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CITY OF SANTA FE, NEW MEXICO

BILL NO. 2022-__

INTRODUCED BY:

Mayor Alan Webber

Councilwoman Renee Villarreal

Councilor Signe I. Lindell

AN ORDINANCE

AMENDING SECTION 23-6.3 TO ALIGN THE DESIGNATED DRINKING AREA BUFFER REQUIREMENTS WITH STATE REQUIREMENTS, TO REQUIRE THE USE OF RECYCLABLE OR COMPOSTABLE ALCOHOLIC BEVERAGE CONTAINERS FOR EVENTS ON CITY PROPERTY, AND TO PERMIT TASTING OF MIXED BEVERAGES CONTAINING LIQUOR ON CITY PROPERTY.

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

Section 1. Section 23-6.3 of SFCC 1987 (being Ord. No. 2012-20, as amended) is amended to read:

23-6.3 Regulations for the sale and consumption of alcohol on city property; administration.

A. The regulations contained in this subsection are applicable to the location described in subsection 23-6.2(A)(8) and locations authorized by the governing body through adoption of a resolution pursuant to subsection 23-6.2(C).

B. The event sponsor shall comply with the following regulations:

(1) Establish a designated drinking area.

1 (a) Except for Fort Marcy ballpark pursuant to subsection 23-
2 6.2(A)(8), the drinking area shall have a buffer to prevent circulation of alcohol
3 outside the area. The buffer [~~may be either a double barrier of~~] must be at least
4 four feet (4') high[~~and five feet (5') wide or a single barrier of at least six feet~~
5 ~~(6') high that does not allow for the transfer of alcoholic beverages~~].

6 (b) The sponsor shall submit a diagram of the designated drinking
7 area, illustrating its dimensions, the entrances/exits, and the mandatory buffer to
8 the city manager or the manager's designee, at least thirty (30) days before the
9 event. Further requirements may be determined in consultation with the city
10 manager, including the locations for the placement of the advertising described
11 in paragraph (6), below.

12 (c) Except for Fort Marcy ballpark pursuant to subsection 23-
13 6.2(A)(8), the seating capacity in the designated drinking area shall be comprised
14 of no more than twenty-five percent (25%) of the seating capacity of the event.
15 The seating capacity of the designated drinking area shall be posted in the
16 designated drinking area.

17 (2) Alcohol regulations.

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

20 (b) Alcohol service shall cease at least thirty (30) minutes before the
21 end of the permitted event or at the end of the sixth inning for professional
22 baseball games.

23 (3) Alcohol provider. Alcohol providers shall comply with all rules
24 regarding alcohol service established by the director of the alcoholic beverage control
25 division of the New Mexico regulation and licensing department, shall be educated on

1 the subjects specified in Section 60-6E-5(B) NMSA 1978, and abide by the following,
2 additional requirements:

3 (a) Obtain the required permit(s), which shall be approved by the
4 state of New Mexico and the city of Santa Fe.

5 (b) At the main entrance of the designated drinking area, verify the
6 age of each person and affix a nontransferable wristband to indicate the number
7 of alcoholic beverages purchased.

8 (c) At the point of sale, confirm the age of each person purchasing
9 alcoholic beverages.

10 (d) Ensure that alcohol servers are at least twenty-one (21) years old
11 and are licensed by the state.

12 (e) Ensure that a manager, who has been identified prior to the
13 events by the event sponsor, is present at all times in the designated drinking
14 area. A photograph of the manager and his or her name shall be posted at the
15 point of sale of alcoholic beverages. At all times, the manager shall wear a
16 nametag that identifies him or her as the manager.

17 (f) Prohibit alcohol servers from drinking alcohol during the event.

18 (g) Place signs in the designated drinking area and outside the
19 designated drinking area that indicate the illegality of selling, serving, and
20 providing alcohol to minors and intoxicated persons.

21 (4) Alcohol limits.

22 (a) The only allowable alcoholic beverages at those events
23 authorized pursuant to subsection 23-6.2(C) are beer, wine, ~~and~~ cider, and
24 mixed beverages. Liquor is only permitted when included in a mixed beverage
25 and mixed beverages may only be served during tasting events, which are

1 governed in subsection 23-6.3(B)(7).

2 (b) During the authorized event, a person may purchase three (3)
3 alcoholic beverages total, no more than two (2) drinks at a time.

4 (c) The sale and service of alcoholic beverages shall abide by the
5 following table:

6 Alcohol Type	7 Alcohol by Volume 8 ("ABV")	9 Maximum Serving Size
10 Beer/Cider	11 <8%	12 12 oz.
13 Beer/Cider	14 8% - 10%	15 6 oz.
16 Wine	17 ≤ 15%	18 5 oz.
19 <u>Mixed Beverage</u>	20 <u>≤ 10%</u>	21 <u>2 oz.</u>

22 No beer or cider in excess of ten percent (10%) ABV is permitted.

23 No wine in excess of fifteen percent (15%) ABV is permitted.

24 No mixed beverage in excess of ten percent (10%) ABV is permitted.

25 (d) Alcoholic beverage [~~cups~~containers] shall be distinguishable
from nonalcoholic beverage [~~cups~~containers] and shall be made of a recyclable
or compostable material.

(e) In addition to alcoholic beverages, food and non-alcoholic
beverage drinks shall be 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)

1 attendees in the designated drinking area shall be present at all times the
2 designated drinking area is in operation, unless additional security officers are
3 required by the city manager and/or the state of New Mexico alcoholic beverage
4 control division. In addition to the security officers required for events in excess
5 of one thousand (1,000) attendees in the designated drinking area, the Santa Fe
6 police department shall be responsible for the enforcement of this subsection,
7 with associated costs to be paid for by the event organizers.

8 (b) Security guards shall possess a current license issued by the New
9 Mexico Private Investigations Board as a level one security guard pursuant to the
10 Private Investigations Act, Sections 61-27B-1 through 61-27B-36 NMSA 1978,
11 as may be amended thereafter from time to time. Security guards shall also
12 possess a valid alcohol server permit issued by the New Mexico alcoholic
13 beverage control division.

14 (6) Advertising.

15 (a) Advertising of alcohol or tobacco at any city park is prohibited.
16 Those businesses selling and/or serving alcohol may advertise their product only
17 at the point of sale, within the designated drinking area.

18 (b) The event sponsor shall place information in conspicuous
19 locations in the designated drinking area and throughout the park that:

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

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

23 (7) Tasting events. ~~Wine-t~~Tasting events, authorized pursuant to the
24 requirements of Section 23-6.2(C), shall abide by the requirements of subsections 23-
25 6.3(B)(1)(a) and (b), (2), (3), (5), and (6) above, the ABV requirements contained in

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subsection 23-6.3(B)(4)(c), as well as the following regulations:

(a) Admission shall be a presold/ticketed event at which no alcohol will be offered for sale.

(b) Alcoholic beverage containers used for tasting events shall be made of recyclable or compostable material.

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

~~(B)~~C. Administration. The city manager or the manager's designee shall ensure that authorized event sponsors are in compliance with the requirements of this section.

PASSED, APPROVED, and ADOPTED this _____ day of _____, 2022.

APPROVED AS TO FORM:



ERIN K. McSHERRY, CITY ATTORNEY