

ORDINANCE NO. 25-07

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CASTLE PINES, COLORADO, REPEALING AND REENACTING ARTICLE 2 OF CHAPTER 6 OF THE CASTLE PINES MUNICIPAL CODE TO UPDATE THE CITY LIQUOR CODE

WHEREAS, the City of Castle Pines (“City”) is a home rule municipality with all powers granted by Article XX of the Colorado Constitution and the City’s Home Rule Charter (“City Charter”); and

WHEREAS, Article 2 of Chapter 6 of the Castle Pines Municipal Code contains the City Alcoholic Beverage License Ordinance (the “Liquor Ordinance”); and

WHEREAS, various provisions of the Liquor Ordinance need to be updated to reflect changes in state law, including legal citations, and the entire code could benefit from reorganization to make it easier to read and enforce; and

WHEREAS, the City Council desires to repeal and reenact the Liquor Ordinance.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CASTLE PINES, COLORADO THAT:

Section 1. **Recitals Incorporated.** The above and foregoing recitals are incorporated herein by reference and adopted as findings and determinations of the City Council for all purposes.

Section 2. Article 2 of Chapter 6 of the Castle Pines Municipal Code is hereby repealed in its entirety and reenacted to read as follows:

ARTICLE 2 ALCOHOLIC BEVERAGES

Division 1 – General Provisions

Sec. 6-2-10. – Title and Scope.

- (a) This Article shall be known and cited as the *Castle Pines Liquor Code*.
- (b) This Article shall apply to all persons who sell alcoholic beverages at retail within the City.
- (c) The State Liquor Laws shall apply to the licensing of the sale of alcoholic beverages within the City, where applicable.

Sec. 6-2-20. – Definitions.

All words and phrases used in the Castle Pines Liquor Code shall have the meanings as outlined in the State Liquor Laws, and the case law interpreting the same. All other words and phrases used in the Castle Pines Liquor Code shall have their common, ordinary, and accepted meanings, except that the following terms shall have the following meanings:

The Alcoholic Beverage License Administrator means the administrative City staff person responsible for administering alcoholic beverage licenses, permits, and applications. If such a position is vacant, the Alcoholic Beverage License Administrator shall be the City Clerk.

Applicant means a person applying for a City license or permit under the Castle Pines Liquor Code, the term specifically includes:

- (a) If an individual, the person submitting the application.
- (b) If a partnership, the partnership and each partner that owns ten percent (10%) or more of the partnership.
- (c) If a corporation or other legal entity is licensed by the Colorado Secretary of State, the corporation and every officer, director, manager, or stockholder who holds ten percent (10%) or more of the stock therein.

Authority or Liquor Licensing Authority means the Castle Pines Licensing Authority. Until the City Council determines otherwise by ordinance, the Authority shall consist of the Mayor and the members of the City Council.

City means the City of Castle Pines.

City License means a permanent or temporary license issued under the Castle Pines Liquor Code.

License Fee Schedule means the fee schedule for fees required by this Article, as adopted by a Resolution of the City Council.

Licensee means an applicant who has been issued a City license under the Castle Pines Liquor Code.

Patron means any person who gains admission to enter or is knowingly allowed to remain inside the licensed premises, regardless of whether the person paid any fee or exchanged anything of value to enter, remain inside, or purchased any product or service.

Permittee means an applicant issued a permit under the Castle Pines Liquor Code.

Person shall be deemed to include a natural person, partnership, association, company, corporation, organization, or other legal entity licensed by the Colorado Secretary of State, or manager, agent, servant, officer, or employee of any of them.

State Liquor Laws include Articles 3, 4, and 5 of Title 44, C.R.S., and the rules and regulations of the executive director of the Department of Revenue of the state, the deputy director thereof if the executive director designates, as the state licensing authority, as amended from time to time.

Specified Anatomical Areas means any of the following, to the extent not completely and opaquely covered:

- a. The female breast below the top of the areola;
- b. Male or female genitals and surrounding pubic region;
- c. The anus or the cleft or cleavage of the buttocks; and the male genitals in a discernibly turgid state even if completely and opaquely covered.

Division 2 – Alcoholic Beverage Licensing Authority

Sec. 6-2-110. – Establishment of Local Licensing Authority.

