City of Santa Fe, New Mexico

memo

DATE: September 24, 2015

TO: Mayor Gonzales & City Councilors

VIA: Brian K. Snyder, City Manager

FROM: Yolanda Y. Vigil, City Clerk

ITEM & ISSUE
Request for a Rectifier License.

BACKGROUND AND SUMMARY
Turquoise Trail Fine Spirits, LLC has requested the issuance of a Rectifier License to be located at Turquoise Trail Fine Spirits, LLC, 1630 Upper Canyon Road.

This location is not within 300 feet of a church or school. Attached are staff reports regarding litter, noise and traffic. Staff does not anticipate a substantial change in litter and noise or any unacceptable traffic impacts due to the approval of this request.

Staff is recommending that it be noted that Turquoise Trail Fine Spirits, LLC is required to comply with all of the city's ordinances as a condition of doing business in the city.

ACTION REQUESTED
I request that the Governing Body indicate its decision on the issuance of a Rectifier License to be located at Turquoise Trail Fine Spirits, LLC, 1630 Upper Canyon Road.

Attachments:
Alcohol & Gaming Division Application
Notice of Public Hearing
Staff Reports
§60-3A-3 NMSA 1978

DATE: September 22, 2015

TO: Mayor Gonzales & City Councilors

VIA: _____
Brian K. Snyder, City Manager

FROM: _____
Yolanda Y. Vigil, City Clerk

ITEM & ISSUE
Request for a Rectifier License .

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Attachments: Alcohol & Gaming Division Application
Notice of Public Hearing
Staff Reports
§60-3A-3 NMSA 1978

Susana Martinez
GOVERNOR

Robert "Mike" Unthank
SUPERINTENDENT

Tania Maestas, Esq.
ACTING CHIEF GENERAL COUNSEL

Mary Kay Root
DIRECTOR

Alcohol and Gaming Division
(505) 476-4875

Boards and Commissions Division
(505) 476-4600

Construction Industries Division
(505) 476-4700

Financial Institutions Division
(505) 476-4885

Manufactured Housing Division
(505) 476-4770

Securities Division
(505) 476-4580

Administrative Services Division
(505) 476-4800

New Mexico Regulation and Licensing Department
ALCOHOL AND GAMING DIVISION

Toney Anaya Building • 2550 Cerrillos Road • Santa Fe, New Mexico 87505
(505) 476-4875 • Fax (505) 476-4595 • www.rld.state.nm.us/alcoholandgaming

August 11, 2015

Certified Mail No.: 7012 2920 0002 2239 0272

Received
AUG 2015
Santa Fe, NM
City Clerk

City of Santa Fe
Attn: Yolanda Y. Vigil, City Clerk
P.O. Box 909
Santa Fe, NM 87504-0909

Re: Lic. No. /Appl. No.: Appl. No. 942798
Applicant Name: Turquoise Trail Fine Spirits, LLC
Doing Business As: Turquoise Trail Fine Spirits, LLC
Proposed Location: 1630 Upper Canyon Road
Santa Fe, New Mexico 87501

ATTENTION: Department or person responsible for conducting or preparing the public hearing for liquor license transfers or issuance of new liquor licenses.

Greetings:

The Director of the Alcohol and Gaming Division has reviewed the referenced Application and granted **Preliminary Approval**; it is being forwarded to you in accordance with Section 60-6B-4 NMSA of the Liquor Control Act.

Within forty-five (45) days after receipt of a Notice from the Alcohol and Gaming Division, the governing body **shall** hold a Public Hearing in the question of whether the department should approve the proposed issuance or transfer. Notice of the Public Hearing required by the Liquor Control Act **shall** be given by the governing body by publishing a notice of the date, time, and place of the hearing at least once a week for two consecutive weeks in a newspaper of general circulation within the territorial limits of the governing body, **which requires that two weeks of publication must be satisfied before a hearing can be conducted.** The notice shall include: **(A)** Name and address of the Applicant/Licensee; **(B)** The action proposed to be taken by the Alcohol and Gaming Division; and **(C)** The location of the licensed premises. The governing body is required to send notice by certified mail to the Applicant of the date, time, and place of the Public Hearing. The governing body may designate a Hearing Officer to conduct the hearing. A record **shall** be made of the hearing.

THE APPLICANT IS SEEKING A RECTIFIER LICENSE.

