

ORDINANCE NO. 18

Series 2022

AN ORDINANCE AMENDING CHAPTER 5, TITLE 2, OF THE BRECKENRIDGE TOWN CODE, PERTAINING TO THE JURISDICTION OF THE LIQUOR AND MARIJUANA LICENSING AUTHORITY

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF BRECKENRIDGE, COLORADO:

Section 1. That Section 2-5-1, entitled "FINDINGS:", of the Breckenridge Town Code shall be amended to read as follows:

The Town Council finds and determines as follows:

A. The Town Council is authorized by section 44-3-103(27), Colorado Revised Statutes, to create by ordinance a local licensing authority to handle all liquor licensing matters for the Town.

B. The Town has authorized the issuance of certain local licenses under the Colorado Medical Marijuana Code 1 , the Colorado Retail Marijuana Code 2 , the Colorado Regulation of Tobacco Sales, and the applicable administrative regulations promulgated with respect to such statutes, all as more fully set forth in title 4, chapter 14 of this Code.

C. The Town Council is authorized by section 44-11-104(5), CRS, (which is part of the Colorado Medical Marijuana Code), and 44-12-103(10), CRS, (which is part of the Colorado Retail Marijuana Code) to create by ordinance a local licensing authority to handle all marijuana licensing matters for the Town.

D. The Town Council desires to establish a single local licensing authority to act for the Town in all local licensing matters arising under the Colorado Beer Code 3 , the Colorado Liquor Code 4 , the Colorado Special Liquor Events Code 5 , the Colorado Medical Marijuana Code 6 , the Colorado Retail Marijuana Code 7 , the Colorado Regulation of Tobacco Sales, the applicable administrative regulations promulgated with respect to such statutes, the Town's marijuana licensing ordinance (title 4, chapter 14 of this Code); and other applicable law.

E. Section 9.5 of the Town Charter authorizes the Town Council to create by ordinance permanent boards and commissions for the Town, and sets forth certain requirements which must be met with respect to the creation of a permanent Town board or commission.

F. Section 9.2(a) of the Town Charter provides that neither the Mayor nor any Town employee shall serve on any Town board or commission.

G. The Town of Breckenridge liquor and marijuana licensing authority should be created to replace the Town of Breckenridge liquor licensing authority (established by ordinance 20, series 2003), and given the authority to handle all liquor and marijuana licensing matters for the Town, all as more fully set forth in this chapter.

Section 2. That Section 2-5-2, entitled "CREATION:", of the Breckenridge Town Code shall be amended to read as follows:

CREATION: There is hereby created and established the Town of Breckenridge liquor, tobacco, and marijuana licensing authority. The Town of Breckenridge liquor, tobacco, and marijuana licensing authority is referred to in this chapter as the "authority". The authority shall

be a permanent board of the Town, and shall operate in accordance with and subject to the provisions, duties, and limitations of this chapter and other applicable law.

Section 3. That Section 2-5-6, entitled "POWERS, DUTIES AND RESPONSIBILTIES:", of the Breckenridge Town Code shall be amended to read as follows:

2-5-6: POWERS, DUTIES AND RESPONSIBILITIES:

The authority shall have all of the powers of a local licensing authority as are set forth in the following laws, all as amended from time to time:

- A. The Colorado Beer Code 1 ;
- B. The Colorado Liquor Code 2 ;
- C. The Colorado Special Liquor Events Code 3 ;
- D. The Town's marijuana licensing ordinance 4 ;
- E. The Colorado Medical Marijuana Code 5 ;
- F. The Colorado Retail Marijuana Code 6 ;
- G. The Colorado Regulation of Tobacco Sales;
- H. The administrative regulations promulgated by the Liquor Enforcement Division of the Colorado Department of Revenue under the statutes set forth above;
- I. The administrative regulations promulgated by the authority as authorized by section 2-5-10 of this chapter; and
- J. Other applicable law.

Section 4. That Section 2-5-14, TOWN CLERK DUTIES, of the Breckenridge Town Code shall be amended to read as follows:

C. The town clerk is assigned the duty to approve or deny all applications for special liquor events permits that are submitted to the authority. In exercising the authority hereby delegated, the town clerk shall follow the rules and procedures set forth in the Colorado special liquor events code, and all applicable administrative regulations governing special liquor events promulgated by the liquor enforcement division of the Colorado department of revenue.

Section 5. This ordinance shall be published and become effective as provided by Section 5.9 of the Breckenridge Town Charter.

INTRODUCED, READ ON FIRST READING, APPROVED AND ORDERED
PUBLISHED IN FULL this 10th day of May, 2022.

This ordinance was published in full on the Town of Breckenridge website on May 13, May 14, May 15, May 16 and May 17, 2022.

A public hearing on this ordinance was held on May 24, 2022.

READ, ADOPTED ON SECOND READING AND ORDERED PUBLISHED IN FULL ON THE
TOWN'S WEBSITE this 24th day of May, 2022. A copy of this Ordinance is available for
inspection in the office of the Town Clerk.

ATTEST:

TOWN OF BRECKENRIDGE

Helen Cospolich
Helen Cospolich, CMC, Town Clerk

Eric S. Mamula
Eric S. Mamula, Mayor

APPROVED IN FORM

Kevin Crawford 6.9.22
Town Attorney Date

This Ordinance was published on the Town of Breckenridge website on May 27, May 28, May 29, May 30 and May 31, 2022. This ordinance shall become effective on June 30, 2022.