- (a) The Local Licensing Authority of the City is hereby established. Until the City Council determines otherwise by ordinance, the Authority shall consist of the Mayor and the members of the City Council.
- (b) The Authority, except for the administrative decisions provided in Section 6-2-140, shall have the exclusive authority to act as the local licensing authority for the City, including, without limitation, the power to:
 - (1) Grant or refuse to grant for cause, licenses for the sale of alcoholic beverages, and any other licenses and permits that may be granted under the State Liquor Laws.
 - (2) Order investigations to be conducted.
 - (3) Suspend or revoke licenses or permits for cause and to allow for payment in fine-in-lieu of suspension.
 - (4) Promulgate rules and regulations concerning the procedures for hearings before the Authority, including for presentation of evidence at such hearings.

- (5) Administer oaths and issue subpoenas to require the presence of persons and the production of papers, books, and records necessary to the determination of any hearing that the Authority is authorized to conduct.

It shall constitute a violation of the Castle Pines Liquor Code for any person to fail to comply with any subpoena issued by the Authority in the proper conduct of its hearings. A subpoena shall be served in the same manner as a subpoena issued by the District Court.

The Municipal Court or the District Court shall enforce the Authority's subpoenas and, upon good cause shown, enter its orders compelling witnesses to attend and testify or produce books, records, or other evidence. The court may impose penalties of contempt in case of failure to comply with such orders.

- (6) Continue any hearing to request additional information.
- (7) Delegate any of the Authority's powers to be handled administratively by the Alcoholic Beverage License Administrator, so long as such delegation is permitted by the State Liquor Laws.
- (8) Hear any appeals for administrative decisions made under Section 6-2-140.
- (9) Hear any application referred to the Authority from the Alcoholic Beverage License Administrator under Section 6-2-140.
- (10) Do any act that a local licensing authority has the power to do under the State Liquor Laws.

Sec. 6-2-120. – Setting of Hearing and Notice Requirements.

- (a) When a public hearing is required or requested, the City Clerk shall schedule a public hearing on such an application or matter not less than thirty (30) days from the date the Alcoholic Beverage License Administrator determines whether a hearing is required or the date of a hearing request.
- (b) The applicant shall post and publish the notice thereof not less than ten (10) days before such hearing. Public notice shall be given by the posting of a sign in a conspicuous place on the premises for

which the application has been made by publication in a newspaper of general circulation in the City.

Sec. 6-2-130. – Public Hearings on Applications.

- (a) The following people shall attend the hearing at which the application is considered:
 - (1) If the applicant is an individual, the individual;
 - (2) If the applicant is a partnership, any partner;
 - (3) If the applicant is a corporation or other legal entity licensed by the Colorado Secretary of State, any officer, director, or manager of the corporation or entity; or
 - (4) Counsel for the applicant.

In its discretion, the Authority may waive the attendance of any such designated persons and may also require the attendance of such other people as necessary or desirable.

- (b) The Authority shall consider all facts in evidence adduced as a result of the investigation and hearing, including, where relevant, the reasonable requirements of the neighborhood and the desires of the inhabitants affected; the number, type, and the type and availability of other liquor licensed premises located in or near the neighborhood under consideration, and any other pertinent matters affecting the qualifications of the applicant to conduct the type of business proposed.
- (c) The Authority may continue the hearing from time to time as may be necessary to gather necessary facts and evidence and to permit witnesses to testify.
- (d) Following the conclusion of the public hearing, the Authority shall render its written decision within thirty (30) days.
- (e) The City Clerk shall send a written copy of the decision of the Authority and reason thereof by first-class mail to the applicant at the address shown on the application and, upon request, to any other party in interest.
- (f) An appeal from any decision of the Authority shall be directed to the District Court of Douglas County under Colorado Rules of Civil Procedure Rule 106(a)(4), as amended, or by other applicable procedure.

Sec. 6-2-140. Administrative Applications.

- (a) The Alcoholic Beverage License Administrator is hereby delegated with the administrative authority to decide the following applications, subject to appeal to the Authority:
 - (1) New liquor applications.
 - (2) Renewal of an existing City license.
 - (3) Transfer of ownership of an existing City license.
 - (4) Change of corporate structure or trade name of an existing City license.
 - (5) Modification of the premises of an existing City license.
 - (6) Special event permits.
 - (7) Tasting permits.
 - (8) Temporary liquor permits or licenses.
 - (9) Bed and breakfast permit.
 - (10) All other City license-related applications that do not require a public hearing under the State Liquor Laws.
- (b) The Alcoholic Beverage License Administrator may refer any application to the Authority for a decision when, in the determination of the Alcoholic Beverage License Administrator, the public interest would best be served by the determination of the matter by the Authority at a public hearing.
- (c) Any denial of an application by the Alcoholic Beverage License Administrator shall be in writing and delivered to the applicant by personal delivery or first-class mail within five (5) business days of the date of the decision. A denial by the Alcoholic Beverage License Administrator may be appealed to the Authority by filing an appeal in writing to the City Clerk within ten (10) business days of the denial and must include a request for a hearing. Appeals to the Authority will be decided *de novo*.
- (d) The Alcoholic Beverage License Administrator may adopt such administrative procedures, rules, and regulations as are necessary or convenient to implement the provisions of this Section.

