

**CITY OF GREELEY, COLORADO
ORDINANCE NO. 8, 2024**

**AN ORDINANCE AMENDING TITLE 8, CHAPTER 13 AND TITLE 14, CHAPTER 6
OF THE GREELEY MUNICIPAL CODE RELATING TO ALCOHOL**

WHEREAS, the Greeley Liquor Licensing Authority issues licenses and permits for the sale or service of alcohol beverages; conducts hearings and investigations; suspends or revokes such licenses and permits; sets certain fees as provided by law; as well as many other responsibilities and duties set forth in Articles 3, 4, and 5 of Title 44 of the Colorado Revised Statutes; and

WHEREAS, as of March 1, 2023, state law, through the voter-approved passage of Proposition 125 on November 8, 2022, modified a fermented malt beverage off-premise retailer license to also allow the sale of wine products; and

WHEREAS, staff recommends updating licensing and hearing requirements, including the requirement of posting notice of the duty to report disturbances at licensed premises; and

WHEREAS, the recommended amendments to the Greeley Municipal Code would encourage economic stability and growth, and protect the health, safety and welfare of the city and its inhabitants.

**NOW, THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF GREELEY,
COLORADO:**

Section 1. Section 8-435 of Article I, Local Licensing Authority; Definitions of Chapter 13, Alcohol Beverages of Title 8, Business, Taxes, Licenses and Regulations shall be amended as shown in Appendix A.

Section 2. Sections 8-462, 8-466 – 8-472, of Article II, Licenses of Chapter 13, Alcohol Beverages of Title 8, Business, Taxes, Licenses and Regulations, shall be amended as shown in Appendix A.

Section 3. Sections 8-492 and 8-497 of Article III, General Provisions; Unlawful Acts of Chapter 13, Alcohol Beverages of Title 8, Business, Taxes, Licenses and Regulations, shall be amended as shown in Appendix A.

Section 4. Article V, Alcohol Tastings of Chapter 13, Alcohol Beverages of Title 8, Business, Taxes, Licenses and Regulations, shall be amended as shown in Appendix A.

Section 5. Section 14-179 of Chapter 6, Offenses Against Public Peace of Title 14, Criminal Conduct and Offenses, shall be amended as shown in Appendix A.

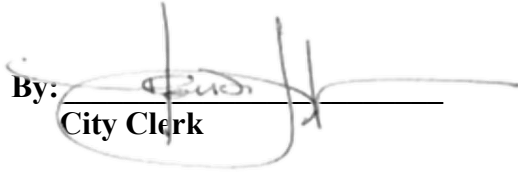
Section 6. This ordinance shall become effective five (5) days following its final publication as provided by Section 3-16 of the Greeley City Charter.

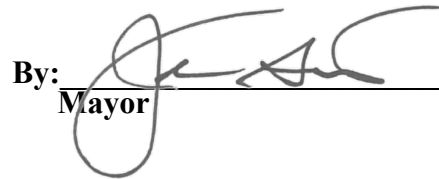
PASSED AND ADOPTED, SIGNED AND APPROVED THIS 16th DAY OF APRIL 2024.

ATTEST:



THE CITY OF GREELEY, COLORADO

By: 
City Clerk

By: 
Mayor

APPENDIX A
CITY OF GREELEY, COLORADO
ORDINANCE NO. 8, 2024

**AN ORDINANCE AMENDING TITLE 8, CHAPTER 13 AND TITLE 14, CHAPTER 6
OF THE GREELEY MUNICIPAL CODE**

Section 1. Section 8-435 of Article I, Local Licensing Authority; Definitions of Chapter 13, Alcohol Beverages of Title 8, Business, Taxes, Licenses and Regulations, shall be amended as follows:

Sec. 8-435. Definitions.

(a) The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Alcohol means malt, vinous or spirituous liquors and fermented malt beverages, as those terms are defined by state law.

Applicant means one making an application for a license under this chapter, and includes:

- (1) If an individual, that person making the application;
- (2) If a partnership, all the partners of the partnership which is making the application;
- (3) If a corporation, any officer, director, manager or stockholder therein making the application; or
- (4) If a limited liability company, any member therein making the application.

