desires to conduct tastings may submit an application to the Town Council, acting as the Local Licensing Authority. The Town Council may reject the application if the applicant fails to establish that it is able to conduct tastings in compliance with Section 44-3-301(10), C.R.S. or without creating a safety risk to the neighborhood. An approved alcohol beverage tastings permit shall have an expiration date concurrent with the establishment's existing retail liquor store license or liquor-licensed drugstore license and shall be subject to annual renewals accordingly.

C. The applicant for an alcoholic beverage tastings permit shall certify on the application that all persons serving alcoholic beverages at tastings have completed a server training program that meets the standards established by the liquor enforcement division of the State Department of Revenue. The applicant shall also state on the application the days and times that tastings will occur. The licensee shall give at least twenty-four (24) hours prior notice to the Marshal's Department of any deviations in the tastings schedule as set forth in the application.

D. Every application for an alcoholic beverage tastings permit or renewal thereof shall be accompanied by an application fee in an amount set forth by resolution of the Town Council.

5.06.060 General Penalty Guidelines for Violations.

The presumptive penalties for violations of certain provisions of the Colorado Beer Code and the Colorado Liquor Code shall be subject to the following presumptive penalties; provided

that such presumptive penalties shall not restrict the Local Licensing Authority's discretion to impose a greater or lesser penalty.

A. Presumptive Penalties.

Code Violation	Penalty
1. Sale to underage persons, Section 44-3-901, C.R.S.	
First offense	15 days total suspension, 5 days actually served and 10 days held in abeyance for a period of one year from the date of hearing pending no further violations of state codes, regulations or local ordinances regarding subject matter of respondent's license
Second offense within two (2) years of first violation	30 days total suspension, 10 days actually served and 20 days held in abeyance for a period of one year from the date of hearing, pending no further violations of state codes, regulations or local ordinances regarding subject matter of respondent's license
Third offense within two (2) years of first violation	45 days total suspension, 15 days actually served and 30 days held in abeyance for a period of one year from the date of hearing, pending no further violations of state codes, regulations or local ordinances regarding subject matter of respondent's license
Fourth and subsequent offenses within two years of first violation	60 days suspension to be served by actual closure; no days held in abeyance; or revocation
2. Sale to or loitering of visibly intoxicated patron or habitual drunkard, Section 44-3-901, C.R.S., Regulation 47-900	
First offense	15 days total suspension, 5 days actually served and 10 days held in abeyance for a period of one year from the date of the hearing, pending no further violations of state codes, regulations or local ordinances regarding subject matter of respondent's license
Second offense within two years of first violation	30 days total suspension, 10 days actually served and 20 days held in abeyance for a period of one year from the date of the hearing, pending no further violations of state codes, regulations or local ordinances regarding subject matter of respondent's license
Third offense within two years of first violation	45 days total suspension, 15 days actually served and 30 days held in abeyance for a period of one year from the date of the hearing, pending no further violations of state codes, regulations or local ordinances regarding subject matter of respondent's license
Fourth and subsequent offenses within two years of first violation	60 days suspension to be served by actual closure; no days held in abeyance; or revocation
3. Purchase of alcoholic beverages from someone other than a licensed wholesaler, Section 44-3-901, C.R.S.	
First offense	10 days total suspension, 3 days actually served and 7 days held in abeyance for a

Code Violation	Penalty
	period of one year from the date of the hearing, pending no further violations of state codes, regulations or local ordinances regarding subject matter of respondent's license
Second and subsequent offenses within one year of first violation	10 days total suspension, 5 days actually served and 5 days held in abeyance for a period of one year from the date of the hearing, pending no further violations, of state codes, regulations or local ordinances regarding subject matter of respondent's license
4. Failure to meet food requirements, Section 44-3-413, C.R.S. (Hotel and Restaurant Licenses), Section 44-3-414, C.R.S. (Tavern Licenses)	
First offense	15 days total suspension, 5 days actually served and 10 days held in abeyance for a period of one year from the date of the hearing, pending no further violations, of state codes, regulations or local ordinances regarding subject matter of respondent's license, with 30 days to come into compliance
Second and subsequent offenses within two years of first violation	15 days total suspension, 5 days actually served and 10 days held in abeyance for a period of one year from the date of the hearing, pending no further violations, of state codes, regulations or local ordinances regarding subject matter of respondent's license with 30 days to come into compliance
5. Permitting use of gambling machines and devices, Section 44-3-901, C.R.S., Regulation 47-922	
First offense	45 days total suspension, 15 days actually served and 30 days held in abeyance for a period of one year from the date of hearing, pending no further violations of state codes, regulations or local ordinances regarding subject matter of respondent's license
Second offense within one year of first violation	45 days suspension to be served by actual closure, no days held in abeyance
Third and subsequent offenses within one year of first violation	Revocation
6. Permitting illegal gambling, Section 44-3-901, C.R.S., Regulation 47-922	
First offense	10 days total suspension, 3 days actually served and 7 days held in abeyance for a period of one year from the date of hearing, pending no further violations of state codes, regulations or local ordinances regarding subject matter of respondent's license
Second and subsequent offenses within one year of first violation	45 days total suspension, 15 days actually served and 30 days held in abeyance for a period of one year from the date of hearing, pending no further violations of state codes, regulations or local ordinances regarding subject matter of respondent's license; or revocation
7. Failure to maintain adequate books and records, Section 44-3-701, C.R.S.	
First offense	15 days total suspension, 10 days actually served and 20 days held in abeyance for a

