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CITY OF SANTA FE, NEW MEXICO

BILL NO. 2019-25

INTRODUCED BY:

Mayor Alan M. Webber

Councilor Signe I. Lindell

AN ORDINANCE

AMENDING SECTION 23-6.2 SFCC 1987 EXEMPTING RAILYARD CARS FROM THE REQUIREMENTS OF SECTION 23-6.3 SFCC 1987; CHANGING THE REQUIREMENT FOR WHEN A RESOLUTION APPROVING THE SALE AND CONSUMPTION OF ALCOHOL ON CITY PROPERTY MUST BE ADOPTED FROM SIXTY DAYS BEFORE THE EVENT TO THIRTY DAYS BEFORE THE EVENT; AND AMENDING SECTION 23-6.3 SFCC 1987 TO REMOVE THE REQUIREMENT TO POST A PICTURE OF THE MANAGER IN THE DESIGNATED DRINKING AREA, REMOVE RESTRICTIONS ON ALCOHOL BY VOLUME SERVING SIZES, AND CHANGE THE SECURITY GUARD REQUIREMENT FROM LEVEL TWO TO LEVEL ONE.

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

Section 1. Section 23-6.2 of 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.

A. The sale or consumption of alcoholic beverages is permitted at the following

1 locations on city property [~~and must comply with the requirements of subsection 23-6.3,~~
2 ~~except that the locations described in (1), (2), (3) and (5) below are exempt from the~~
3 ~~requirements of subsection 23-6.3~~]:

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

6 (2) That area of the Santa Fe municipal airport main terminal building
7 and adjacent areas operated as a restaurant;

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

9 (4) Buildings owned by another party located on land owned by the city;

10 (5) On land or buildings owned by the city, located within the Santa Fe
11 Railyard, as described in the Railyard Master Plan, for which the city has entered into
12 a lease with another party for six (6) months or more except for the Railyard park,
13 Plaza and Alameda (as defined in the Deed of Conservation Easement dated October
14 1, 2004) where alcohol is prohibited, unless specifically permitted under
15 subsection 23-6.2 SFCC 1987;

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

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

20 (8) During professional baseball games, the area of Fort Marcy ballpark
21 designated for concessions and seating [~~shall be used for the sale and consumption of~~
22 ~~beer and wine only and only at professional baseball games~~].

23 B. The governing body may approve by resolution the sale and consumption of
24 alcohol at all other locations on city property, except within the plaza as defined by
25 subsection 23-5.1(R). The resolution specifying the event, date, hours, location, number of

1 expected attendees, type of alcohol to be served, and required permits shall be adopted [~~sixty~~
2 (~~60~~)] at least thirty (30) days in advance of the event. The resolution shall be limited to
3 authorization for a single event[~~-. A separate resolution shall be required for repeated events~~],
4 unless otherwise stated in the resolution.

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

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

10 **23-6.3 Regulations for the Sale and Consumption of Alcohol on City**
11 **Property; Administration.**

12 A. The regulations contained in this subsection are applicable to the locations
13 described in subsection 23-6.2(A)(4), 23-6.2(A)(6), ~~and~~ 23-6.2(A)(8), and locations authorized
14 by the governing body through adoption of a resolution pursuant to subsection 23-6.2(B). [~~The~~
15 ~~regulations are not applicable to the locations described in 23-6.2(A)(1) through 23-6.2(A)(3) 23-~~
16 ~~6.2(A)(5).~~

17 B. ~~When the governing body has authorized the sale and consumption of alcohol for~~
18 ~~an event or events on city property, whether pursuant to 23-6.2 SFCC 1987 or through~~
19 ~~adoption of a resolution pursuant to subsection 23-6.2(B) SFCC 1987, t]~~The event
20 sponsor shall comply with the following regulations:

21 (1) [~~The event sponsor shall e]~~Establish a designated drinking area.

22 (a) Except for Fort Marcy ballpark pursuant to 23-6.2(A)(~~7~~8), the
23 designated drinking area, with entrances/exits and a mandatory buffer, to prevent
24 the circulation of alcohol outside of the designated drinking area, shall be
25 illustrated on a diagram that shall be submitted to the city manager or their

1 designee, at least thirty (30) days before the event. The diagram shall include the
2 dimensions of the drinking area, the location of the entrances/exits, the height
3 and width of the mandatory buffer, which shall be four feet (4') high and five feet
4 (5') wide, with further requirements to be determined in consultation with the city
5 manager, and the locations for the placement of the advertising described in
6 paragraph (6), below.

7 (b) The seating capacity in the designated drinking area shall be
8 comprised of no more than twenty-five percent (25%) of the seating capacity of
9 the event. The seating capacity of the designated drinking area shall be posted in
10 the designated drinking area.

11 (2) Alcohol regulations.

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

14 (b) Alcohol service shall cease at least one (1) hour before the end of
15 the permitted event^[5] or at the end of the sixth inning for professional baseball
16 games.

17 (3) Alcohol provider. Alcohol providers shall comply with all rules
18 regarding alcohol service established by the director of the alcohol gaming division of the
19 New Mexico regulation and licensing department, shall be educated on the subjects
20 specified in Section 60-6E-5(B) NMSA 1978, and shall:

21 (a) Obtain [~~a special dispenser~~] the required permit(s), [~~for beer,~~
22 ~~wine, and cider only, that~~] which shall be approved by the state of New Mexico
23 and the city of Santa Fe.