Sec. 6-2-150. – Manager Registration Required.

- (a) Each licensee shall manage the licensed facility himself or herself or shall have a separate and distinct manager who shall be registered by the licensee with the City and the state licensing authority. Upon a change of manager of a licensee, the licensee shall notify the Alcoholic Beverage License Administrator within five (5) days and shall designate a new registered manager within thirty (30) days.

Division 3 – Alcoholic Beverage Licensing Requirements

Sec. 6-2-210. – Liquor License Required.

- (a) No person shall sell alcoholic beverages at retail within the City except under a valid City license or permit.

Sec 6-2-220. – Conditions of Issuance.

- (a) It shall be deemed a condition of issuance for every City license and permit that the licensee or permittee will comply with all federal, state, and local laws and regulations, including without limitation the State Liquor Laws, the Castle Pines Liquor Code, and the Castle Pines Municipal Code.

Sec. 6-2-230. – License Display Required.

- (a) Once a temporary or permanent City license is issued, the licensee is required to display said license in a prominent location within the licensed premises.

Sec. 6-2-240. – Applications.

- (a) Applications shall be submitted on forms furnished by the Alcoholic Beverage License Administrator, which shall set forth such information as the Authority requires to enable the Authority to determine whether the application shall be granted. Applications shall be accompanied by all applicable fees.
- (b) The Alcoholic Beverage License Administrator shall not accept any application that is not complete in every detail. If an omission or error is discovered by the Alcoholic Beverage License Administrator, the application shall be rejected and may be returned to the applicant for completion or correction without further action by the Alcoholic Beverage License Administrator. The "acceptance date" shall be the date the Alcoholic Beverage License Administrator accepts an application which is complete in every detail, as determined by the Alcoholic Beverage License Administrator at his or her sole discretion.

- (c) Every applicant and licensee shall execute an authorization for any source to release to the City, without further permission from the applicant or licensee, financial information concerning the applicant or licensee.

Sec. 6-2-250. – Fees.

- (a) Application Fees. An applicant, at the time of applying, must submit to the City an application fee as set by the license fee schedule. Such fees shall be in addition to any annual state license or registration fees.
- (b) License Fees. In addition to the application fee, an applicant, at the time of applying, must submit to the City a license fee as set by the license fee schedule. Such fees shall be in addition to any annual state license or registration fees.
- (c) Investigation Fees. In addition to the application and license fee, where applicable, applicants must also pay any investigation fees to cover the costs of fingerprinting, CBI Reporting, and other applicable investigation fees. Such fees shall be in addition to any annual state license or registration fees.
- (d) Non-refundability. Fees submitted to the City at the time of application for a license or permit are not refundable once the Alcoholic Beverage License Administrator has accepted the application as complete. Additionally, in the event a license is suspended or revoked, no part of the fees paid may be returned to the applicant.

Sec. 6-2-260. – License Renewal.

- (a) All licenses issued shall be valid for one (1) year.
- (b) All renewal applications for City licenses shall be submitted to the Alcoholic Beverage License Administrator within forty-five (45) days before the date on which the license expires. For good cause shown, the Alcoholic Beverage License Administrator may waive these time requirements.
- (c) Renewal of an Expired License.
 - (1) A license that has expired for fifteen (15) days or less may file an expired license renewal application. Such application must be accompanied by all applicable fees, including the local Application Late Renewal Fee, as outlined in the license fee schedule. If a complete renewal application has been submitted and all requisite fees have been paid, the licensee may continue to operate until the State and the City have taken final action to approve or deny the late renewal application.

- (2) A license expired for more than fifteen (15) days may not be renewed. If more than fifteen (15) days have elapsed since the expiration of the license, the licensee must apply for a new license and shall not sell or possess any alcoholic beverages for sale until all required licenses have been obtained.
- (d) If there is evidence that a license should not be renewed, the Alcoholic Beverage License Administrator must set the application for hearing with the Authority.

Sec. 6-2-270. –Investigation of Applicant and Premises.

