

1 CITY OF SANTA FE, NEW MEXICO

2 ORDINANCE NO. 2020-14

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4  
5 AN ORDINANCE

6 AMENDING SECTION 23-6.2 SFCC 1987 TO ALLOW LICENSED ESTABLISHMENTS  
7 THAT HAVE OBTAINED AN OBSTRUCTION PERMIT FROM THE CITY AND A  
8 TEMPORARY CHANGE/EXPANSION OF LIQUOR LICENSE PREMISES FROM THE  
9 NEW MEXICO ALCOHOLIC BEVERAGE CONTROL DIVISION TO SERVE  
10 ALCOHOL ON CITY SIDEWALKS, STREETS, RIGHTS-OF-WAY, OR OTHER  
11 PROPERTY THAT HAS BEEN SPECIFICALLY AUTHORIZED FOR TEMPORARY  
12 USE DUE TO THE COVID-19 PUBLIC HEALTH EMERGENCY ; AND ESTABLISHING  
13 AN EFFECTIVE DATE AS THE DATE OF BILL ADOPTION.

14  
15 BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF SANTA FE:

16 Section 1. Section 23-6.2 of SFCC 1987 (being Ord. No. 2012-20, as amended) is  
17 amended to read:

18 23-6.2 Permitted locations for the sale and consumption of alcohol on city property.

19 A. The sale or consumption of alcoholic beverages is permitted at the following  
20 locations on city property:

21 (1) The Santa Fe community convention center and adjacent outdoor  
22 spaces under the center's control;

23 (2) That area of the Santa Fe regional airport main terminal building and  
24 adjacent areas operated as a restaurant;

25 (3) The Marty Sanchez links de Santa Fe (golf course);

1 (4) Buildings owned by another party located on land owned by the city;  
2 (5) On land or buildings owned by the city, located within the Santa Fe  
3 Railyard, as described in the Railyard Master Plan, for which the city has entered into  
4 a lease with another party for six (6) months or more except for the Railyard park, Plaza  
5 and Alameda (as defined in the Deed of Conservation Easement dated October 1, 2004)  
6 where alcohol is prohibited, unless specifically permitted under subsection 23-  
7 6.2 SFCC 1987;

8 (6) On land or buildings owned by the city for which the city has entered  
9 into a lease with another party for six (6) months or more;

10 (7) In or on railroad cars located on railroad tracks except as prohibited by  
11 state or federal law; and

12 (8) During professional baseball games, the area of Fort Marcy ballpark  
13 designated for concessions and seating.

14 B. The only alcohol sales and consumption permitted at Fort Marcy ballpark are  
15 beer and wine.

16 C. The governing body may approve by resolution the sale and consumption of  
17 alcohol at all other locations on city property, except within the Plaza as defined by  
18 subsection 23-5.1(S). The resolution specifying the event, date, hours, location, number of  
19 expected attendees, type of alcohol to be served, required permits, and insurance shall be  
20 adopted at least thirty (30) days in advance of the event. The resolution shall be limited to  
21 authorization for a single event, unless otherwise stated in the resolution.

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

25 E. As a response to the May 27, 2020, public health order issued by the New Mexico

1 department of health allowing limited outdoor dining service for qualified restaurants and to  
2 enhance physical distancing restrictions due to the COVID-19 pandemic, sale and consumption of  
3 alcohol on any city sidewalk, street, right-of-way, or other specified property that has been  
4 designated and approved for temporary use by a current liquor licensee may serve alcohol pursuant  
5 to the following limitations:

6 1. A licensed establishment shall obtain and maintain a general liability policy in  
7 the amount of one million dollars (\$1,000,000.00) and a liquor liability policy in the  
8 amount of two million dollars (\$2,000,000.00) and must name the city, officers, employees,  
9 and agents as additional insureds.

10 2. The licensed establishment must apply for and receive an obstruction  
11 permit from the city that includes the requirement to indemnify the city.

12 3. The licensed establishment must also obtain a temporary change/expansion of  
13 liquor license premises issued by the alcoholic beverage control division of the New  
14 Mexico regulation and licensing department. Proof of the approved temporary  
15 change/expansion of liquor license premises must be produced upon request of police, fire,  
16 or other authorized city official.

17 4. The sale and consumption of alcoholic beverages on any city property allowed  
18 under this subsection shall be subject to the regulations concerning alcoholic beverages  
19 contained in SFCC Section 4-2, 1987.

20 5. Unless extended by ordinance or resolution, any license or permit issued  
21 pursuant to this subsection shall expire on October 31, 2020.

22 **Section 2. Effective Date.** This ordinance shall take effect immediately upon  
23 adoption by the governing body.

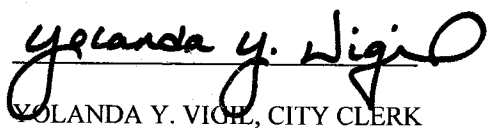
24 PASSED, APPROVED, and ADOPTED this 24<sup>th</sup> day of June, 2020  
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ALAN WEBBER, MAYOR

ATTEST:



YOLANDA Y. VIOR, CITY CLERK

APPROVED AS TO FORM:



ERIN K. MCSHERRY CITY ATTORNEY

Bill No. 2020-14  
Legislation/2020/Bills/2020-14 Temporary Sale of Alcohol on City Property

**CITY OF SANTA FE, NEW MEXICO**  
**PROPOSED AMENDMENT(S) TO BILL NO. 2020-14**  
**Temporary Sale of Alcohol on City Property (Substitute)**

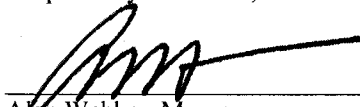
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Members of the City Council:

