

PROOF OF PUBLICATION

STATE OF COLORADO)
)
COUNTY OF EAGLE)

I, Jenny Rakow, Town Clerk for the Town of Eagle, do solemnly swear and affirm that I published in full a true and correct copy of **Ordinance 12, 2024 AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF EAGLE, COLORADO REPEALING AND REENACTING SECTION 5.10.030(A) OF THE EAGLE MUNICIPAL CODE, DELEGATING ADMINISTRATIVE AUTHORITY TO THE TOWN CLERK FOR LIQUOR LICENSING APPROVALS** on the Town of Eagle's web site, www.townofeagle.org, on the 23rd day of October 2024.

Witness my hand and seal this 23rd day of October 2024.



Jenny Rakow Town
Clerk



Ordinance Effective Date:

November 2, 2024

TOWN OF EAGLE, COLORADO
ORDINANCE NO. 12
(Series of 2024)

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF EAGLE, COLORADO REPEALING AND REENACTING SECTION 5.10.030(A) OF THE EAGLE MUNICIPAL CODE, DELEGATING ADMINISTRATIVE AUTHORITY TO THE TOWN CLERK FOR LIQUOR LICENSING APPROVALS

WHEREAS, C.R.S. § 44-4-103(4) authorizes the designation of a local licensing authority;

WHEREAS, the Eagle Municipal Code sets forth the authority of the Town Clerk to administratively review and approve certain liquor license applications; and

WHEREAS, the Town Council of the Town of Eagle now desires to expand the Town Clerk's administrative authority regarding liquor licensing.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF EAGLE, COLORADO AS FOLLOWS:

Section 1. Section 5.10.030 of the Eagle Municipal Code is hereby repealed in its entirety and reenacted as follows:

5.10.030. – Delegation of authority to Town Clerk.

A. The Town Clerk is authorized to serve the Town's Local Licensing Authority as follows:

1. The Town Clerk shall receive all applications for licenses and shall issue all licenses granted by the Local Licensing Authority upon payment of all required fees and upon approval by the State Licensing Authority.

2. The Town Clerk shall serve as the secretary of the Local Licensing Authority and shall provide the necessary notice of meetings and keep the electronic recordings of all meetings.

3. The Town Clerk may administratively approve the following application types:

- a. Temporary permit during the time in which a transfer application is pending;
- b. Change, alteration or modification to premises;
- c. Takeout or delivery permit;
- d. Open container or private event permit;
- e. Communal outdoor dining area application;

- f. Festival permit;
- g. Retail establishment permit; and
- h. Catering company permit.

4. If there have been no violations of the Colorado Liquor or Beer Code or any other applicable Town ordinance during the past twelve (12) months, and there is no other derogatory information regarding the applicant, its partners, officers, directors, managers or shareholders, then the Town Clerk may administratively approve the following applications:

- a. Renewal;
- b. Transfer of ownership;
- c. Change of corporate status;
- d. Change of location;
- e. Merger and conversion of a retail liquor license into a single liquor-licensed drug store license;
- f. Manager registration or change of manager; and
- g. Change of trade name.

5. The Town Clerk may administratively approve an application for a special event permit pursuant to C.R.S. § 44-5-101, *et seq.*, provided that the following conditions are satisfied:

- a. The applicant has no pending liquor licensing violations within the preceding year; and
- b. No person has filed a written objection to said permit.

6. The Town Clerk, at their sole discretion or upon a finding that any administrative conditions provided herein are not met, may refer any application to the Local Licensing Authority.

B. The Town Clerk shall not approve an application if the Eagle Police Department has timely submitted written objections to the Town Clerk concerning such action. If any such objection is received, the Town Clerk shall refer the application to the Local Licensing Authority for action.

C. Any applicant or party in interest, as defined in C.R.S. § 44-3-311, 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.

D. The Town Clerk shall report to the Local Licensing Authority in a timely


manner all actions taken by the Town Clerk under this Section.

Section 2. 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 3. Safety. This Ordinance is deemed necessary for the protection of the public health, safety and welfare.

INTRODUCED, READ, PASSED, ADOPTED AND ORDERED PUBLISHED ON OCTOBER 22, 2024.

ATTEST:


Jenny Rakow, Town Clerk



TOWN OF EAGLE, COLORADO


Scott Turnipseed, Mayor