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CITY OF SANTA FE, NEW MEXICO

BILL NO. 2017-2

INTRODUCED BY:

Councilor Carmichael A. Dominguez
Councilor Christopher M. Rivera

AN ORDINANCE

UPDATING AND REFORMING THE PERMITTED LOCATIONS AND REGULATIONS FOR THE SALE AND CONSUMPTION OF ALCOHOL ON CITY PROPERTY; AND REVISING THE PROVISIONS FOR SALE AND CONSUMPTION OF ALCOHOL ON CITY PROPERTY.

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

Section 1. Subsection 23-6.2 SFCC 1987 (being Ord. #2012-20 (as amended)) is amended to read:

23-6.2 Permitted Locations for the Sale and Consumption of Alcohol on City Property.

The sale or consumption of alcoholic beverages is permitted at the following locations on city property and are exempt from the requirements of subsection 23-6.3:

- A. The Santa Fe community convention center and adjacent outdoor spaces under the center's control;
- B. That area of the Santa Fe municipal airport main terminal building and adjacent

1 areas operated as a restaurant; ~~and~~

2 C. The Marty Sanchez links de Santa Fe (golf course)~~];~~

3 ~~[D. The area of the Fort Marcy ballpark designated for concessions and seating shall~~
4 ~~be used for the sale and consumption of [only] beer and wine only and only at professional~~
5 ~~baseball games.~~

6 (1) ~~A special dispenser permit shall be used to dispense alcohol. The alcohol~~
7 ~~dispenser shall comply with all state and local laws and regulations for dispensing~~
8 ~~alcohol pursuant to the special dispenser permit.~~

9 (a) ~~Persons desiring to consume beer or wine shall be required to~~
10 ~~wear a wristband that restricts consumption to a maximum of three (3) twelve~~
11 ~~(12) ounce beers or three (3) four (4) ounce glasses of wine during the course of a~~
12 ~~professional baseball game, or any combination of beer and wine not to exceed a~~
13 ~~total of three (3) beverages per person.~~

14 (i) ~~The wristband shall be nontransferable and shall be~~
15 ~~issued to verify age and to indicate the number of alcoholic beverages~~
16 ~~purchased.~~

17 (ii) ~~The purchase of alcoholic beverages shall be limited to~~
18 ~~one (1) purchase per person at one (1) time.~~

19 (iii) ~~Twelve (12) ounce beverage containers shall be used for~~
20 ~~beer.~~

21 (iv) ~~Four (4) ounce beverage containers shall be used for~~
22 ~~wine.~~

23 ~~([iv]v) Alcoholic beverage containers shall be distinguishable~~
24 ~~from nonalcoholic beverage containers.~~

25 (b) ~~The sale of beer shall terminate at the end of sixth inning of the~~

1 professional baseball game.

2 (e) ~~— In addition to alcoholic beverages, food and non alcoholic~~
3 ~~beverage drinks shall be sold. Water shall be provided at no cost.~~

4 (d) ~~— A manager of the alcohol vendor shall be present at all times in~~
5 ~~the concession area. A photograph of the manager and his or her name shall be~~
6 ~~posted at the point of sale of alcoholic beverages. At all times, the manager shall~~
7 ~~wear a nametag that identifies him or her as the manager.~~

8 (e) ~~— Alcohol servers shall not drink alcohol during baseball games.~~

9 (f) ~~— The vendor shall place signs in the concession area and outside~~
10 ~~the concession area that indicate the illegality of selling, serving and providing~~
11 ~~alcohol to minors and intoxicated persons.~~

12 (2) ~~— Any professional baseball league games subject to this section, shall not~~
13 ~~take precedence over the scheduling of local youth baseball leagues using Fort Macey~~
14 ~~Ballpark.~~

15 E. ~~— An area of Fort Macey ballpark, designated as a beer, wine and margarita garden,~~
16 ~~and permitted in accordance with all city and state requirements, may be used for the sale and~~
17 ~~consumption of beer and wine during the fiesta council mariachi extravaganza concert, if a valid~~
18 ~~permit is acquired from the city of Santa Fe. The event sponsor shall comply with the~~
19 ~~requirements of subsection 23-6.3 SFCC 1987, except that alcohol content may exceed the~~
20 ~~allowable limit to permit the sale of margaritas. Margaritas must contain no more than one and~~
21 ~~one-half (1.5) ounces of alcohol per drink, and shall be served in six (6) ounce beverage cups.~~
22 ~~Any alcoholic beverage served shall not be greater in size or alcohol content than the generally~~
23 ~~accepted standard drink. Purchases of margaritas are limited to two (2) per person, and shall be~~
24 ~~regulated by all conditions provided in subsection 23-6.3 SFCC 1987. Consumers shall either~~
25 ~~consume only margaritas, or wine and beer, but shall not consume a combination of margaritas~~