Code Violation	Penalty
	period of one year from the date of hearing, pending no further violations of state codes, regulations or local ordinances regarding subject matter of respondent's license
Second and subsequent offenses within one year of first violation	30 days total suspension, 10 days actually served and 20 days held in abeyance for a period of one year from date of hearing, pending no further violations of state codes, regulations or local ordinances regarding subject matter of respondent's license; or revocation
8. Sale or consumption of alcohol beverages after legal hours, Section 44-3-901, C.R.S., Regulation 47-910	
First offense	10 days total suspension, 3 days actually served and 7 days held in abeyance for a period of one year from date of hearing, pending no further violations of state codes, regulations or local ordinances regarding subject matter of respondent's license.
Second and subsequent offenses within one year of first violation	30 days total suspension, 10 days actually served and 20 days held in abeyance for a period of one year from date of hearing, pending no further violations of state codes, regulations or local ordinances regarding subject matter of respondent's license; or revocation
9. Permitting improper conduct within establishment, other than serving or loitering of visibly intoxicated persons or habitual drunkard, Regulation 47-900	
First offense	30 days total suspension, 10 days actually served and 20 days held in abeyance for a period of one year from date of hearing, pending no further violations of state codes, regulations or local ordinances regarding subject matter of respondent's license
Second offense within two years of first violation	45 days total suspension, 15 days actually served and 30 days held in abeyance for a period of one year from date of hearing, pending no further violations of state codes, regulations or local ordinances regarding subject matter of respondent's license; or revocation
Third and subsequent offenses within two years of first violation	45 days suspension, to be served by actual closure, no days held in abeyance; or revocation
10. Failure to report manager, corporate or financial change, Section 44-3-301, C.R.S., Regulation 47-304	
First offense	5 days total suspension, all t days held in abeyance for a period of one year from the date of hearing, pending no further violations of state codes, regulations or local ordinances regarding subject matter of respondent's license

Code Violation	Penalty
Second and subsequent offenses within one year of first violation	10 days total suspension, 3 days actually served, and 7 days held in abeyance for a period of one year from the date of hearing, pending no further violations of state codes, regulations or local ordinances regarding subject matter of respondent's license
11. Underage employee serving alcoholic beverages, Section 44-3-901(6)(a), C.R.S., Regulation 47-913	
First offense	7 days total suspension, 2 days actually served, and 5 days held in abeyance for a period of one year from the date of hearing, pending no further violations of state codes, regulations or local ordinances regarding subject matter of respondent's license
Second offense within one year of first violation	14 days total suspension, 4 days actually served, and 10 days held in abeyance for a period of one year from the date of hearing, pending no further violations of state codes, regulations or local ordinances regarding subject matter of respondent's license
Third and subsequent offenses within one year of first violation	30 days total suspension, 10 days actually served, and 20 days held in abeyance for a period of one year from the date of hearing, pending no further violations of state codes, regulations or local ordinances regarding subject matter of respondent's license

B. Aggravating and Mitigating Circumstances. In considering whether to deviate from the presumptive penalty guidelines set forth above, the Local Licensing Authority may consider mitigating and aggravating factors when considering the imposition of the penalty. Such factors may include:

1. Corrective action(s) taken by the licensee to prevent further violations, i.e., training of servers.
2. Licensee's past history.
3. Prior violations, prior warnings, prior corrective action(s) and its effectiveness.
4. Willfulness or deliberateness of the violation.
5. Likelihood of recurrence of the violation.
6. Seriousness of violation.
7. Licensee or the manager is the violator or has directed an employee or other individual to violate the law.

C. General Provisions Concerning Imposition of Penalty.

1. In the event a second or subsequent action is brought before the Local Licensing Authority for a violation of the Colorado Beer Code, Colorado Liquor Code, or regulations promulgated thereunder, and licensee is found to have committed such violation, days suspended but held in abeyance in a previous action shall automatically be imposed, plus any additional

suspension for the new violation as determined by the Local Licensing Authority.