The governing body may disapprove the issuance or transfer of the license if:

1) The proposed location is within an area where the sale of alcoholic beverages is prohibited by the laws of New Mexico. (The governing body may disapprove if the proposed location is within 300 feet of a church or school unless the license has been located at this location prior to 1981 or unless the Applicant/Licensee has obtained a waiver from the Local Option District governing body for the proposed licensed premises).
2) The issuance or transfer would be in violation of a zoning or other ordinance of the governing body. The governing body may disapprove if the proposed location is not properly zoned. Because this office is in receipt of a Zoning Statement from the governing body, this is not a basis for disapproval.
3) The issuance would be detrimental to the public health, safety, or morals of the residents of the Local Option District. Disapproval by the governing body on public health, safety, or morals must be based on and supported by substantial evidence pertaining to the specific prospective transferee or location and a copy of the record must be submitted to the Alcohol and Gaming Division.

Within thirty **(30)** days after the Public Hearing, the governing body **shall** notify the Alcohol and Gaming Division as to whether the local governing body has approved or disapproved the issuance of transfer of the license by signing the enclosed original Page 1 of the Application. The original Page 1 of the Application must be returned together with the notice of publication(s). **If the governing body fails to either approve or disapprove the issuance or transfer of the license within thirty days after the Public Hearing, the Director will give Final Approval to the issuance or transfer of the license.**

If the governing body disapproves the issuance or transfer of the license, it shall notify the Alcohol and Gaming Division within thirty **(30)** days setting forth the reasons for the disapproval. A copy of the Minutes of the Public Hearing shall be submitted to the Alcohol and Gaming Division with the notice of disapproval (Page 1 of the Application page noting disapproval).

Sincerely,

Rose L. Garcia

Rose L. Garcia
Hearing Officer
NM Regulation & Licensing Dept.
Alcohol & Gaming Division
Phone: 505-476-4552
Fax: 505-476-4595
Email: rosel.garcia@state.nm.us

Enclosures: Original Page 1 of Application
Copy of Page 2 of Application

New Mexico Regulation and Licensing Department • Alcohol and Gaming Division
PO Box 25101 • Santa Fe, New Mexico 87505-5101 • (505) 476-4875 • Fax (505) 476-4595 • www.rld.state.nm.us/alcoholandgaming

Rev. 08/13

1/23/15 200 1675391

RECEIVED JAN 23 2015 ALCOHOL & GAMING DIVISION

LIQUOR LICENSE APPLICATION

Application fee - **$200.00** Fees are non-refundable.

State Liquor License # _____

Application Number 942798

Local option (AGD use) _____

Record Owner of Existing License _____

Current D/B/A Name _____

Current Premises Address _____

Approved for Processing 6/29/15

Application is for: Change of Stock _____ Change of Officers/Directors _____ Transfer Ownership of Existing License _____ Transfer Ownership and Location _____ Transfer Location _____ Other _____

Issue New License ✓ Type of License being applied for ~~NON-DISPENSER / CRAFT DISTILLER~~ Manufacturer / Rectifie 6-29-15

Applicant is: Individual _____ Corporation _____ Partnership (General or Limited) _____ Limited Liability Company _____

E OF APPLICANT (company or individual)	**ADDRESS (including city, state, zip)**	**TELEPHONE NUMBER**
TURQUOISE TRAIL FINE SPIRITS LLC	PO 2406, SANTA FE, NM, 87504	505.469.3345

D/B/A name to be used: TURQUOISE TRAIL FINE SPIRITS LLC Phone number for licensed premises: 505.469.3345

Physical location where license is to be used: 1630 UPPER CANYON RD, SANTA FE, NM 87501
(Include street number / highway number / state road, city and county, state, and zip code)

Mailing address: PO 2406, SANTA FE, NM 87504

Are alcoholic beverages currently being dispensed at the proposed location? Yes _____ No X If yes, give license number and type _____

I, (print name) SCOTT S. ANDREWS, as (title) OWNER being first duly sworn upon oath deposes and says: that he/she is the applicant or is authorized by the applicant to make this application; that he/she has read the same; knows the contents therein contained are true. Applicant(s) agree(s) that if any statements or representations herein are found to be false, the director may refuse to issue or renew the license or may cause the license to be revoked at any time.

must sign and date this form in the presence of a notary public.

Signature of Appplicant _____ Date 1/8/15

Notary Public Use Only

SUBSCRIBED AND SWORN TO before me this 8th day of January, 2015 by Ericson Martin

Notary Public _____ My Commission Expires 09/04/2017

OFFICIAL SEAL
Ericson Martin
NOTARY PUBLIC
STATE OF NEW MEXICO
My Commission Expires 09/04/2017

Local Governing Body of: _____ (City or County). Hearing held on _____ 20____

Check one: Approved _____ Disapproved _____ City/County Official _____ (Signature & Title)

For Alcohol and Gaming Division Use Only

Approved _____ Disapproved _____ Director Approval _____ Date _____

5.