1 ~~and wine or beer. Alcohol providers shall follow best practices at all times. This section shall be~~
2 ~~reviewed by the governing body within one (1) year from the date of adoption.~~

3 F. ~~— The top level of the sandoval parking garage in the area designated as a beer and~~
4 ~~wine garden, and permitted in accordance with all city and state requirements, may be used for~~
5 ~~the sale and consumption of beer and wine during the sunset party on June 30, 2016. The beer~~
6 ~~and wine garden shall be regulated by the conditions provided in subsection 23-6.3 SFCC 1987.~~

7 G. ~~— An area of Fort Marcy ballpark, designated as a beer garden and permitted in~~
8 ~~accordance with all city and state requirements, may be used for the sale and consumption of beer~~
9 ~~and wine, during the bike and brew festival if a valid permit is acquired from the city of Santa Fe.~~
10 ~~For this event, maximum alcohol content for beer shall not exceed eight percent (7%). This~~
11 ~~section shall be reviewed by the governing body within one (1) year from the date of adoption.]~~

12 [H]D. Buildings owned by another party located on land owned by the city[-];

13 [F]E. On land or buildings owned by the city for which the city has entered into a lease
14 with another party for six (6) months or more except for the Railyard park, Plaza and Alameda (as
15 defined in the Deed of Conservation Easement dated October 1, 2004) where alcohol is
16 prohibited, unless specifically permitted under subsection 23-6.2 SFCC 1987[-];

17 [F]F. In or on railroad cars located on railroad tracks except as prohibited by state or
18 federal law[-];

19 G. The area of the Fort Marcy ballpark designated for concessions and seating shall
20 be used for the sale and consumption of only beer and wine only and only at professional baseball
21 games; and

22 H. The governing body may approve by resolution the sale and consumption of
23 alcohol at all other locations on city property, except within the plaza as defined by subsection
24 23-5.1(R). The resolution shall be noticed 60 days in advance of the event. The resolution shall be
25 limited to permission for a single event. Repeated events shall require repeated resolutions.

1 All other applicable approvals required by state or city laws and regulations shall be
2 obtained prior to the sale or consumption of alcoholic beverages on the property described in this
3 subsection 23-6.2.

4 **Section 2. Subsection 23-6.3 SFCC 1987 (being Ord. #2012-20 (as amended)) is**
5 **amended to read:**

6 **23-6.3 Regulations for the Sale and Consumption of Alcohol [at City Parks]**
7 **on City Property; Administration.**

8 A. The regulations contained in this subsection do apply to the locations in
9 subsection 23-6.2(D) and (E), but do not apply to (A) through (C).

10 [A]B. When the governing body has authorized the sale and consumption of alcohol for
11 an event or events [at a city park] on city property, whether pursuant to 26-6.2 SFCC 1987 or
12 through adoption of a resolution pursuant to [an amendment in] subsection 23-6.2(H) SFCC
13 1987, the event sponsor shall comply with the following regulations:

14 (1) Each event must have a [D]designated drinking area.

15 (a) Except for Fort Marcy ballpark pursuant to 23-6.2(G), [F]the
16 designated drinking area, with one main entrance/exit and a mandatory buffer, to
17 prevent the circulation of alcohol outside of the designated drinking area, shall be
18 illustrated on a diagram that shall be submitted to the city manager or his
19 designee, at least thirty (30) days before the event(s). The diagram shall include
20 the dimensions of the drinking area, the location of the main entrance/exit, the
21 height and width of the mandatory buffer, which shall be [five feet (5') high and]
22 five feet (5') wide, with further requirements to be determined in consultation
23 with the city manager, and the locations for the placement of the advertising
24 described in paragraph (4), below.

25 (b) The seating capacity in the designated drinking area shall be

1 comprised of no more than twenty-five percent (25%) of the seating capacity of
2 the event. The seating capacity of the designated drinking area shall be posted in
3 the designated drinking area.

4 (2) Alcohol regulations.

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

7 (b) Alcohol service shall cease at least one (1) hour before the end of
8 the permitted event, or at the end of the sixth inning.

9 ~~(2)3~~ Alcohol provider. Alcohol providers shall comply with all applicable
10 state and local laws and shall:

11 (a) Obtain a special dispenser permit for beer and wine only that
12 shall be approved by the state of New Mexico and the city of Santa Fe.

13 (b) At the main entrance of the designated drinking area and at the
14 point of sale of alcohol, verify the age of each person so that underage persons
15 are prohibited from entering the designated drinking area or purchasing alcohol.

16 ~~[(c) Prohibit persons from leaving the designated drinking area with~~
17 ~~alcoholic beverages;]~~

18 ~~[(d)c~~ Ensure that alcohol servers are at least twenty-one (21) years old
19 and are licensed by the state.