I propose the following amendment(s) to Bill No. 2020-14:

1. On page 3, line 14 after the closed bracket, *strike* the remainder of the paragraph and *insert* in lieu thereof a colon and the following new paragraphs:
  - "1. A licensed establishment shall obtain and maintain a general liability policy in the amount of one million dollars (\$1,000,000.00) and a liquor liability policy in the amount of two million dollars (\$2,000,000.00) and must name the city, officers, employees, and agents as additional insureds.
  2. The licensed establishment must apply for and receive an obstruction permit from the city that includes the requirement to indemnify the city.
  3. The licensed establishment must also obtain a temporary change/expansion of liquor license premises issued by the alcoholic beverage control division of the New Mexico regulation and licensing department. Proof of the approved temporary change/expansion of liquor license premises must be produced upon request of police, fire, or other authorized city official.
  4. The sale and consumption of alcoholic beverages on any city property allowed under this subsection shall be subject to the regulations concerning alcoholic beverages contained in SFCC Section 4-2, 1987.
  5. Unless extended by ordinance or resolution, any license or permit issued pursuant to this subsection shall expire on October 31, 2020."

Respectfully submitted,

  
Alan Webber, Mayor

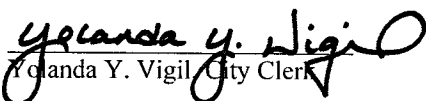
Approved as to Form:


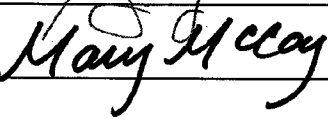
  
Erin K. McSherry, City Attorney

ADOPTED: \_\_\_\_\_ X \_\_\_\_\_

NOT ADOPTED: \_\_\_\_\_

DATE: \_\_\_\_\_ 6/24/20 \_\_\_\_\_

  
Yolanda Y. Vigil, City Clerk

**FISCAL IMPACT REPORT****General Information:**(Check) Bill:   X   Resolution:                     Short Title(s): Temporary Sale of Alcohol on City PropertySponsor(s): Mayor WebberReviewing Department(s): City Attorney's Office, City Clerk's Office, Economic Development DepartmentStaff Completing FIR: Randy Randall/John Romero Date: 6/11/20 Phone: 955-6209/955-6638Reviewed by City Attorney:  Date: Jun 12, 2020Reviewed by Finance Director:  Date: Jun 15, 2020**Summary:**

Eligible establishments are being offered the opportunity to expand seating to outdoor areas on City sidewalks, rights-of-way, and in some cases streets that can be closed to help offset the impact of current COVID-19 restrictions on seating capacity. To make this work, the City must support temporary changes to the floor plan of the licensed premises to allow for alcohol service to be extended to the additional outdoor space. The maximum amount of space allowed by the New Mexico Alcoholic Beverage Control Division for a temporary floor plan modification is 25% of the current licensed floor plan.

**Departments Affected:**

City Clerk's Office, Economic Development Department, Public Works Department, and TOURISM Santa Fe

**Consequences of Not Enacting Legislation:**

Eligible establishments will not be able to expand their outdoor service area onto City property to accommodate social distancing and other COVID safe practices required by the State and the City.

**Conflict, Duplication, Companionship, or Relationship to Other Legislation:**

This legislation relates to the New Mexico Alcoholic Beverage Control Division's temporary authorization for liquor licensees to expand their outdoor service area to a maximum of 25% of their current licensed floor plan.

**Performance and Administrative Implications:**

Obstruction permits will be issued by Public Works Department to allow for the use of City property. Approval from the City for the expanded alcohol service will be issued by the City Clerk.

**Fiscal Implications:**

The obstruction permits issued by the City are available to eligible liquor licensees for \$100. It is unclear at this time how many will apply for the temporary permits, but the City has received expressions of interest from 35 establishments wishing to obtain a permit. An estimated 20 establishments will ultimately apply for and be granted the temporary permits. There will not be a fee assessed for the application of temporary change/expansion of liquor license premises due to COVID-19.

**Fiscal Impact**

           Check here if no fiscal impact

**Expenditures**

Expenditure Type	FYE __	FYE __	FYE __	Require BAR (Y/N)	Recurring (R) or Non-recurring (NR)	Fund	3-Year Total Cost
Personnel and Benefits*	\$ _____	\$ _____	\$ _____	_____	_____	_____	
Capital Outlay	\$ _____	\$ _____	\$ _____	_____	_____	_____	
Contractual/ Professional Services	\$ _____	\$ _____	\$ _____		_____	_____	
Operating	\$ _____	\$ _____	\$ _____		_____	_____	\$ _____
Total:	\$ _____	\$ _____	\$ _____				\$ _____

\* This includes all staff time associated with executing the job functions of the proposed legislation .

**Expenditure Narrative:**

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**Revenue**

Revenue Type	FYE 21	FYE 22	FYE 23	Recurring (R) or Non-recurring (NR)	Fund
General Fund	\$ 2000	\$ _____	\$ _____	NR	100
Special Revenue	\$ _____	\$ _____	\$ _____	_____	_____
CIP	\$ _____	\$ _____	\$ _____	_____	_____
Enterprise	\$ _____	\$ _____	\$ _____	_____	_____
Internal Service	\$ _____	\$ _____	\$ _____	_____	_____
Trust and Agency	\$ _____	\$ _____	\$ _____	_____	_____
Federal	\$ _____	\$ _____	\$ _____	_____	_____
Other	\$ _____	\$ _____	\$ _____	_____	_____
Total	\$ 2000	\$ _____	\$ _____		

**Revenue Narrative:**

**An estimated 20 temporary permits will be issued at a cost of \$100 per permits equaling a total estimated revenue of \$2000.**

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