

**CITY OF SANTA FE, NEW MEXICO**

**ORDINANCE NO. 2019-22**

**AN ORDINANCE**

**AMENDING SECTION 23-6.2 SFCC 1987 EXEMPTING CERTAIN LAND AND BUILDINGS OWNED BY THE CITY FROM THE REQUIREMENTS OF SECTION 23-6.3 SFCC 1987; CHANGING THE REQUIREMENT FOR WHEN A RESOLUTION APPROVING THE SALE AND CONSUMPTION OF ALCOHOL ON CITY PROPERTY MUST BE ADOPTED FROM SIXTY DAYS BEFORE THE EVENT TO THIRTY DAYS BEFORE THE EVENT; AND AMENDING SECTION 23-6.3 SFCC 1987 TO AMEND RESTRICTIONS ON ALCOHOL BY VOLUME SERVING SIZES, CHANGE THE SECURITY GUARD REQUIREMENT FROM LEVEL TWO TO LEVEL ONE AND REQUIRE AN ALCOHOL SERVERS PERMIT; AMENDING THE REQUIREMENTS FOR MANDATORY BUFFERS; AND MAKING OTHER SUCH CHANGES TO PROVIDE CONSISTENCY.**

**BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF SANTA FE:**

**Section 1. Section 23-6.2 of SFCC 1987 (being Ord. No. 2012-20, as amended) is amended to read:**

**23-6.2 - Permitted locations for the sale and consumption of alcohol on city property.**

**A. The sale or consumption of alcoholic beverages is permitted at the following locations on city property:**

**(1) The Santa Fe community convention center and adjacent outdoor spaces under the center's control;**

1           (2)     That area of the Santa F regional airport main terminal building and  
2 adjacent areas operated as a restaurant;

3           (3)     The Marty Sanchez links de Santa Fe (golf course);

4           (4)     Buildings owned by another party located on land owned by the city;

5           (5)     On land or buildings owned by the city, located within the Santa Fe  
6 Railyard, as described in the Railyard Master Plan, for which the city has entered into  
7 a lease with another party for six (6) months or more except for the Railyard park,  
8 Plaza and Alameda (as defined in the Deed of Conservation Easement dated October  
9 1, 2004) where alcohol is prohibited, unless specifically permitted under  
10 subsection 23-6.2 SFCC 1987;

11          (6)     On land or buildings owned by the city for which the city has entered  
12 into a lease with another party for six (6) months or more;

13          (7)     In or on railroad cars located on railroad tracks except as prohibited  
14 by state or federal law; and

15          (8)     During professional baseball games, the area of Fort Marcy ballpark  
16 designated for concessions and seating.

17        B.     The only alcohol sales and consumption permitted at Fort Marcy ballpark are  
18 beer and wine.

19        C.     The governing body may approve by resolution the sale and consumption of  
20 alcohol at all other locations on city property, except within the plaza as defined by  
21 subsection 23-5.1(R). The resolution specifying the event, date, hours, location, number of  
22 expected attendees, type of alcohol to be served, required permits, and insurance shall be  
23 adopted at least thirty (30) days in advance of the event. The resolution shall be limited to  
24 authorization for a single event, unless otherwise stated in the resolution.

25        D.     All other applicable approvals required by state or city laws and regulations

1 shall be obtained prior to the sale or consumption of alcoholic beverages on the property  
2 described in this subsection 23-6.2.

3 **Section 2. Subsection 23-6.3 SFCC 1987 (being Ord. No. 2012-20 (as amended))**  
4 **is amended to read:**

5 **23-6.3 Regulations for the Sale and Consumption of Alcohol on City**  
6 **Property; Administration.**

7 A. The regulations contained in this subsection are applicable to the location  
8 described in subsection 23-6.2(A)(8) and locations authorized by the governing body through  
9 adoption of a resolution pursuant to subsection 23-6.2(C).

10 B. The event sponsor shall comply with the following regulations:

11 (1) Establish a designated drinking area.

12 (a) Except for Fort Marcy ballpark pursuant to subsection 23-  
13 6.2(A)(8), the drinking area shall have a buffer to prevent circulation of alcohol  
14 outside the area. The buffer may be either a double barrier of four feet (4') high  
15 and five feet (5') wide or a single barrier of at least six feet (6') high that does not  
16 allow for the transfer of alcoholic beverages.

17 (b) The sponsor shall submit a diagram of the designated drinking  
18 area, illustrating its dimensions, the entrances/exits, and the mandatory buffer to  
19 the city manager or the manager's designee, at least thirty (30) days before the  
20 event. Further requirements may be determined in consultation with the city  
21 manager, including the locations for the placement of the advertising described in  
22 paragraph (6), below.

23 (c) Except for Fort Marcy ballpark pursuant to subsection 23-  
24 6.2(A)(8), the seating capacity in the designated drinking area shall be comprised  
25 of no more than twenty-five percent (25%) of the seating capacity of the event.

1 The seating capacity of the designated drinking area shall be posted in the  
2 designated drinking area.

3 (2) Alcohol regulations.

4 (a) Persons shall not leave the designated drinking area with an  
5 alcoholic beverage.

6 (b) Alcohol service shall cease at least thirty (30) minutes before the  
7 end of the permitted event or at the end of the sixth inning for professional  
8 baseball games.