Authority or licensing authority means the hearing officer appointed by the city council by resolution.

Fermented malt beverage has the same meaning as set forth in the Colorado Beer Code (C.R.S. § 44-4-101 et seq.).

Hearing officer means the individual, licensed to practice law in the state, appointed by the city council, to carry out the duties as described in section 8-434 and other rules, regulations, policies and procedures as may be established.

Illegal gambling means to authorize or permit on the licensed premises any gambling, or use of any gambling machine or device, or the use of any machine which may be used for gambling, or the use of any simulated gambling device, which is not authorized and legally operated pursuant to C.R.S. Title 44, Articles 30, 32 and 40.

Licensed, licensee and licensed premises means persons or premises issued a license or permit pursuant to C.R.S. Title 44, Articles 3, 4 and 5.

Malt, vinous, and spirituous liquor has the same meaning as set forth in the Colorado Liquor Code (C.R.S. § 44-3-101 et seq.).

Manager means and includes that person who manages, directs, supervises, oversees and administers the acts, transactions and acts of servants of the establishments governed by this chapter.

Person includes a natural person, partnership, association, company, corporation, limited liability company, organization or manager, agent, servant, officer or employee of any of them.

Premises means a distinct and definite location, which may include a building, a part of a building, a room, or any other definite areas as approved by the Authority.

(b) All other words and phrases used in this chapter shall have the meanings attached by the state statutes regulating the sale of alcohol, or if not otherwise defined by law, as are used in their common, ordinary and accepted sense and meaning.

Section 2. Sections 8-462, 8-466 – 8-472, of Article II, Licenses of Chapter 13, Alcohol Beverages of Title 8, Business, Taxes, Licenses and Regulations, shall be amended as follows:

Sec. 8-462. Penalty guidelines.

Violations of any provisions of this chapter shall result in penalties according to the generally accepted and practiced state penalty guidelines provided below. Nothing in the following guidelines is meant to restrict the licensing authority from issuing a lesser penalty, a higher penalty, or additional penalties as allowed by this chapter or state law, up to an including suspension of revocation of a license or the imposition of a fine in lieu of suspension as provided under the provisions of C.R.S. § 44-3-601.

Code Violation	Suspension
<i>Sale or Service to a Minor:</i>	
First Incident 1 Charge	15 days total, 5 served and 10 held in abeyance for a period of one year from date of hearing, pending no further violations
2 Charges	30 days total, 10 served and 20 held in abeyance for a period of one year from date of hearing, pending no further violations
3 + Charges	45 days total, 15 served and 30 held in abeyance for a period of one year from date of hearing, pending no further violations
Second Incident	Days held in abeyance automatically imposed from first incident, plus additional
Within 1 Year	suspension as stated in first incident above
<i>Purchase of Alcohol from Someone Other Than a Wholesaler:</i>	
First Incident 1 Charge	10 days total, 3 served and 7 held in abeyance for a period of one year from date of hearing, pending no further violations
2 Charges	10 days total, 5 served and 5 held in abeyance for a period of one year from date of hearing, pending no further violations
<i>Sale or Service to <u>an</u> Intoxicated Patron Person:</i>	

First Incident 1 Charge	15 days total, 5 served and 10 held in abeyance for a period of one year from date of hearing, pending no further violations
2 Charges	30 days total, 10 served and 20 held in abeyance for a period of one year from date of hearing, pending no further violations
3 + Charges	45 days total, 15 served and 30 held in abeyance for a period of one year from date of hearing, pending no further violations
Second Incident Within 1 Year	Days held in abeyance automatically imposed from first incident, plus additional suspension as state in first incident above
<i>Failure to Meet Food Requirement (H and R/Brew Pubs):</i>	
First Incident	15 days total, 5 served and 10 held in abeyance for a period of one year from date of hearing, pending no further violations, with 30 days to comply
Second Incident Within 1 Year	Days held in abeyance automatically imposed from first incident, plus additional suspension as stated in first incident above
<i>Video Poker Gambling:</i>	
First Incident	45 days total, 15 served and 30 held in abeyance for a period of one year from date of hearing, pending no further violations
Second Incident	Days held in abeyance automatically imposed from first incident, plus additional suspension as stated in first incident above
<i>Permitting Illegal Gambling:</i>	
First Incident	10 days total, 3 served and 7 held in abeyance for a period of one year from date of hearing, pending no further violations
Second Incident	45 days total, 15 served and 30 held in abeyance for a period of one year from date of hearing, pending no further violations

