

**CITY OF LEADVILLE, COLORADO**  
**Ordinance No. 7, Series of 2011**

**AN ORDINANCE AMENDING TITLE 5 OF THE LEADVILLE MUNICIPAL CODE DESIGNATING THE CITY COUNCIL OF THE CITY OF LEADVILLE AS THE “LOCAL LICENSING AUTHORITY” UNDER THE COLORADO BEER CODE, THE COLORADO LIQUOR CODE, AND THE COLORADO MEDICAL MARIJUANA CODE.**

**WHEREAS**, pursuant to C.R.S. 12-46-103(4) of the Colorado Beer Code and C.R.S. 12-47-103 (17) of the Colorado Liquor Code: “Local Licensing Authority” means the governing body of a municipality or city and county, the board of county commissioners of a county, or any authority designated by municipal or county charter, municipal ordinance, or county resolution.; and

**WHEREAS**, pursuant to C.R.S. 12-43.3-104(5) of the Colorado Medical Marijuana Code; “Local Licensing Authority” means an authority designated by municipal or county charter, municipal ordinance, or county resolution.; and

**WHEREAS**, City Council wishes to designate the City Council of the City of Leadville as the “Local Licensing Authority” under the Colorado Beer Code, the Colorado Liquor Code, and the Colorado Medical Marijuana Code.

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

**Section 1. Liquor Licenses.** Title 5, Chapter 5.08 of the Leadville Municipal Code is hereby repealed and replaced in its entirety by Chapter 5.08 to be entitled “Liquor Licenses” and to read in full as follows::

Chapter 5.08 Liquor Licenses.

5.08.010 Local Licensing Authority Established.

Pursuant to C.R.S. 12-46-103(4) of the Colorado Beer Code and C.R.S. 12-47-103 (17) of the Colorado Liquor Code and C.R.S. 12-48-101 concerning Special Event Permits: the “Local Licensing Authority” shall mean the City Council of the City of Leadville and the City Council of the City of Leadville shall be designated as the “Local Licensing Authority”.

5.08.020 Compliance with State Law.

The Local Licensing Authority shall implement and comply with the minimum licensing requirements set forth in the Colorado Beer Code, C.R.S. Sections 12-46-101 *et seq.*, the Colorado Liquor Code, C.R.S. Sections 12-47-101 *et seq.*, Special Event Permits, C.R.S. Sections 12-48-101 *et seq.*, and Colorado Code of Regulations 1 C.C.R. 203-2, Regulations 47-002 through 47-1020, as such statutes and regulations may be amended from time to time.

5.08.030 Liquor Licensing Fees

The city council finds and determines that it is empowered by C.R.S. Section 12-46-107, C.R.S. Section 12-47-505, C.R.S. Section 12-48-107, as amended to fix and collect certain fees in connection with the application for, issuance and renewal of certain types of liquor licenses. The city council further finds that the fees established in this chapter are reasonable and are in amounts sufficient to cover actual and necessary expenses incurred by the city in connection with the handling of such liquor licenses and application therefor. The city council shall set application and annual license fees charged for liquor licenses by resolution. Said fees shall be consistent with the fees recommended by the Colorado Department of Revenue, Division of Liquor and Tobacco.

#### 5.08.040 Special Events

The Local Licensing Authority is hereby authorized to approve an application for a Special Event Permit for an event within the City of Leadville without notification or referral to the State Licensing Authority for its approval or disapproval. In accordance with C.R.S. Section 12-48-107(5)(a) the City Clerk or his or her designee shall report to the Liquor Enforcement Division within ten (10) days after a Special Event Permit is approved, the name of the organization to whom a permit was issued, the address of the permitted location and the permitted dates of alcohol beverage service.

**Section 2. Medical Marijuana Licenses.** Title 5 of the Leadville Municipal Code shall be amended by adding a new Chapter 5.40 to read in full as follows:

#### Chapter 5.40 Medical Marijuana Licenses.

##### 5.40.010 Medical Marijuana Local Licensing Authority Established.

Pursuant to C.R.S. Section 12-43.3-104(5) of the Colorado Medical Marijuana Code, the “Local Licensing Authority” shall mean the City Council of the City of Leadville and the City Council of the City of Leadville shall be designated as the “Local Licensing Authority” for Medical Marijuana.

##### 5.40.020 Compliance with State Law.

The Local Licensing Authority shall implement and comply with the minimum licensing requirements set forth in the Colorado Medical Marijuana Licensing Code, Sections 12-43.3-101 *et seq.* of the Colorado Revised Statutes.

**Section 3. Remaining provisions.** Except as specifically amended hereby, all other provisions of Title 5 of the Leadville Municipal Code and the various secondary codes adopted by reference therein, shall continue in full force and effect.

**Section 4. Severability.** Should any one or more sections or provisions of this ordinance or enacted hereby be judicially determined invalid or unenforceable, such judgment shall not affect, impair or invalidate the remaining provisions of this Ordinance, the intention being that the various sections and provisions are severable.

**Section 5. Emergency Declared.** The City Council finds that this Ordinance is necessary to the immediate preservation of the public health and safety in order to permit the Leadville City Council to act as a local licensing authority to regulate businesses dispensing alcohol or marijuana both of which have documented affects upon the health and safety of individuals and the public.

**Section 6. Effective Date.** This Ordinance shall therefore take effect immediately upon adoption on second reading as provided by Section 31-16-105, C.R.S.

**INTRODUCED, READ, APPROVED AND ORDERED PUBLISHED in full on first reading this 5<sup>th</sup> day of July, 2011.**

CITY OF LEADVILLE, COLORADO

ATTEST:

\_\_\_\_\_  
Bud Elliott, Mayor

\_\_\_\_\_  
Joseph Swyers, City Clerk

PUBLISHED in full in *The Herald Democrat*, a newspaper of general circulation in Leadville, Colorado, on the 14<sup>th</sup> day of July, 2011.

PASSED AND ADOPTED ON FINAL READING AND ORDERED PUBLISHED BY TITLE ONLY WITH AMENDMENTS ON THE 2<sup>ND</sup> DAY OF AUGUST, 2011.

CITY OF LEADVILLE, COLORADO

ATTEST:

\_\_\_\_\_  
Bud Elliott, Mayor

\_\_\_\_\_  
Joseph Swyers, City Clerk

PUBLISHED by title only with any amendments in *The Herald Democrat*, a newspaper of general circulation in the City of Leadville, Colorado, on the 18<sup>th</sup> day of August, 2011.