24 (b) At the main entrance of the designated drinking area and at the
25 point of sale of alcohol, verify the age of each person so that underage persons

1 are prohibited from entering the designated drinking area or purchasing alcohol.

2 (c) Ensure that alcohol servers are at least twenty-one (21) years old
3 and are licensed by the State.

4 (d) Ensure that a manager, who has been identified prior to the
5 events by the event sponsor, is present at all times in the designated drinking
6 area. ~~[A photograph of the manager and his or her name shall be posted at the
7 point of sale of alcoholic beverages. At all times, the manager shall]~~ and wears a
8 nametag that identifies ~~[him or her]~~ themselves as the manager.

9 (e) Prohibit alcohol servers from drinking alcohol during the event.

10 (f) Place signs in the designated drinking area and outside the
11 designated drinking area that indicate the illegality of selling, serving, and
12 providing alcohol to minors and intoxicated persons.

13 (4) Alcohol limits.

14 (a) The only allowable alcoholic beverages at permitted event(s) are
15 beer, wine, and cider.

16 ([a]b) During the permitted event, only three (3) alcoholic beverages
17 per person are allowed. ~~[as follows:~~

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21 **[REMAINDER OF PAGE LEFT BLANK INTENTIONALLY]**
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ABV (Alcohol by Volume)	Maximum Serving Size	# Standard Drinks in highest ABV
6.00% or less ABV	12 ounces	6.00% = 1 Standard Drink*
6.01% – 7.00% ABV	10 ounces	7.00% = 1 Standard Drink*
7.01% – 8.00% ABV	8 ounces	8.00% = 1 Standard Drink*
8.01% – 10.00% ABV	6 ounces	10.00% = 1 Standard Drink
10.01% – 12.00% ABV	5 ounces	12.00% = 1 Standard Drink
12.01% – 15.00% ABV	4 ounces	15.00% = 1 Standard Drink

~~*—Ounces by alcohol volume are rounded down~~

~~** No alcoholic beverages in excess of fifteen percent (15%) ABV are permitted]~~

([b]c) Alcoholic beverage cups shall be distinguishable from nonalcoholic beverage cups.

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

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

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

(5) Security.

(a) Security officers shall be hired and paid for by the event sponsor(s) and a safety plan shall be provided to the city of Santa Fe police chief. For all events, at least one (1) security officer for every one hundred (100) attendees shall be present at all times the designated drinking area is in operation, unless additional security

1 officers are required by the city manager and/or the state of New Mexico alcohol and
2 gaming division. In addition to the security officers required for events in excess of one
3 thousand (1,000) attendees, the Santa Fe police department shall be responsible for the
4 enforcement of this subsection, 23-6.3, with associated costs to be paid for by the event
5 organizers.

6 (a) Security guards shall possess a current license issued by the New
7 Mexico Private Investigations Board as a level ~~two~~ one security guard pursuant
8 to the Private Investigations Act, ~~[Chapter 61, Article 27B]~~ Sections 61-27B1
9 through 61-27B-36 NMSA 1978, as may be amended thereafter from time to
10 time.

11 (6) Advertising.

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

13 (b) The event sponsor shall place ~~[banners]~~ information in
14 conspicuous locations in the designated drinking area and throughout the park
15 that:

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

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

19 ~~[(c) The city manager or his designee shall approve the number of,~~
20 ~~size and locations of the above described banners.]~~

21 (7) Tasting events.

22 (a) Events designated by the governing body as wine tasting events,
23 pursuant to the requirements of Section 23-6.2(B), shall abide by the
24 requirements of subsections 23-6.3(B)(2), (3) and (5), above, as well as the
25 following regulations:

1 ([a]i) The area of the event used for the service and
2 consumption of alcohol during a wine tasting event shall be illustrated on
3 a diagram that shall be submitted to the city manager or their designee, at
4 least thirty (30) days before the event(s). The diagram shall include the
5 dimensions of the area, the location of entrances/exits, the width of the
6 mandatory buffer, which shall be four feet (4') high, with further
7 requirements to be determined in consultation with the city manager, and
8 the locations for the placement of the advertising described in paragraph
9 (4), above.

10 ([b]ii) Admission shall be a presold/ticketed event at which no
11 alcohol will be offered for sale.

12 ([c]iii) Service of alcoholic beverages shall cease at the stated
13 conclusion of the event, at which point all remaining alcohol shall be
14 removed from view of the public. No open or unopened containers of
15 alcohol may be removed from the event by the general public, and shall
16 remain under the supervision of a licensed individual at all times.

17 [C]B. *Administration.* The city manager or their designee shall ensure that authorized
18 event sponsors are in compliance with the requirements of this section.

19 **Section 3: Effective Date.**

20 This ordinance shall become effective immediately upon adoption.

21 APPROVED AS TO FORM:

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24 ERIN K. McSHERRY, CITY ATTORNEY

25 *Legislation/2019/Bills/2019-25 Alcohol Approval Changes on City Property*