Third Incident	Days held in abeyance automatically imposed from first incident, plus additional suspension as stated in first incident above
<i>Failure to Maintain Adequate Books/ <u>and</u> Records:</i>	
First Incident	15 days total, 5 served and 10 held in abeyance for a period of one year from date of hearing, pending no further violations
Second Incident	30 days total, 10 served and 20 held in abeyance for a period of one year from date of hearing, pending no further violations
<i>Sale <u>or</u> Service After Legal Hours:</i>	
First Incident	10 days total, 3 served and 7 held in abeyance for a period of one year from date of hearing, pending no further violations
Second Incident	30 days total, 10 served and 20 held in abeyance for a period of one year from date of hearing, pending no further violations
<i>Permitting Disturbances:</i>	
First Incident	30 days total, 10 served and 20 held in abeyance for a period of one year from date of hearing, pending no further violations
Second Incident	Days held in abeyance automatically imposed from first incident, plus additional suspension as stated in first incident above
<i>Violations on Follow-Up Inspections:</i>	
For each incident	3 days total, 1 served and 2 held in abeyance for a period of one year from date of hearing, pending no further violations
<i>Failure to Report Manager Corporate, Financial <u>or</u> Trade Name Change:</i>	
First Incident	5 days total, all 5 held in abeyance for a period of one year from date of hearing, pending no further violations

Second Incident	10 days total, 3 served and 7 held in abeyance for a period of one year from date of hearing, pending no further violations
<i>Underage Employee Selling or Serving:</i>	
First Incident 1 Charge	7 days total, 2 served and 5 held in abeyance for a period of one year from date of hearing, pending no further violations
2 Charges	14 days total, 4 served and 10 held in abeyance for a period of one year from date of hearing, pending no further violations
3 Charges	30 days total, 10 served and 20 held in abeyance for a period of one year from date of hearing, pending no further violations
<i>Shake a Day (Dice or Dice Cup Pools):</i>	
1 Charge	15 days total, 5 served and 10 held in abeyance for a period of one year from date of hearing, pending no further violations
2 Charges	30 days total, 10 served and 20 held in abeyance for a period of one year from date of hearing, pending no further violations
<i>Altered Alcohol:</i>	
1 Charge	15 days total, 5 served and 10 held in abeyance for a period of one year from date of hearing, pending no further violations

Sec. 8-466. Aggravating and mitigating factors considered at show cause hearings.

(a) In all cases where a violation of the applicable state or local laws is found at a show cause hearing, the Authority shall consider evidence and statements in mitigation and in aggravation of the violation prior to determining the appropriate penalty. These factors may include, but are not limited to:

(1) The seriousness of the violation;

(2) Corrective action taken by the licensee after the violation;

(3) Prior violations at the licensed premises by the licensee or the licensee's employees and the effectiveness of prior corrective action;

(4) Whether the licensee substantially benefitted, monetarily or otherwise, from committing the violation;

(5) Whether the violation is part of a pattern or practice of violations;

- (6) Whether the violation was discovered, and later substantiated through investigation, as a result of a complaint or multiple complaints;
- (7) The violation demonstrably resulted in harm, not just the potential for harm;
- (8) The violation was willful, not negligent;
- (9) The owner or management personnel engaged in the violation and/or directed an employee to violate the law;
- (10) Previous sanctions imposed against the licensee; and
- (11) Other factors making the situation with respect to the licensee or the licensed premises unique.

Sec. 8-4667. Buildings to meet standards.

(a) No license shall be issued, renewed or transferred unless the building in which the business or licensed activity is conducted meets all of the requirements of the zoning, building, electrical, plumbing, fire, mechanical, housing and dangerous building codes of the city.