New Mexico Regulation and Licensing Department • Alcohol and Gaming Division
PO Box 25101 • Santa Fe, New Mexico 87505-5101 • (505) 476-4875 • Fax (505) 476-4595 • www.rld.state.nm.us/alcoholandgaming

RECEIVED
JAN 23 2015
ALCOHOL & GAMING DIVISION

PREMISES LOCATION, OWNERSHIP, AND DESCRIPTION

SS-60-6B-10

1. The land and building which is proposed to be the licensed premises is (check one):

Owned by Applicant ____ Leased by Applicant (attach copy of deed or lease) ✓ Other (provide details) ____

2. If the land and building are not owned by Applicant, indicate the following:

A. Owner(s) ~~Scott S. Andrews~~ Scott S Andrews and Beatriz E. Posada

B. Date and term of lease N/A 2/1/2015 – 1/31/2018

3. Premises location is zoned (example C-1) R-2

If the premises is zoned, attach zoning statement from local government giving location address and type of zone, stating whether alcoholic beverages are allov proposed location. If there is no zoning, attach confirmation from local government indicating there is no zoning.

4. Distance from nearest church *(Property line of church to licensed premises—shortest distance).

Miles/feet 1.25 MILES Name of church CHRISTO REY Address/location of church CANYON RD, SANTA FE

5. Distance from nearest school *(Property line of school to licensed premises—shortest distance).

Miles/feet 1.5 MILES Name of school ATALAYA ELEMENTARY Address/location of school CAMINO CABRA, SANTA F

6. Distance from military installation *(Property line of military installation to licensed premises-shortest distance.)

Miles 70 Name of Military Installation, circle one: (Kirtland Air Force Base (Albuquerque)), White Sands Missile Range (Las Cruces), Holloman Air Force Base (Alamogordo), Cannon Air Force Base (Clovis).

7. Attach, on a separate sheet, the detailed floor plan for each level (floor) where alcoholic beverages will be sold or consumed. Show exterior walls, doors, anc walls. This will be the licensed premises. The floor plan should be no larger than 8 ½ x 11 inches, and must include the total square footage of premises.

*If the distance is beyond 300 feet, but less than 400 feet, a registered engineer or licensed surveyor must complete a Survey Certificate showing the exact dist

8. Type of Operation:

Lounge ____ Restaurant ____ Package Grocery ____ Racetrack ____ Hotel ____ Other (specify) ~~NON-DISPENSING~~ Manufactuier / ~~CRAFT~~ RECTIFIER

Return this form to the Alcohol and Gaming Division, PO Box 25101, Santa Fe, New Mexico 87505-5101.

City of Santa Fe, New Mexico

200 Lincoln Avenue, P.O. Box 909, Santa Fe, N.M. 87504-0909
www.santafenm.go

Javier M. Gonzales, Mayor

Councilors
Peter N. Ives, Mayor Pro Tem, Dist. 2
Patti J. Bushee, Dist. 1
Signe I. Lindell, Dist. 1
Joseph M. Maestas, Dist. 2
Carmichael A. Dominguez, Dist. 3
Christopher M. Rivera, Dist. 3
Ronald S. Trujillo, Dist. 4
Bill Dimas, Dist. 4

November 18, 2014

Debora Lopez, Deputy Department Director
Alcohol Beverage & Gaming Division
Regulations & Licensing Department
2550 Cerrillos Rd.
Santa Fe, NM 87505

RECEIVED
JAN 23 2015
ALCOHOL & GAMING DIVISION

RE: Zoning Verification 1630 Upper Canyon Road.

Dear Mrs. Lopez,

This is in response to a request for zoning verification on the above referenced property. According to the Official Zoning Map, Pages H-20 updated October 4 2009; this property is zoned R-2 (Residential 2 dwelling units to the acre). Non-residential uses are prohibited except as provided in Table 14-6-1-1 "Table of permitted Uses" and 14-6.3(D)(2) "Home Occupations".

14-4.2(D) R-1, R-2, R-3, R-4, R-5 and R-6 RESIDENTIAL DISTRICTS

The purpose of the R-1, R-2, R-3, R-4, R-5 and R-6 residential districts is to be residential areas with low population densities.