20 ~~[(e)d~~ Ensure that a manager, who has been identified prior to the
21 event(s) by the event sponsor, is present at all times in the designated drinking
22 area. A photograph of the manager and his or her name shall be posted at the
23 point of sale of alcoholic beverages. At all times, the manager shall wear a
24 nametag that identifies him or her as the manager.

25 ~~[(f)e~~ Prohibit alcohol servers from drinking alcohol during the event.

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

4 (3) Alcohol limits. The only allowable alcoholic beverages at permitted
5 event(s) are beer, ~~[and]~~ wine and cider.

6 (a) During the permitted event, only three (3) alcoholic beverages
7 per person are allowed as follows:~~[-One (1) alcoholic beverage is "twelve (12)~~
8 ~~fluid ounces of regular beer (5% alcohol)" or "four (4) fluid ounces of wine (12%~~
9 ~~alcohol)."]~~

<u>ABV (Alcohol by Volume)</u>	<u>Maximum Serving Size</u>	<u># Standard Drinks in highest ABV</u>
<u>6.00% or less ABV</u>	<u>12 ounces</u>	<u>6.00% = 1 Standard Drink*</u>
<u>6.01% - 7.00% ABV</u>	<u>10 ounces</u>	<u>7.00% = 1 Standard Drink*</u>
<u>7.01% - 8.00% ABV</u>	<u>8 ounces</u>	<u>8.00% = 1 Standard Drink*</u>
<u>8.01% - 10.00% ABV</u>	<u>6 ounces</u>	<u>10.00% = 1 Standard Drink</u>
<u>10.01% - 12.00% ABV</u>	<u>5 ounces</u>	<u>12.00% = 1 Standard Drink</u>
<u>12.01% - 15.00% ABV</u>	<u>4 ounces</u>	<u>15.00% = 1 Standard Drink</u>

14 *Ounces by alcohol volume are rounded down

15 ([#]b) For ~~[beer and wine]~~ tasting events, the total number of tastes
16 shall not exceed the ~~[two (2)]~~ total per-person alcoholic beverage ounce limit
17 described in paragraph (a), above.

18 ([#]c) Alcoholic beverage cups shall be distinguishable from
19 nonalcoholic beverage cups.

20 ([b]d) Nontransferable wristbands shall be issued to verify age and to
21 indicate the number of alcoholic beverages purchased.

22 ([e]e) The purchase of alcoholic beverages shall be limited to one (1)
23 purchase per person at one (1) time.

24 ~~[(d) Alcohol service shall cease at least one (1) hour before the end of~~
25 ~~the permitted event or for a baseball game at the end of the sixth inning.]~~

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([e]f) In addition to alcoholic beverages, food and non-alcoholic beverage drinks shall be sold. Water shall be provided at no cost.

(4) Security. Security officers shall be hired and paid for by the event sponsor(s) and a safety plan shall be provided to the Police Chief.

(a) For events not exceeding two hundred (200) people, a[A] minimum of [~~two (2)] one (1)~~ security officers shall be stationed at the main entrance/exit of the designated drinking area and shall be present at all times the designated drinking area is in operation.

(b) For events not exceeding two hundred (200) people, a[A] minimum of [~~two (2)] one (1)~~ security officers shall monitor the parking lots and other areas of the city park to ensure the alcohol is not being consumed outside the designated drinking area.

(c) For events of greater than two hundred (200), but not exceeding one thousand people (1000), a minimum of four (4) security officers shall be in attendance, with at least two (2) stationed at the main entrance/exit of the designated drinking area and shall be present at all times the designated drinking area is in operation.

(d) For events of more than one thousand (1000) people, a minimum of five (5) security guards, with at least two (2) stationed at the main entrance/exit of the designated drinking area and shall be present at all times the designated drinking area is in operation. In addition, the event organizer shall work with the Santa Fe police department. The police department will be responsible for enforcement of this Subsection 23-6.3 for events of more than 1000 people.

([e]e) Security guards shall possess a current license issued by the New

1 Mexico Private Investigations Board as a level two security guard pursuant to the
2 Private Investigations Act, Chapter 61, Article 27B NMSA 1978, as may be
3 amended thereafter from time to time.

4 (5) Advertising.

5 (a) Advertising of alcohol or tobacco at any city park is prohibited.

6 (b) The event sponsor shall place banners in conspicuous locations
7 in the designated drinking area and throughout the park that:

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

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


11 (c) The city manager or his designee shall approve the number of,
12 size and locations of the above-described banners.

13 B. *Administration.* The city manager or his designee shall ensure that[:

14 (1) ~~A]~~ authorized event sponsors are in compliance with the requirements of
15 this section.

16 [(2) ~~Any agreement in effect on the effective date of this section (adopted~~
17 ~~May 30, 2012), shall be amended to comply with the requirements of this section.]~~

18
19 APPROVED AS TO FORM:

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21
22 KELLEY A. BRENNAN, CITY ATTORNEY