(b) A special event permit allowing alcohol on the premises may be issued under circumstances where the premises do not comply with requirements of the Uniform Fire Code, if the following requirements are satisfied:

(1) The special event permit applicant shall arrange for a fire watch, comprised of a minimum of two persons, to be conducted during the entire time of the special event occurrence.

Arrangements for hire and payment of fire watch personnel shall be the responsibility of the applicant.

(2) If the chief of the city fire department, or designee, requires that a fire watch for a particular special event be staffed by more than two persons, the applicant must arrange for a fire watch in accordance with the directions of the fire chief or designee.

(3) The fire watch for any special event occurring on premises which are not strictly in compliance with the Uniform Fire Code must be staffed by persons who are state-certified firefighters with direct radio contact with county 911 emergency dispatch.

(4) The special event permit applicant must finalize arrangements for the required fire watch prior to issuance of the liquor license.

Sec. 8-468. Modification of premises.

(a) No licensee shall physically change, alter or modify the licensed premises from that shown in the plans and specifications submitted at the time the licensee obtained the original license until written approval to do so has been received from the Authority and the state licensing authority, pursuant to the regulations adopted by the State.

(b) Requests for changes, alterations or modifications of the licensed premises shall be on such forms as are provided by the state licensing authority and, in addition, on such forms as may be provided by the City, if any. The request shall be accompanied by plans and specifications, which shall be sufficient to advise the Authority of the scope and nature of the proposed request and must include the identification of areas where alcohol will be served and stored.

Sec. 8-469. Change of location.

No license issued by the Authority shall be transferred to another location howsoever proximate without the approval of the Authority. The policies and procedures for such transfer of location of licensed premises shall be the same as those for the issuance of new licenses, except information and investigation regarding the applicant shall not be required. An application fee as provided in section 8-527 shall be charged.

Sec. 8-46770. Continuation of existing licenses.

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Sec. 8-46871. Optional premises licenses.

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Sec. 8-46972. Promotional associations and common consumption areas.

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Secs. 8-4703 – 8-491. Reserved.

Section 3. Sections 8-492 and 8-497 of Article III, General Provisions; Unlawful Acts of Chapter 13, Alcohol Beverages of Title 8, Business, Taxes, Licenses and Regulations, shall be amended as follows:

Sec. 8-492. Licensee to report disorderly conduct.

(a) A licensed establishment must be conducted in a decent, orderly and respectable manner, and shall not permit within or upon the licensed premises the loitering of habitual drunkards or intoxicated persons, lewd or indecent displays, profanity, rowdiness, undue noise or other disturbance or activity offensive to the sensitivities of the average citizen, or to the residents of the neighborhood in which the establishment is located.

(b) All licensees and permit holders, and any agent, manager or employee thereof, shall immediately report to the police department any unlawful or disorderly act, conduct or disturbance committed in or on the licensed premises.

(c) Each licensee and permit holder shall post and keep visible at all times to the public in a conspicuous place on the premises, a sign with a minimum height of fourteen (14) inches and a minimum width of eleven (11) inches with each letter to be a minimum of one-half (½) inch in height, which shall read as follows:

"WARNING: The Greeley Police Department must be notified of all disorderly acts, conduct or disturbances and all unlawful activities which occur on or within the premises of this licensed establishment."

(d) It shall not be a defense to a prosecution of a licensee or permit holder under this Section that the licensee was not personally present on the premises at the time such unlawful activity, disorderly act, conduct or disturbance was committed; however, no agent, servant or employee of the licensee shall be personally responsible for failing to report an unlawful or disorderly act, conduct or disturbance hereunder if such agent, servant or employee was absent from the premises at the time such activity was committed.

(e) Failure to comply with the requirements of this Section shall be considered by the Licensing Authority in any action relating to the issuance, revocation, suspension or nonrenewal of a license or the cancellation, revocation, or suspension of a temporary or special events permit. A violation of this Section shall also constitute a misdemeanor offense, punishable as provided in chapter 9 of title 1 of this Code.

Sec. 8-497. Prohibiting open containers of alcohol in certain public areas.

(a) No person within the city limits shall possess an opened container of alcohol or consume alcohol in public, except upon premises licensed for consumption of the ~~liquor or beverage~~ alcohol involved or as authorized in this chapter.