14-6.3(D)(2) HOME OCCUPATIONS

(a) Purposes

The purposes of the this Subsection 14-6.3(D)(2) are to increase the economic vitality of Santa Fe; provide increased worker independence, self-sufficiency and motivation; decrease traffic congestion through the enhancement of community; increase the safety of the neighborhoods by promoting neighborhood activity; integrate the ideas of working and residing in the same environment; protect the stability and character of the neighborhood; and encourage neighborhood participation in the determination of a successful balance between neighborhood residents and home-based businesses. (Ord. No. 2012-11 § 16)

For full listing of uses allowed in a R-2 District, reference Chapter 14 "Land Development", Article 14-6 "Permitted Uses and Use Regulations", Table 14-6-1-1 "Table of permitted Uses"(http://clerkshq.com/default.ashx?clientsite=Santafe-nm).

On September 24, 2014 a Home Occupation permit was approved pursuant to 14-6.3(D)(2) Chapter 14 SFCC. The permit was issued to 1630 Upper Canyon Road. The approval allows the use of "Rectifier Blends Liquor License" to be used in conjunction with the Home Occupation subject to the conditions of the Home Occupation Permit.

Note: The information provided in this letter is solely derived from the Official Zoning Map and the minimum requirements set forth in Chapter 14, SFCC 1987. It is the intent of this letter to advise of the ordinances pertaining to the zone districts. It is not the intent to state that the subject property complies with zoning requirements. Occupancy is determined based on zoning compliance at the time of building permit or certificate of occupancy, whichever applies. Additionally, it is not the intent to interfere with or to abrogate or annul any official document including conditions or safeguards made a part of the subject property at the time of any public hearings. Applicants are advised to pursue an independent search of official documents.

If you have any questions, please call me at 505-955-6587.

Daniel A. Esquibel
Land Use Planner Senior

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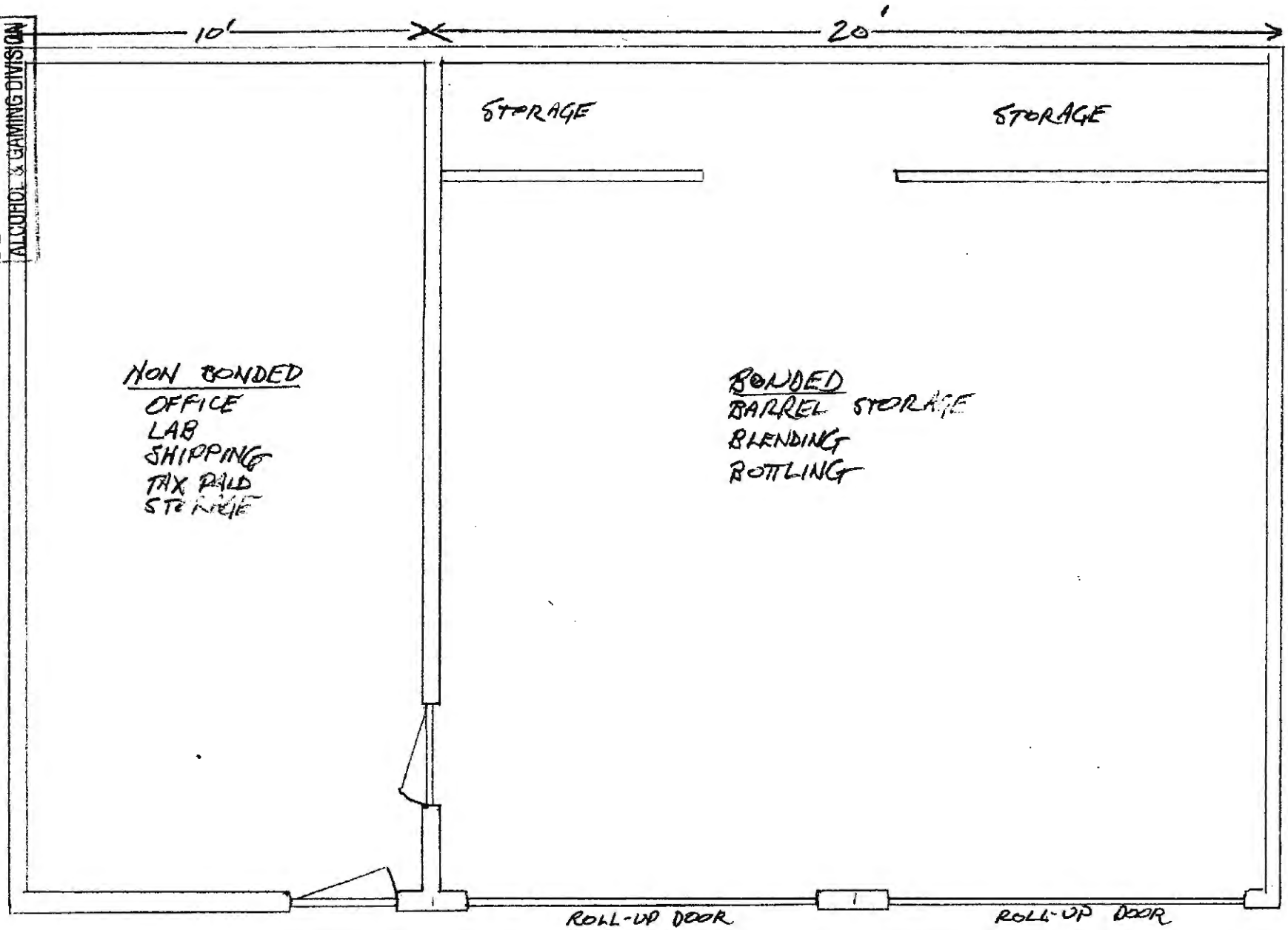
JAN 23 2015
ALCOHOL & GAMING DIVISION

