Town of Erie
Ordinance No. 004-2025

An Ordinance of the Town Council of the Town of Erie Making Various Updates to the Town's Alcohol Beverage Licensing Provisions in Title 4, Chapter 8 of the Erie Municipal Code

Whereas, the Town Council desires to amend the Erie Municipal Code (the "Code") to update various statutory references and alcohol beverage regulations and procedures in Title 4, Chapter 8 of the Code.

Now Therefore be it Ordained by the Town Council of the Town of Erie, Colorado, as follows:

Section 1. Section 4-8-2(A) of the Erie Municipal Code is hereby amended as follows:

4-8-2 – Licensing Authority.

A. Authority established~~; authority generally~~: There is established a Local Licensing Authority, which *is authorized* ~~shall have and is vested with the authority~~ to~~:~~ ~~grant or refuse licenses and special permits for the sale at retail of malt, vinous or spirituous liquors and fermented malt beverages; designate and assess fees; promulgate reasonable rules and regulations, as provided by law; conduct investigations as are required by law; and to suspend or revoke such licenses for cause in the manner provided by law. Such authority shall have~~ *exercise* all the powers ~~of the Local Licensing Authority as~~ set forth in *Title 44,* C.R.S. ~~tit. 12, arts. 46, 47 and 48~~, as *amended* ~~may have been amended or repealed and reenacted from time to time~~.

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Section 2. Section 4-8-3(C) of the Erie Municipal Code is hereby amended as follows:

4-8-3 – Duties of Town Clerk.

* * *

C. The Town Clerk is authorized to administratively approve the following applications:

1. Temporary permit during the time in which a transfer application is pending;

2. Modification to premises;

3. Takeout or delivery permit;

4. Open container or private event permit;

5. Communal outdoor dining area application;

6. Festival permit; ~~and~~

7. Retail establishment permit~~.~~*; and*

8. *Tasting permit.*

Section 3. Section 4-8-3(E)(1) of the Erie Municipal Code is hereby repealed in its entirety, and the subsections thereafter shall be renumbered.

Section 4. Section 4-8-4(A) of the Erie Municipal Code is hereby repealed in its entirety and reenacted as follows:

4-8-4 – Hearings.

A. The Local Licensing Authority shall hold hearings for the consideration of all new liquor license applications and at such other times as may be required to consider licensing functions or matters relating to the establishment of rules and regulations, procedural considerations or other matters permitted by law.

* * *

Section 5. Section 4-8-6(A) of the Erie Municipal Code is hereby amended as follows:

4-8-6 – License Fees.

Before the *Local Licensing* Authority considers an application, the applicant shall pay the following fees to the Town Clerk:

A. All fees specified ~~and set in an amount pursuant to~~ *by Title 44*, C.R.S. ~~tit. 12, arts. 46, 47 and 48~~, as amended~~, repealed and reenacted from time to time~~.

* * *

Section 6. Sections 4-8-7 and 4-8-8 of the Erie Municipal Code are hereby repealed in their entirety.

Section 7. Section 4-8-9(C) of the Erie Municipal Code is hereby amended as follows:

4-8-9 – License renewals.

* * *

C. Action when violations have occurred: If the applicant~~/establishment~~ has any liquor violations, the Local Licensing Authority may cause a hearing on the application for renewal to be held. No renewal hearing ~~provided for by this subsection~~ shall be held ~~by the Local Licensing Authority~~ until a notice of hearing has been conspicuously posted on the licensed premises for a period of ten (10) days and notice of the hearing has been provided *to* the applicant at least ten (10) days prior to the hearing. The *Local* Licensing Authority may refuse to renew any license for good cause~~, subject to judicial review~~. Any renewal hearing held by the *Local* ~~State~~ Licensing Authority shall be pursuant to C.R.S. *§ 44-3-305 (2)* ~~§ 12-47-305 (2)~~.

Section 8. Sections 4-8-10 of the Erie Municipal Code is hereby amended as follows:

4-8-10 – Optional premises and optional premises with hotel/restaurant licenses.

A. Standards ~~adopted~~: The following standards for the issuance of optional premises licenses or for optional premises for a hotel and restaurant license are hereby adopted pursuant to ~~the provisions of~~ C.R.S. *§ 44-3-310* ~~§ 12-47-310~~:

* * *

2. Eligible facilities:

a. An optional premises *license* may only be approved when *the* ~~that~~ premises is located on or adjacent to an outdoor sports and recreational facility as defined in C.R.S. § *44-3-310 (33)(a)(I) and (II)* ~~§ 12-47-103(22)(a)~~. The *following* types of outdoor sports and recreational facilities ~~which~~ may be considered for an outdoor premises license ~~include the following~~:

* * *

B. *Notice* ~~Advance notification~~: Pursuant to C.R.S. *§ 44-3-310* ~~tit. 12, § 12-47-310(3) and (4)~~, no alcoholic beverages may be served on an optional premises without the licensee having provided written notice to the State and the ~~Erie Liquor~~ *Local* Licensing Authority.

Section 9. Section 4-8-11 of the Erie Municipal Code is hereby repealed in its entirety and reenacted as follows:

4-8-11 – Alcohol beverage tastings.

A. Pursuant to C.R.S. § 44-3-301(10), as amended, the Town authorizes tastings to be conducted in accordance with this Section. It is unlawful to conduct tastings without a tastings permit. The Town Clerk is authorized to issue tasting permits in accordance with this Section and C.R.S. § 44-3-301(10), as amended.

B. An application for a tastings permit shall be submitted to the Town Clerk on forms furnished by the Town Clerk.

C. Tasting permits shall be renewed annually subject to the same criteria as issuance of the initial license.

Section 10. Severability. 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 not affect the validity or constitutionality of the remaining portions of this Ordinance. The Town Council hereby declares that it would have passed this Ordinance and each part or parts hereof irrespective of the fact that any one, or part, or parts be declared unconstitutional or invalid.

Section 11. Safety. The Town Council finds that the adoption of this Ordinance is necessary for the protection of the public health, safety and welfare.

Section 12. Effective Date. This Ordinance shall take effect 10 days after publication following adoption.

Introduced, Read, Passed and Ordered Published this ___ day of _____, 2025.

_____
Andrew J. Moore, Mayor

Attest:

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Debbie Stamp, Town Clerk