(b) For purposes of this section, the term "open container" means any container other than an original closed container as sealed or closed for sale to the public by the manufacturer or bottler of the liquor or beverage or as defined by the state liquor enforcement division. If an original container has been unsealed, undone, or opened in any manner, it is an open container for purposes of this section.

(c) For purposes of this section, the term "in public" means:

(1) In or upon any public highway, street, alley, walk, parking lot, building, ~~park~~, or other public property or place, whether in a vehicle or not; or

(2) In or upon a city park, except as permitted in section 8-499; or

~~(23)~~ In or upon those portions of any private property upon which the public has an express or implied license to enter or remain; or

~~(34)~~ In or upon any other private property without the express or implied permission of the owner or person in possession and control of such property or such person's agent.

(d) It is unlawful for any person to serve, consume or possess an open container of alcohol when on, in or using, by conveyance or otherwise, the premises of the Jesus Rodarte Cultural Center.

(e) This section shall not apply to the serving or consumption of alcohol within the premises of the Union Colony Civic Center, Greeley Recreation Center, Greeley Active Adult Center, Greeley Ice Haus or the Greeley History Museum when the serving or consumption of alcohol is in conjunction with an event under the control of an authorized licensee or at authorized social gatherings (such as banquets, luncheons, wedding receptions) held within the confines of those facilities.

(f) Violations. Notwithstanding any other part of this chapter, a violation of this section shall be punishable as a misdemeanor offense.

Section 4. Article V, Alcohol Tastings of Chapter 13, Alcohol Beverages of Title 8, Business, Taxes, Licenses and Regulations, shall be amended as follows:

Sec. 8-554. Alcohol tasting authorized; permit required.

(a) Alcohol tastings on the licensed premises of a retail liquor store licensee, or of a liquor-licensed drugstore licensee or a fermented malt beverage and wine retailer licensee are authorized to be conducted within the city in accordance with C.R.S. § 44-3-301(10), and subject to the provisions of this article.

(b) The authority is authorized to issue alcohol tasting permits in accordance with the requirements of this article.

(c) It shall be unlawful for any person to conduct alcohol tastings within the city without having first received a permit issued in accordance with this section.

(d) Retail liquor store licensees, and liquor-licensed drugstore licensees, and fermented malt beverage and wine retailer licensees desiring to conduct alcohol tastings shall submit a tasting permit application to the city clerk accompanied by the fee stated in section 8-434.

(e) Submittal requirements. Annually, the licensee shall submit a completed alcohol tasting permit application obtained from the city clerk's office, including the following:

(1) Licensee information, including, but not limited to, name, address, contact information and license number;

(2) Verification that the licensee and employee who will be conducting the tastings have completed a seller/server training program that meets the standards established by the state licensing authority and is qualified to conduct an alcohol tasting.

(f) No alcohol can be provided as samples during a tasting until 48 hours after the licensee has provided written notice of the tasting to the police department and the city clerk's office. Such notice must contain the specific days and hours on which the alcohol tasting will occur. In this regard, there is no limitation on the number of days which a licensee may specify in each notice.

(g) Renewal of tasting permits shall be concurrent with the renewal of licenses for retail liquor store licensee, or of a liquor-licensed drugstore licensee or of a fermented malt beverage and wine retailer licensee. A licensee's initial tasting permit shall expire on the same date as the date that the licensee's retail liquor store or liquor-licensed drugstore or fermented malt beverage and wine retailer license expires. The initial tastings permit application fee shall not be prorated or refunded if the permit expires in less than a year.

(h) Alcohol tasting permits shall be conspicuously and prominently posted by the licensee on the licensed premises at all times during operating hours.

(i) An alcohol tasting permit shall only be issued to a retail liquor store licensee or a liquor-licensed drugstore licensee or a fermented malt beverage and wine retailer licensee whose license is valid, not subject to a current or pending enforcement action by the city or the state and in full force and effect.

Sec. 8-555. Limitations on alcohol tastings.