TOTAL SQ FT = 800

RECEIVED
JAN 23 2015
ALCOHOL & GAMING DIVISION



FLOOR PLAN TURQUOISE TRAIL FINE SPIRITS LLC
PREMISE 1
1630 UPPER CANYON, SANTA FE NM

CITY OF SANTA FE

NOTICE OF PUBLIC HEARING

Notice is hereby given that the Governing Body of the City of Santa Fe will hold a public hearing on Wednesday, September 30, 2015 at its regular City Council Meeting, 7:00 p.m. session, at City Hall Council Chambers, 200 Lincoln Avenue.

The purpose of this hearing is to discuss a request from Turquoise Trail Fine Spirits, LLC for a Rectifier License to be located at Turquoise Trail Fine Spirits, LLC, 1630 Upper Canyon Road, Santa Fe.

All interested citizens are invited to attend this public hearing.

Yolanda Y. Vigil
City Clerk

Received by The New Mexican
Date August 18, 2015
To Be Published August 21, 2015
and August 28, 2015
By
The New Mexican (Signature)

City of Santa Fe

PUBLIC WORKS DEPARTMENT
TRAFFIC DIVISION
Post Office Box 909
Santa Fe, NM 87504-0909
Phone: 984-6619 (voice)
984-6627 (fax)

Liquor License Request
Supplemental Information

Instructions:

The following information is needed regarding this request. Please type or print clearly.
Complete this form and leave with the City Clerk while picking up the newspaper publication notice.

Thank you.

1. **Name of owner of business** JCOTT ANDREWS
   Name of business where proposed license is to be used 1630 UPPER CANYON
   Business street address 1630 UPPER CANYON
   Telephone number 505 · 467 · 3345

2. **Indicate the type of liquor license this request entails.**
   ✓ **issuance of new license (indicate type:** NON DISPENSING/MANUFACTURER/RECTIFIER
   ___ **transfer of location of existing license (indicate type:** ___)
   ___ **transfer of ownership of existing license (location to remain the same)**

3. **Is this an existing business?**
   ___ **yes**
   ✓ **no**

4. **Does the location where this license will be used currently sell liquor?**
   ___ **yes**
   ✓ **no**

(cont.)

5. If the answer to question #3 is yes, indicate the current hours of operation of the business.

_____

If the hours of operation will change due to the sales of liquor, indicate the revised hours.

_____

6. If this is a new business, indicate the anticipated hours of operation of the business.
8-5 M-F, NO SALES ON SITE TO CUSTOMER

7. If the answer to question #3 is yes, indicate the anticipated change in business volume due to the sales of liquor.
___ Business is expected to increase (number of customers per day _____)
___ Business is expected to decrease (number of customers per day _____)
___ Business is expected to remain the same

8. If the answer to question #3 is no, indicate the number of customers anticipated per day at the business.
0

9. Estimate the number of customers per day who currently drive (or will drive) to the business versus the number who walk.
0 number of customers who drive
0 number of customers who walk

10. Has liquor ever been sold at this business site?
___ yes
O no

11. If the answer to question #10 is yes, indicate the name of the establishment and the year(s) that liquor sales occurred.
Name _____
Year(s) _____

12. Indicate which of the following statements best reflects your opinion regarding traffic impacts if this request is approved.
___ traffic can be expected to increase on adjacent streets if this request is approved
X traffic will not increase on adjacent streets if this request is approved

Name of person completing this form SCOTT S. ANDREWS
Telephone number 505-467-3345
Date 8/18/15

(For City Use Only)

