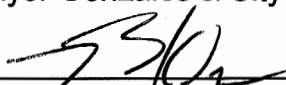


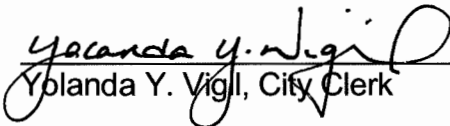
City of Santa Fe, New Mexico

memo

DATE: October 9, 2015

TO: Mayor Gonzales & City Councilors

VIA: 
Brian K. Snyder, City Manager

FROM: 
Yolanda Y. Vigil, City Clerk

ITEM & ISSUE

Request for a Winegrower Off-Site Liquor License.

BACKGROUND AND SUMMARY

New Mexico Hard Cider, LLC has requested the issuance of a Winegrower Off-Site Liquor License with Patio Service to be located at the New Mexico Hard Cider Taproom, 505 Cerrillos Road, Suite A-105.

New Mexico Hard Cider Taproom application includes a patio. As a condition of approval, the applicant is required to enclose the patio.

This location is not within 300 feet of a church or school. Attached are staff reports regarding litter, noise and traffic. Staff does not anticipate a substantial change in litter and noise or any unacceptable traffic impacts due to the approval of this request.

Staff is recommending that it be noted that New Mexico Hard Cider Taproom is required to comply with all of the city's ordinances as a condition of doing business in the city.

ACTION REQUESTED

I request that the Governing Body indicate its decision on the issuance of a Winegrower Off-Site Liquor License with Patio Service to be located at New Mexico Hard Cider Taproom, 505 Cerrillos Road, Suite A-105.

Attachments: Alcohol & Gaming Division Application
Notice of Public Hearing
Staff Reports
§60-6A-11 NMSA 1978



**New Mexico Regulation and Licensing Department
ALCOHOL AND GAMING DIVISION**

Toney Anaya Building • PO Box 25101 • Santa Fe, New Mexico 87504
(505) 476-4875 • Fax (505) 476-4595 • www.rfd.state.nm.us/alcoholandgaming

August 28, 2015

Certified Mail No.: 7013 2250 0001 5426 7007

City of Santa Fe
Attn: Yolanda Vigil, Clerk
PO Box 909
Santa Fe, NM 87504-0909



Susana Martinez
GOVERNOR

Robert "Mike" Unthank
SUPERINTENDENT

Tania Maestas, Esq.
ACTING CHIEF GENERAL
COUNSEL

Mary Kay Root
DIRECTOR

Re: Lic. No. /Appl. No.: Appl. No. 964479
Name of Applicant: New Mexico Hard Cider, LLC
Doing Business As: New Mexico Hard Cider Taproom
Proposed Location: 505 Cerrillos Road, Suite A-105
Santa Fe, NM 87501

ATTENTION: Department or person responsible for conducting or preparing the public hearing for liquor license transfers or issuance of new liquor licenses.

Greetings:

The Director of the Alcohol and Gaming Division has reviewed the referenced Application and granted **Preliminary Approval**; it is being forwarded to you in accordance with Section 60-6B-4 NMSA of the Liquor Control Act.

While the law states that "within forty-five (45) days after receipt of a Notice from the Alcohol and Gaming Division, the governing body shall hold a Public Hearing in the question of whether the department should approve the proposed issuance or transfer", we recognize the inherent conflict between the new 30 day notice and the existing 45 day hearing requirement. Extensions will be granted when necessary to allow for compliance with the 30 day notice. Notice of the Public Hearing required by the Liquor Control Act shall be given by the governing body by publishing a notice of the date, time, and place of the hearing twice during the 30 days prior to the hearing in a newspaper of general circulation within the territorial limits of the governing body. The first notice must be published at least thirty (30) days before the hearing. Both weeks of publication must be satisfied before a hearing can be conducted. The notice shall include: (A) Name and address of the Applicant/Licensee; (B) The action proposed to be taken by the Alcohol and Gaming Division; and (C) The location of the licensed premises. The governing body is required to send notice by certified mail to the Applicant of the date, time, and place of the Public Hearing. The governing body may designate a Hearing Officer to conduct the hearing. A record shall be made of the hearing.

THE APPLICANT IS SEEKING A WINEGROWER OFF-SITE LIQUOR LICENSE WITH PATIO SERVICE.

The governing body may disapprove the issuance or transfer of the license if:

Alcohol and Gaming Division
(505) 476-4875

Boards and Commissions Division
(505) 476-4600

Construction Industries Division
(505) 476-4700

Financial Institutions Division
(505) 476-4885

Manufactured Housing Division
(505) 476-4770

Securities Division
(505) 476-4500

Administrative Services Division
(505) 476-4800

- 1) The proposed location is within an area where the sale of alcoholic beverages is prohibited by the laws of New Mexico. (The governing body may disapprove if the proposed location is within 300 feet of a church or school unless the license has been located at this location prior to 1981 or unless the Applicant/Licensee has obtained a waiver from the Local Option District governing body for the proposed licensed premises).
- 2) The issuance or transfer would be in violation of a zoning or other ordinance of the governing body. The governing body may disapprove if the proposed location is not properly zoned. Because this office is in receipt of a Zoning Statement from the governing body, this is not a basis for disapproval.
- 3) The issuance would be detrimental to the public health, safety, or morals of the residents of the Local Option District. Disapproval by the governing body on public health, safety, or morals must be based on and supported by substantial evidence presented during the public hearing or submitted in writing in advance of the hearing pertaining to the specific prospective transferee or location and a copy of the record must be submitted to the Alcohol and Gaming Division.

