

SUBSTITUTE BILL

CITY OF SANTA FE, NEW MEXICO

BILL NO. 2020-14

INTRODUCED BY:

Mayor Alan Webber

AN ORDINANCE

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

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

Section 1. Section 23-6.2 of SFCC 1987 (being Ord. No. 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

SUBSTITUTE BILL

1 locations on city property:

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

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

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

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

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

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

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

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

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

22 C. 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
24 subsection 23-5.1([R]S). The resolution specifying the event, date, hours, location, number of
25 expected attendees, type of alcohol to be served, required permits, and insurance shall be

SUBSTITUTE BILL

1 adopted at least thirty (30) days in advance of the event. The resolution shall be limited to
2 authorization for a single event, unless otherwise stated in the resolution.

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

6 E. As a response to the May 27, 2020, public health order ~~[of]~~ issued by the New
7 Mexico department of health allowing limited outdoor dining service for qualified restaurants and
8 to enhance physical distancing restrictions due to the COVID-19 pandemic, sale and consumption
9 of alcohol on any city sidewalk, street, right-of-way, or other specified property that has been
10 designated and approved for temporary use by a ~~[permitted business]~~ current liquor licensee may
11 serve alcohol pursuant to the following limitations. ~~[Before alcohol may be sold or consumed on~~
12 ~~the designated and approved city property, a permitted business shall have a valid temporarily~~
13 ~~modified liquor license issued by the alcoholic beverage control division (“ABC”) of the New~~
14 ~~Mexico public regulation department]~~ *A licensed establishment shall apply for and receive an*
15 *obstruction permit from the city and a temporary change/expansion of liquor license premises*
16 *issued by the alcoholic beverage control division of the New Mexico regulation and licensing*
17 *department before alcohol may be sold or consumed on the designated and approved city property*
18 *Proof of the approved temporary change/expansion of liquor license premises [issued by ABC]*
19 *must be produced upon request of ~~[a city code enforcement officer,]~~ police, ~~[or]~~ fire, or other*
20 *authorized city official. The sale and consumption of alcoholic beverages on any city property*
21 *allowed under this subsection shall be subject to the regulations concerning alcoholic beverages*
22 *contained in SFCC Section 4-2, 1987. Unless extended by ordinance or resolution, any license or*
23 *permit issued pursuant to this subsection shall expire on October 31, 2020.*

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

SUBSTITUTE BILL

1 APPROVED AS TO FORM:

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4 ERIN K. McSHERRY, CITY ATTORNEY

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25 *Legislation/2020/Bills/2020-14 Temporary Sale of Alcohol on City Property (Substitute)*