Based upon the information provided above, staff has the following comments:
✓ It does not appear that the approval of this request will create any unacceptable traffic impacts.
___ It appears that the approval of this request will create unacceptable traffic impacts (see comments below).
___ Other comments _____

By _____
Title TRAFFIC ENGINEER
Date 8/21/15

City of Santa Fe, New Mexico

200 Lincoln Avenue, P.O. Box 909, Santa Fe, N.M. 87504-0909

Javier M. Gonzales, Mayor

Councilors:
Patti J. Bushee, Dist. 1
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Carmichael A. Dominguez, Dist. 3
Christopher M. Rivera, Dist. 3
Ronald S. Trujillo, Dist. 4
Bill Dimas, Dist. 4

DATE: September 14, 2015 for the City Council Meeting of September 30, 2015

TO: Mayor and City Council Members

VIA: _____
Brian Snyder, City Manager
Lisa Martinez, Director, Land Use Department

FROM: Antoinette Padilla, Code Enforcement Specialist

ITEM AND ISSUE

Litter and noise impact assessment, due to a request from Turquoise Trail Fine Spirits, LLC for a Rectifier License to be located at Turquoise Trail Fine Spirits, LLC, 1630 Upper Canyon Road, Santa Fe, New Mexico.

BACKGROUND AND SUMMARY

A substantial change in litter and noise due to this request is not anticipated.

City of Santa Fe, New Mexico

200 Lincoln Avenue, P.O. Box 909, Santa Fe, N.M. 87504-0909
www.santafenm.gov

Javier M. Gonzales, Mayor

Councilors:
Peter N. Ives, Mayor Pro Tem, Dist. 2
Patti J. Bushee, Dist. 1
Signe I. Lindell, Dist. 1
Joseph M. Maestas, Dist. 2
Carmichael A. Dominguez, Dist. 3
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Bill Dimas, Dist. 4

November 18, 2014

Debora Lopez, Deputy Department Director
Alcohol Beverage & Gaming Division
Regulations & Licensing Department
2550 Cerrillos Rd.
Santa Fe, NM 87505

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JAN 23 2015
ALCOHOL & GAMING DIVISION

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If you have any questions, please call me at 505-955-6587.