- (a) Once the Alcoholic Beverage License Administrator has accepted an application, where applicable, the applicant will be subject to background investigations by the City's designated law enforcement agency. Such an investigation shall include the fingerprinting and photographing of the applicant and the obtaining from the Colorado Bureau of Investigation of a report on the applicant. A written report of the findings of such investigation shall be delivered by the City's designated law enforcement agency to the Alcoholic Beverage License Administrator at least ten (10) days before the hearing on the application.
- (b) Not less than five (5) days before the date of the hearing on an application, the written report of the findings based on the investigation by the City's designated law enforcement agency shall be made available to the applicant and other interested parties.
- (c) The applicant is responsible for all fees associated with investigation procedures.
- (d) In addition to any information provided by an applicant during the background investigations, applicants will provide, upon request, such other information or evidence as may from time to time be required by the licensing authority to ensure that the premises to be licensed will be lawfully operated and that the health, welfare, and safety of the community will not be adversely affected should the license be issued.
- (e) As a condition of applying for any license or permit, the applicant grants the City authority to reasonably inspect the proposed licensed premises to ensure that the plan and specifications submitted with such application are true representations of the premises, and to ensure the licensed premises is being operated in compliance with the Castle Pines Liquor Code and the State Liquor Laws.

Division 4 – Alcohol Beverage Tastings

Sec. 6-2-310. – Authority.

- (a) Alcohol beverage tastings are permitted within the City only after the City approves an application for a tasting permit and subject to the limitations outlined in the Castle Pines Liquor Code and the State Liquor Laws.

Sec. 6-2-320. – Application for Alcohol Beverage Tasting Permit.

- (a) A retail liquor store or liquor-licensed drugstore licensee desiring to conduct alcoholic beverage tastings must submit a permit application or permit renewal for that purpose.
- (b) An application for an alcohol beverage tasting permit must be submitted to the Alcoholic Beverage License Administrator no later than thirty (30) days before the date of the first alcohol beverage tasting requested in the application or at the time of license renewal, whichever occurs first.
- (c) An alcohol beverage tasting permit shall be valid for the period of the then-existing liquor license, and the permit may be renewed at the time of any liquor license renewal.
- (d) Approval of a tasting permit application shall also constitute approval of the schedule for tastings submitted with the application unless such schedule fails to conform with all requirements of the State Liquor Laws.

Sec. 6-2-330. – Grounds for Denial.

- (a) A tasting permit may be denied if the applicant fails to establish that the applicant can conduct tastings in compliance with the State Liquor Laws or Castle Pines Liquor Code, or if such tastings create or threaten to create a public safety risk to the neighborhood.
- (b) A decision to deny a tasting permit application shall be made in writing and provided to the applicant by personal delivery or first-class mail within five (5) business days of the date of the decision.

Sec. 6-2-340. – Alcohol Beverage Tasting Regulations.

- (a) All tastings conducted inside the City under a valid City permit shall be conducted in accordance with the State Liquor Laws.

Sec. 6-2-350. – Violations.

- (a) Any violation of the regulations outlined in this Division or of the tasting regulations in the State Liquor Laws, by a retail liquor store or liquor-

licensed drugstore licensee, whether by the licensee's employees, agents, or otherwise, shall be the responsibility of the retail liquor store or liquor-licensed drug store licensee which is conducting the tasting.

Division 5 – Special Event Permits

Sec. 6-2-410. – Special Event Permit Authorized.

- (a) The City shall be authorized to issue Special Event Permits according to the State Liquor Laws.

Sec. 6-2-420. – Grounds for Denial.

- (a) The Alcoholic Beverage License Administrator or Authority, as applicable, may deny a special event permit upon the grounds that the issuance would be injurious to the public welfare because of the nature of the special event, its location within the community, or the failure of the applicant in a past special event to conduct the event in compliance with applicable laws.

Division 6 – Licensee Responsibilities

Sec. 6-2-510. – Disorderly Behavior; Report by Licensee.

- (a) Each licensee shall conduct his or her establishment in a decent, orderly, and respectable manner. No licensee, manager, agent, or employee of a licensee shall encourage, provoke or permit within or upon the licensed premises, either by its agents or employees or by a patron, the violation of any section of the Castle Pines Liquor Code, Castle Pines Municipal Code, or the State Liquor Laws, including without limitation the loitering of intoxicated persons or persons under the influence of alcohol, narcotic drugs, stimulants or depressants; lewd or obscene displays or activities; displays of specified anatomical areas; disturbances, disorderly conduct or undue noise; any unlawful act; nor other activity offensive to the residents of the neighborhood in which the establishment is located.
- (b) Any licensee, and any manager, agent, or employee of a licensee, shall immediately report to the City any unlawful or disorderly act or conduct committed on the licensed premises or observed in the vicinity of the licensed premises.