2. Any period of actual closure imposed as part of a suspension by the Local Licensing Authority must run consecutive to any previously imposed period of closure.
3. In the event a license for the retail sale of malt, vinous or spirituous liquor for on-premises consumption is suspended, and an actual closure is ordered, there shall be a mandatory closure of at least one (1) day commencing at 12:01 a.m. or 2:01 a.m. on a Saturday and ending at 12:00 midnight the same day. In the event a license for a retail sale of malt, vinous or spirituous liquor for off-premises consumption is suspended, suspension days shall not include Sundays.
4. Notwithstanding the presumptive penalties set forth above, the Town Attorney reserves the right to request revocation of a license for any violation.
5. The Local Licensing Authority shall have the power to impose on a licensee as a condition of a period of suspension to be held in abeyance, or as a condition of renewal of a license, any condition(s) reasonably related to the offenses leading to the suspension or the conduct of the business whose license is to be renewed.

5.06.070 Penalty Guidelines for Violations Involving Compliance Check.

When the Local Licensing Authority finds that a licensee has sold alcohol beverages to a person under the legal age limit and that said violation was investigated or detected by using a person under 21 years of age to purchase alcohol beverages from the licensee, the Local Licensing Authority may consider the following penalties to be imposed for the violation.

A. First offense (within one year):

1. A written warning up to a 15-day suspension. The Local Licensing Authority may hold a portion of the suspension time in abeyance for a period of time.
2. As an inducement for licensees to provide training to servers, because server training has proven to be an aid in the reduction of violations, it is recommended that, where there are no aggravating circumstances, a licensee who has provided training to its staff members be issued only a warning on the first violation.

B. Second offense (within one year): a five day to 30-day suspension. If no suspension was swerved at the time of the first offense, it is within the discretion of the licensing authority to hold a portion of the suspension time in abeyance for a period of time.

C. Third offense (within one year): a 20-to-40-day suspension shall be imposed.

D. Fourth offense (within two years): a minimum 45-day suspension up to and including revocation shall be imposed.

E. Aggravating and Mitigating Circumstances. The Local Licensing Authority may also consider aggravating and mitigating factors when considering the imposition of the penalty for violations involving compliance checks. These factors may include:

1. Action taken by the licensee to prevent violations, i.e., training of servers.

2. Licensee's past history of success or failure with compliance checks.
3. Corrective action(s) taken by the licensee.
4. Prior violations/prior corrective action(s) and its effectiveness.
5. Willfulness or deliberateness of the violation.
6. Likelihood of recurrence of the violation.
7. Factors which might make the situation unique, such as:
 - a. Prior notification letter to the licensee that a compliance check would be forthcoming.
 - b. The dress or appearance of the underage operative, i.e., the operative wearing a high school letter jacket.
8. Licensee or the manager is the violator or has directed an employee or other individual to violate the law.

F. General Provisions Concerning Imposition of Penalty.

1. In the event a second or subsequent action is brought before the Local Licensing Authority for a violation of the Colorado Beer Code or Colorado Liquor Code involving a compliance check, and the licensee is found to have committed such violation, days suspended but held in abeyance in a previous action shall automatically be imposed, plus any additional suspension for the new violation as determined by the Local Licensing Authority.
2. Any period of actual closure imposed as part of a suspension by the Local Licensing Authority must run consecutive to any previously imposed period of closure.
3. In the event a license for the retail sale of malt, vinous or spirituous liquor for on-premises consumption is suspended, and an actual closure is ordered, there shall be a mandatory closure of at least one (1) day commencing at 12:01 a.m. or 2:01 a.m. on a Saturday and ending at 12:00 midnight the same day. In the event a license for the retail sale of malt, vinous or spirituous liquor for off-premises consumption is suspended, suspension shall not include Sundays.
4. Notwithstanding the presumptive penalties set forth above, the Town Attorney reserves the right to request revocation of a license for any violation.
5. The Local Licensing Authority shall have the power to impose on a licensee as a condition of a period of suspension held in abeyance, or as a condition of renewal of a license, any condition(s) reasonably related to the offenses leading to the suspension or the conduct of the business whose license is to be renewed.