Daniel A. Esquibel
Land Use Planner Senior

RECEIVED
JAN 23 2015
ALCOHOL & GAMING DIVISION

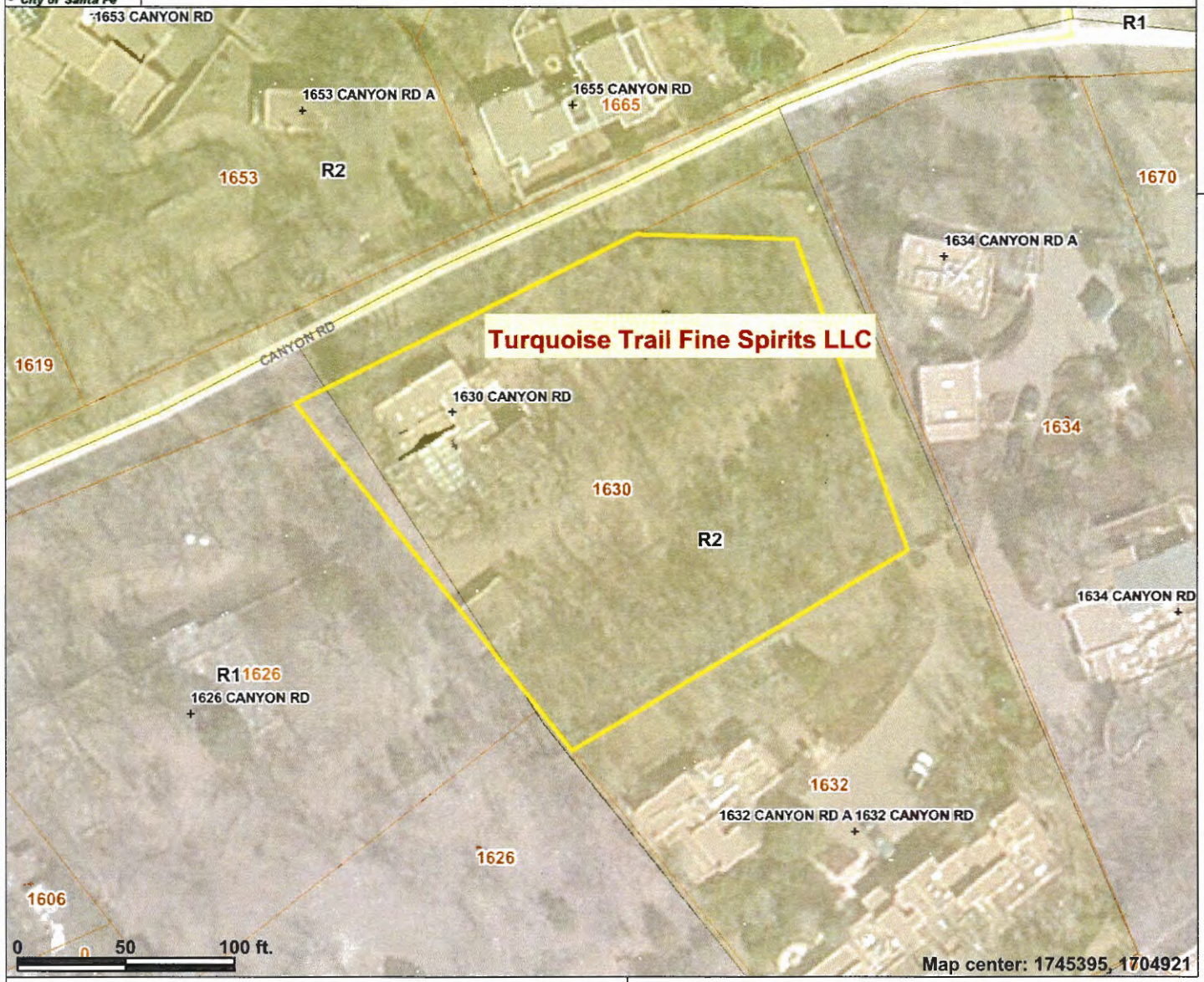
CATEGORY Specific Use	RR	R-1 – R-6	R-7 – R-9	R-7 -I	RC-5, RC-8	R-10 - R-29	MHP	RAC	AC**	C-1	C-2	C-4	HZ	BCD	I-1	I-2	BIP	SC-1	SC-2	SC-3	MU ***	Use-Specific Regs 14-6.2
Arts and crafts schools								P[10]	P	P	P	P		P	P		P	P	P	P	P[2]	
Dance studios								P[10]	P	P	P			P	P		P	P	P	P	P[2]	
Photographers' studios								P[10]	P	P	P			P	P		P	P	P	P	P[2]	
Assembly																						
Private clubs and lodges	S	S	S		S	S		S	S	P*	P*	P*	P*	P*	P*		P*	P*	P*	P*	P*[2]	
Financial Services																						
Banks, credit unions (without drive-through)										P	P			P	P		P	P	P	P	P[2]	
Banks, credit unions (with drive-through)										P*	P*			P	P*		P*	P*	P*	P*	P[2]	
Food and Beverages																						
Bar, cocktail lounge, nightclub, no outdoor entertainment								S[3,10]	S[3]		P*			P	P	P		P*	P*	P*	P[2]	
Bar, cocktail lounge, nightclub, with outdoor entertainment								S[3,10]	S[3]		P*			P*	P*	P*		P*	P*	P*	P*[2]	
Restaurant - full service, with or without incidental alcohol service								S[3,10]	S[3]		P			P	P	P	S	P	P	P	P	

Italicized words defined in Article 14-12

CATEGORY Specific Use	RR	R-1 – R-6	R-7 – R-9	R-7 -I	RC-5, RC-8	R-10 - R-29	MHP	RAC	AC**	C-1	C-2	C-4	HZ	BCD	I -1	I -2	BIP	SC-1	SC-2	SC-3	MU ***	Use-Specific Regs 14-6.2
Restaurant with bar, cocktail lounge or nightclub comprising more than 25% of total serving area.								S[3,10]	S*[3]		P*			P*	P	P		P*	P*	P*	P*[2]	
Restaurant - Fast service/take-out, no drive-through/drive-up								S[3,10]		P[4]	P	P[4]		P	P	P	S	P	P	P	P	
Restaurant - with drive-through/drive-up											P*			P*	P*	P*	S	P*	P*	P*	P*[2]	
Medical																						
Apothecary shops or pharmacies										P	P		P	P	P			P	P	P	P[2]	
Medical and dental offices or clinics								S[10]	S	P	P	P	P	P	P		P	P	P	P	P[2]	
Offices, Business and Professional																						
Business and professional offices excluding medical and dental and financial services								S[10]	S	P	P	P	P	P	P	P	P	P	P	P	P[2]	
Public Accommodation																						
Bed and breakfast houses and inns											P			P	P		P			P		
Conference and extended stay lodging facilities											P			P	P		P					

Italicized words defined in Article 14-12

1630 Upper Canyon Road



Legend

- City Limits
- Full Address Labels
- Parcels
- Airport Clear Zones
- Santa Fe River