Alcohol tastings within the city shall be subject to the following limitations:

(1) Alcohol tastings shall be conducted only on a licensed premises by a person who has completed a seller/server training program that meets the standards established by the state licensing authority and who is either a retail liquor store licensee or a liquor-licensed drugstore licensee or a fermented malt beverage and wine retailer licensee or an employee of a licensee;

(2) The alcohol used in tastings must be purchased through a licensed wholesaler, licensed brew pub, licensed distillery pub or winery licensed pursuant to C.R.S. § 44-4-403, at a cost that is not less than the laid-in cost for such alcohol;

(3) The size of an individual sample shall not exceed one ounce of malt, vinous or fermented malt beverages or one-half of one ounce of spirituous liquor;

(4) The licensee shall not serve more than four individual samples of alcohol to a patron during a tasting;

- (5) Alcohol tastings shall not exceed a total of five hours in duration per day, which need not be consecutive;
- (6) Alcohol tastings shall be conducted only during the operating hours in which the licensee on whose premises the alcohol tastings occur is permitted to sell alcohol, and in no case earlier than 11:00 a.m. or later than 9:00 p.m.;
- (7) The licensee shall prohibit patrons from leaving the licensed premises with a sample;
- (8) The licensee shall promptly remove all open and unconsumed alcohol samples from the licensed premises, destroy the samples immediately following the completion of the alcohol tasting, or store any open containers of unconsumed alcohol in a secure area outside the sales area of the licensed premises for use at a tasting conducted at a later time or date;
- (9) The licensee shall not serve a person who is under 21 years of age, who is visibly intoxicated or is a habitual drunkard;
- (10) The alcohol samples used in the tastings shall be served in clear, open containers and shall be provided to a patron free of charge;
- (11) The licensee may conduct tastings on no more than 156 days per year. Alcohol tastings may occur on no more than four of the six days from a Monday to the following Saturday, not to exceed 104 days per year;
- (12) The licensee shall maintain on the licensed premises a log of all alcohol consumed as tastings on forms obtained from the authority, to be submitted to the city clerk each year with the alcohol tasting permit renewal application, and during all operating hours the log shall be subject to inspection by the police department, the county health department, the state licensing authority and any other federal, state, county or city agency which is permitted or required by law to inspect licensed premises; and
- (13) No manufacturer of alcohol shall induce a licensee through free goods or financial or in-kind assistance to favor the manufacturer's products being sampled at an alcohol tasting, and the licensee shall bear the financial and all other responsibility for an alcohol tasting.

Sec. 8-556. Violations.

- (a) A violation of this article or C.R.S. § 44-3-301(10) by a retail liquor store licensee or a liquor-licensed drugstore licensee or a fermented malt beverage and wine retailer licensee, whether by the licensee, licensee's employees, agents or otherwise, shall be the responsibility of the licensee conducting the alcohol tasting.
- (b) Retail liquor store licensees, and liquor-licensed drugstore licensees, and fermented malt beverage and wine retailer licensees conducting an alcohol tasting shall be subject to the same revocation, suspension and enforcement provisions as otherwise apply to those licensees, including the hearings described in section 8-460.
- (c) Nothing in this chapter shall affect the ability of a state winery licensed pursuant to C.R.S. § 44-3-402 or 44-3-403 to conduct an alcohol tasting pursuant to the authority of C.R.S. § 44-3-402(2) or 44-3-403(2)(e).

Section 5. Section 14-179 of Chapter 6, Offenses Against Public Peace of Title 14, Criminal Conduct and Offenses, shall be amended as follows:

Sec. 14-179. Illegal sales of alcoholic beverages.

(a) A person commits a violation of this section if he sells, serves, distributes or otherwise transfers an alcoholic beverage:

(1) To any person who is:

a. Under the age of 21 years; or

b. Is visibly intoxicated; or

c. Is a habitual drunkard.

(2) Upon premises which are properly licensed pursuant to C.R.S. title 44, art. 3 or 4, ~~at any time which is not authorized by state statutes, or~~

(3) ~~For~~ for money or any other thing of value or service ~~of value~~ without a valid liquor license issued pursuant to C.R.S. title 44, art. 3 or 4.

(b) It shall be an affirmative defense to a violation of subsection (a)(1)a of this section that the defendant was the parent or legal guardian of the person to whom the alcoholic beverage was sold, served, distributed or otherwise transferred.