Sec. 6-2-520. – Records to be Kept.

- (a) Each licensee shall keep a complete set of books of account, invoices, copies of orders, shipping instructions, bills of lading, weigh bills, correspondence, and all other records necessary to show fully the business transactions of such licensee, all of which shall be

open at all times during business hours for the inspection and examination of the City or its duly authorized representatives. The City may require any licensee to furnish such information as it considers necessary for the proper administration of the Castle Pines Liquor Code, Castle Pines Municipal Code, or the State Liquor Laws, and may require an audit to be made of such books of account and records on such occasions as it may be considered necessary by an auditor to be selected by the Authority, who shall likewise have access to all books

Sec. 6-2-530. – Interference with Officers.

- (a) No licensee or other person shall by force or threat of force, including any letter, telephone, or other communication threatening such force, endeavor to intimidate, obstruct, or impede any police officer, the Authority, or any inspectors.

Division 7 - Violations

Sec. 6-2-610. – Suspension, Revocation, and Fines.

- (a) The Authority shall have the power, upon its motion or upon complaint, and by the State Liquor Laws, to:
 - (1) Summarily suspend any City license for a period not to exceed the maximum suspension period allowed by state law.
 - (2) Upon notice to the licensee and hearing, suspend any City license for a period not to exceed the maximum suspension period allowed by state law.
 - (3) Upon notice to the licensee and hearing, revoke the license.
 - (4) Accept payment of a fine in lieu of suspension.
- (b) Whenever the Authority or the Alcoholic Beverage License Administrator receives a written complaint charging any person with a violation of the State Liquor Laws or the Castle Pines Liquor Code, the Authority shall cause an investigation to be made to determine the veracity of the charge. After investigating the charge and determining the probable truth of the charge, the Authority shall issue a written notice to show cause directed to such person. The notice to show cause shall be served personally or by certified mail to the licensee at the address contained in the license or to such other person at the person's residence or principal place of business. The notice shall direct the person to appear at a certain place and at a time designated, which date shall be not earlier than ten (10) days after mailing, to show cause, if any, why the City license should not be suspended or revoked or the person found in

violation of the state liquor laws or City Liquor Code. The notice shall further contain information generally describing the alleged charge.

Section 3. Severability. If any part or provision of this Ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provisions or application, and to this end the provisions of this Ordinance are declared to be severable.

Section 4. Codification Amendments. The codifier of the City's Municipal Code is hereby authorized to make such numerical and formatting changes as may be necessary to incorporate the provisions of this Ordinance within the Castle Pines Municipal Code.

Section 5. Safety Clause. The City Council finds and declares that this Ordinance is promulgated and adopted for the public health, safety, and welfare, and this Ordinance bears a rational relation to the legislative object sought to be obtained.

Section 6. Publication and Effective Date. The City Clerk is hereby directed to cause publication of this Ordinance by Section 6.5 of the Charter. This Ordinance shall be effective thirty (30) days after final publication on the City's official website and posting at the City Clerk's office under Section 1-3-40 of the Municipal Code.

[Signature Page to Follow]

INTRODUCED, READ, AND PASSED ON FIRST READING, AT A REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF CASTLE PINES, COLORADO, THE 22nd DAY OF APRIL, 2025.

READ, PASSED, AND ADOPTED ON SECOND READING, AT A REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF CASTLE PINES, COLORADO, THE 13th DAY OF May, 2025.



ATTEST:

A handwritten signature in blue ink, appearing to read "Tobi Duffey".

Tobi Duffey, MMC, City Clerk

A handwritten signature in blue ink, appearing to read "Tracy Engerman".

Tracy Engerman (May 21, 2025 20:42 MDT)

Tracy Engerman, Mayor

Approved as to form:

A handwritten signature in blue ink, appearing to read "Linda Michow".

Linda Michow (May 14, 2025 16:06 MDT)

Linda C. Michow, City Attorney

CERTIFICATION OF PUBLICATION

I hereby attest and certify that the within and foregoing Ordinance was introduced and read on first reading on April 22, 2025; published by title only in the *Douglas County News-Press*, together with the statement that "[t]he complete text of the ordinance is available through the City Clerk's office and on the City's official website with second reading and public hearing to be held on May 13, 2025"; and finally passed and adopted by the City Council on May 13, 2025, following a duly noticed public hearing and published on the City's official website and posted at the City Clerk's office on April 23, 2025.

ATTEST:

A handwritten signature in blue ink, appearing to read "Tobi Duffey".

Tobi Duffey, MMC, City Clerk