Zoning

- RR Rural Residential
- R1, (PUD) Single- Family 1du/ac.
- R2, (DT), (PUD), (AC) Single - Family 2du/ac
- R3, (PUD) Single - Family 3du/ac
- R4 Single - Family 4du/ac
- R5, (DT), (PUD), (AC), R6 Single - Family 5-6du/ac
- R7, (I), (PUD), R8 Single - Family 7-8du/ac
- RC5, RC5AC Compound 5du/ac
- RC8, RC8AC Compound 8du/ac
- R10, (PUD) Multiple - Family 10du/ac
- R12, (PUD) Multiple - Family 12du/ac
- R21, (PUD) Multiple - Family 21du/ac
- R29, (PUD),(AC) Multiple - Family 29du/ac
- RAC Residential Arts & Crafts

Scale: 1:839

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regulation and licensing when the term is used in reference to the licensing provisions of the Liquor Control Act;

F. "department" means the special investigations division of the department of public safety when the term is used in reference to the enforcement and investigatory provisions of the Liquor Control Act and means the director of the alcohol and gaming division of the regulation and licensing department when the term is used in reference to the licensing provisions of the Liquor Control Act;

G. "director" means the director of the special investigations division of the department of public safety when the term is used in reference to the enforcement and investigatory provisions of the Liquor Control Act and means the director of the alcohol and gaming division of the regulation and licensing department when the term is used in reference to the licensing provisions of the Liquor Control Act;

H. "dispenser" means a person licensed under the provisions of the Liquor Control Act selling, offering for sale or having in the person's possession with the intent to sell alcoholic beverages both by the drink for consumption on the licensed premises and in unbroken packages for consumption and not for resale off the licensed premises;

I. "distiller" means a person engaged in manufacturing spirituous liquors;

J. "golf course" means a tract of land and facilities used for playing golf and other recreational activities that includes tees, fairways, greens, hazards, putting greens, driving ranges, recreational facilities, patios, pro shops, cart paths and public and private roads that are located within the tract of land;

K. "governing body" means the board of county commissioners of a county or the city council or city commissioners of a municipality;

L. "hotel" means an establishment or complex having a resident of New Mexico as a proprietor or manager and where, in consideration of payment, meals and lodging are regularly furnished to the general public. The establishment or complex must maintain for the use of its guests a minimum of twenty-five sleeping rooms;

M. "licensed premises" means the contiguous areas or areas connected by indoor passageways of a structure and the outside dining, recreation and lounge areas of the structure and the grounds and vineyards of a structure that is a winery that are under the direct control of the licensee and from which the licensee is authorized to sell, serve or allow the consumption of alcoholic beverages under the provisions of its license; provided that in the case of a restaurant, "licensed premises" includes a restaurant that has operated continuously in two separate structures since July 1, 1987 and that is located in a local option district that has voted to disapprove the transfer of liquor licenses into that local option district, hotel, golf course or racetrack and all public and private rooms, facilities and areas in which alcoholic beverages are sold or served in the customary operating procedures of the restaurant, hotel, golf course or racetrack. "Licensed premises" also includes rural dispenser licenses located in the unincorporated areas of a county with a population of less than thirty thousand, located in buildings in existence as of January 1, 2012, that are within one hundred fifty feet of one another and that are under the direct control of the license holder;

N. "local option district" means a county that has voted to approve the sale, serving or public consumption of alcoholic beverages, or an incorporated municipality that falls within a county that has voted to approve the sale, serving or public consumption of alcoholic beverages, or an incorporated municipality of over five thousand population that has independently voted to approve the sale, serving or public consumption of alcoholic beverages under the terms of the Liquor Control Act or any former act;

O. "manufacturer" means a distiller, rectifier, brewer or winer;

P. "minor" means a person under twenty-one years of age;

Q. "package" means an immediate container of alcoholic beverages that is filled or packed by a manufacturer or wine bottler for sale by the manufacturer or wine bottler to wholesalers;

R. "person" means an individual, corporation, firm, partnership, copartnership, association or other legal entity;

S. "rectifier" means a person who blends, mixes or distills alcohol with other liquids or substances for the purpose of making an alcoholic beverage for the purpose of sale other than to the consumer by the drink, and includes all bottlers of spirituous liquors;

T. "restaurant" means an establishment having a New Mexico resident as a proprietor or manager that is held out to the public as a place where meals are prepared and served primarily for on-premises consumption to the general public in consideration of payment and that has a dining room, a kitchen and the employees necessary for preparing, cooking and serving meals; provided that

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