9 (3) Alcohol provider. Alcohol providers shall comply with all rules  
10 regarding alcohol service established by the director of the alcoholic beverage control  
11 division of the New Mexico regulation and licensing department, shall be educated on the  
12 subjects specified in Section 60-6E-5(B) NMSA 1978, and abide by the following,  
13 additional requirements:

14 (a) Obtain the required permit(s), which shall be approved by the  
15 state of New Mexico and the city of Santa Fe.

16 (b) At the main entrance of the designated drinking area, verify the  
17 age of each person and affix a nontransferable wristband to indicate the number  
18 of alcoholic beverages purchased.

19 (c) At the point of sale, confirm the age of each person purchasing  
20 alcoholic beverages.

21 (d) Ensure that alcohol servers are at least twenty-one (21) years old  
22 and are licensed by the State.

23 (e) Ensure that a manager, who has been identified prior to the  
24 events by the event sponsor, is present at all times in the designated drinking  
25 area. A photograph of the manager and his or her name shall be posted at the

point of sale of alcoholic beverages. At all times, the manager shall wear a nametag that identifies him or her as the manager.

(f) Prohibit alcohol servers from drinking alcohol during the event.

(g) Place signs in the designated drinking area and outside the designated drinking area that indicate the illegality of selling, serving, and providing alcohol to minors and intoxicated persons.

(4) Alcohol limits.

(a) The only allowable alcoholic beverages at those events authorized pursuant to Subsection 23-6.2(C) are beer, wine, and cider.

(b) During the authorized event, a person may purchase three (3) alcoholic beverages total, no more than two (2) drinks at a time.

(c) The sale and service of alcoholic beverages shall abide by the following table:

Alcohol Type	Alcohol by Volume ("ABV")	Maximum Serving Size
Beer/Cider	<8%	12oz
Beer/Cider	8% - 10%	6oz
Wine	≤15%	5oz

No beer or cider in excess of ten percent (10%) ABV is permitted.

No wine in excess of fifteen percent (15%) ABV is permitted.

(d) Alcoholic beverage cups shall be distinguishable from nonalcoholic beverage cups.

(e) In addition to alcoholic beverages, food and non-alcoholic beverage drinks shall be offered for free or for purchase. Water shall be provided at no cost.

(5) Security.

1 (a) Security officers shall be hired and paid for by the event  
2 sponsor(s) and a safety plan shall be provided to the city of Santa Fe police chief.  
3 For all events, at least one (1) security officer for every one hundred (100)  
4 attendees in the designated drinking area shall be present at all times the  
5 designated drinking area is in operation, unless additional security officers are  
6 required by the city manager and/or the state of New Mexico alcoholic beverage  
7 control division. In addition to the security officers required for events in excess  
8 of one thousand (1,000) attendees in the designated drinking area, the Santa Fe  
9 police department shall be responsible for the enforcement of this subsection, 23-  
10 6.3, with associated costs to be paid for by the event organizers.

11 (b) Security guards shall possess a current license issued by the New  
12 Mexico Private Investigations Board as a level one security guard pursuant to the  
13 Private Investigations Act, Sections 61-27B-1 through 61-27B-36 NMSA 1978,  
14 as may be amended thereafter from time to time. Security guards shall also  
15 possess a valid alcohol server permit issued by the New Mexico alcoholic  
16 beverage control division.

17 (6) Advertising.

18 (a) Advertising of alcohol or tobacco at any city park is prohibited.  
19 Those businesses selling and/or serving alcohol may advertise their product only  
20 at the point of sale, within the designated drinking area.

21 (b) The event sponsor shall place information in conspicuous  
22 locations in the designated drinking area and throughout the park that:

23 (i) Display phone numbers and names of organizations that  
24 provide free rides for intoxicated persons; and

25 (ii) Provide information about the effects of alcohol abuse.

1 (7) Tasting events.

2 Wine tasting events, authorized pursuant to the requirements of Section  
3 23-6.2(C), shall abide by the requirements of subsections 23-6.3(B)(1)(a) and (b),  
4 (2), (3), (5), and (6) above, as well as the following regulations:

5 (a) Admission shall be a presold/ticketed event at which no alcohol  
6 will be offered for sale.

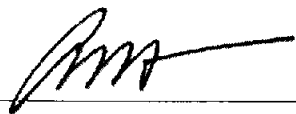
7 (b) Service of alcoholic beverages shall cease at the stated  
8 conclusion of the event, at which point all remaining alcohol shall be removed  
9 from view of the public. No open or unopened containers of alcohol may be  
10 removed from the event by the general public, and all containers shall remain  
11 under the supervision of a licensed individual at all times.

12 B. *Administration.* The city manager or the manager's designee shall ensure that  
13 authorized event sponsors are in compliance with the requirements of this section.

14 **Section 3: Effective Date.**

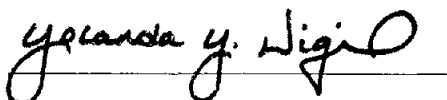
15 This ordinance shall become effective immediately upon adoption.

16 PASSED, APPROVED, and ADOPTED this 11<sup>th</sup> day of September, 2019.

17  
18  
19 

20 ALAN WEBBER, MAYOR

21 ATTEST:

22  
23 

24 YOLANDA Y. VIGIL, CITY CLERK

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

APPROVED AS TO FORM:



ERIN K. McSHERRY, CITY ATTORNEY