5.06.080 Unlawful Acts.

- A. It is unlawful for any person licensed to sell alcohol pursuant to the Colorado Beer Code, Title 44, Article 4, C.R.S., or the Colorado Liquor Code, Title 44, Article 3, C.R.S.:

1. The sell an alcohol beverage to any person under the age of 21 years, to a habitual drunkard, or to a visibly intoxicated person. If a person who is not 21 years of age exhibits a fraudulent proof of age, any action relying on such fraudulent proof of age shall not constitute grounds for the revocation or suspension of any license issued under Title 44, Article 3 or 4, C.R.S.
2. With knowledge, to permit or fail to prevent the use of his identification, including a driver's license, by a person who is under 21 years of age, for the unlawful purchase of any alcohol beverage.
3. To fail to conduct the licensed premises in a decent, orderly and respectable manner; to knowingly permit on the licensed premises the loitering of a visibly intoxicated person or habitual drunkard; or to knowingly permit any activity or acts of disorderly conduct as defined by and provided for in Section 18-9-106, C.R.S.; or to permit rowdiness, undue noise, or other disturbances or activity offensive to the senses of the average citizen or to the residents of the neighborhood in which the licensed establishment is located.
4. To fail to immediately contact the Marshal's Department or other law enforcement agency upon the happening of any act within the licensed establishment apparently constituting harassment, as defined in Section 10.12.030; disorderly conduct, as defined in Section 10.12.040; assault and battery, as defined in Section 10.12.060; or criminal trespass, as defined in Section 10.14.060. The mere number of calls made by a licensed establishment to the Marshal's Department or other law enforcement agency for such purposes shall not be used against a licensee at a suspension, revocation or license renewal hearing.

B. The above offenses, unless otherwise indicated, shall constitute strict liability offenses.

5.06.090 Festival Permits.

A. Permit Required. A licensee who wishes to host a festival shall first obtain a permit from the State and the Town, except a limited winery or winery licensee need not obtain a festival permit from the Town. A licensee applying for both a festival permit and special event permit from the State need not obtain a festival permit from the Town.

B. Eligible Licensees. The following license types are eligible to apply for a 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. Participation. The licensee who hosts the festival shall be the licensee who files the application for the festival permit; provided that other licensees of the types described in subsection (B) hereof may jointly participate under the permit.

D. Number. Each festival permit shall allow the licensee to hold nine (9) festivals during the 12-month period following the permit is issued.

E. Hours. 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 festival to be held; and
2. File the application with the Town Clerk at least thirty (30) days before the festival is to be held.
3. Identify controlled access and boundaries to the festival for alcohol consumption, comply with security requirements deemed necessary by the Town, agree to adherence to nuisance issues, including trash removal and noise.
4. Pay the required application fee as set by the fee schedule.

G. Denial. The Town Clerk may deny an application for the following reasons:

1. A documented history of liquor violations;
2. The filing of an incomplete or late application; or
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 the Town Clerk at least thirty (30) days prior to the additional festival being held of an intent to host a subsequent festival. If the Town is notified at least thirty (30) days in advance of the subsequent festival, the subsequent festival is presumed to be approved unless the Town Clerk has grounds to deny the subsequent festival provided by subsection (G) of this Section.

Section 2. All ordinances or portions of ordinances of a general and permanent nature enacted on or before the adoption date of this Ordinance which are inconsistent with the provisions of the Dinosaur Municipal Code, to the extent of such inconsistency and not otherwise saved from repeal, are hereby repealed. Provided, however, such repeal shall not affect any pending cases in the Dinosaur Municipal Court filed under such repealed ordinances.

Section 3. The repeal established in the foregoing Section shall not be construed to revive any ordinance or part thereof that had been previously repealed by any ordinance which is repealed by this Ordinance.

Section 4. Additions or amendments to the Code, when passed in the form as to indicate the intention of the Town to make the same a part of the Code, shall be deemed to be incorporated in the Code, so that reference to the Code includes the additions and amendments.

Section 7. Ordinances adopted after this Ordinance that amend or refer to Ordinances that have been codified in the Code shall be construed as if they amend or refer to those provisions of the Code.

INTRODUCED, READ, PASSED, ADOPTED, AND ORDERED PUBLISHED at a regular meeting of the Town Council of the Town of Dinosaur, Colorado, held on _____, 2023.

TOWN OF DINOSAUR, COLORADO,

By: _____
Richard Blakley, Mayor

ATTEST:

Tamara Long, Town Clerk

Publication Date:

Trustee _____ introduced, read and moved the adoption of the ordinance titled,

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF DINOSAUR, COLORADO, CREATING A NEW CHAPTER 5.06 TO ADDRESS LICENSED LIQUOR ESTABLISHMENTS-REQUIREMENTS.

and upon adoption that it be published pursuant to law and recorded in the Book of Ordinances.

Trustee _____ seconded the motion. On roll call, the following trustees voted

“Aye”:

_____	_____
_____	_____
_____	_____
_____	_____

Trustees voted “Nay”:

_____	_____
_____	_____