Within thirty (30) days after the Public Hearing, the governing body shall notify the Alcohol and Gaming Division as to whether the local governing body has approved or disapproved the issuance of transfer of the license by signing the enclosed original Page 1 of the Application. The original Page 1 of the Application must be returned together with the notice of publication(s). If the governing body fails to either approve or disapprove the issuance or transfer of the license within thirty days after the Public Hearing, the Director may give Final Approval to the issuance or transfer of the license. If the governing body approves the issuance or transfer of the license, the Director shall approve the issuance or transfer of the license.

If the governing body disapproves the issuance or transfer of the license, its notice shall set forth the reasons for the disapproval. A copy of the Minutes of the Public Hearing shall be submitted to the Alcohol and Gaming Division with the notice of disapproval (Page 1 of the Application page noting disapproval). Upon review, the Director will either uphold or overturn the disapproval.

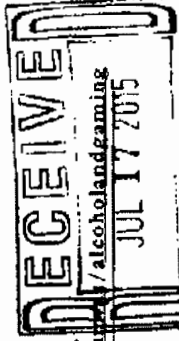
Sincerely,



Brenda Mares
Hearing Officer
NM Regulation & Licensing Dept.
Alcohol & Gaming Division
Phone: 505-476-4548
Fax: 505-476-4595
Email: brenda.mares2@state.nm.us

Enclosures:

1. Original Page 1 of the Application (must be signed and returned).
2. Copy of Page 2 of the Application, copy of posting certificate, floor plan, zoning letter



LIQUOR LICENSE APPLICATION

Application fee - \$200.00 Fees are non-refundable.

State Liquor License # 66030 Muston
Application Number 9164479
Local option (AGD use) _____

Record Owner of Existing License _____
Current D/B/A Name New Mexico HARD Cider LLC
Current Premises Address 3134 Rufina Unit D, Santa Fe, NM 87507

Application is for: Change of Stock _____ Change of Officers/Directors _____ Transfer Ownership of Existing License _____ Transfer Ownership and Location _____ Transfer Location _____ Other _____
Issue New License Type of License being applied for Wine grower off-site App
Partnership (General or Limited) _____ Limited Liability Company

NAME OF APPLICANT (company or individual) New Mexico HARD Cider LLC
3134 Rufina Unit D, Santa Fe, NM 87507
ADDRESS (including city, state, zip) 1884 Candela St, Santa Fe, NM 87505 TELEPHONE NUMBER 505-231-0632
D/B/A name to be used: New Mexico HARD Cider LLC phone number for licensed premises: 505-231-0632

Physical location where license is to be used: 505 Cerrillos Rd Suite A 105, Santa Fe Santa Fe County, 87501
(include street number / highway number / state road, city and country, state, and zip code)
Mailing address: 1884 Candela St Santa Fe, NM 87505

Are alcoholic beverages currently being dispensed at the proposed location? Yes _____ No If yes, give license number and type _____
I, (print name) Craig Moner, as (title) CEO being first duly sworn upon oath

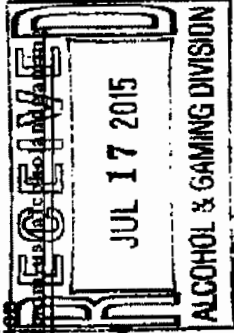
deposes and says: that he/she is the applicant or is authorized by the applicant to make this application; that he/she has read the same; knows the contents therein contained are true. Applicant(s) agree(s) that if any statements or representations herein are found to be false, the director may refuse to issue or renew the license or may cause the license to be revoked at any time.

Yes: I sign and date this form in the presence of a notary public.
Signature of Applicant [Signature] Date 7/17/15

SUBSCRIBED AND SWORN TO before me this 17 day of July 20 15
Notary Public [Signature] My Commission Expires _____
OFFICIAL SEAL OF A Notary Public NOTARY PUBLIC, State of New Mexico NOV 25, 2017

Local Governing Body of: _____ (City or County). Hearing held on _____
Check one: Approved _____ Disapproved _____ City/County Official _____

Approved _____ Disapproved _____ Director Approval _____ Date _____
For Alcohol and Gaming Division Use Only



PREMISES LOCATION, OWNERSHIP, AND DESCRIPTION
 SS-60-6B-10

1. The land and building which is proposed to be the licensed premises is (check one):

Owned by Applicant _____ Leased by Applicant (attach copy of deed or lease) Other (provide details) _____

2. If the land and building are not owned by Applicant, indicate the following:

- A. Owner(s) McMojo
- B. Date and term of lease Commencement Sept 1, 2015 - 1-3 years

3. Premises location is zoned (example C-1) IL8
 If the premises is zoned, attach zoning statement from local government giving location address and type of zone, stating whether alcoholic beverages are allowed at proposed location. If there is no zoning, attach confirmation from local government indicating there is no zoning.

4. Distance from nearest church *(Property line of church to licensed premises—shortest distance).

Miles/feet ~~1982 ft~~ 1982 ft Name of church First Christian Address/location of church 645 Weber St Santa Fe, NM 87501

5. Distance from nearest school *(Property line of school to licensed premises—shortest distance).

Miles/feet 1433 ft Name of school Wood Gorman Address/location of school 141 E. Bohart St Santa Fe, NM 87501

6. Distance from military installation *(Property line of military installation to licensed premises—shortest distance.)

Mi 6.5 mi Name of Military Installation, circle one: Kirtland Air Force Base (Albuquerque), White Sands Missile Range (Las Cruces), Holloman Air Force Base (Alamogordo), Cannon Air Force Base (Clovis)

7. Attach, on a separate sheet, the detailed floor plan for each level (floor) where alcoholic beverages will be sold or consumed. Show exterior walls, doors, and interior walls. This will be the licensed premises. The floor plan should be no larger than 8 1/2 x 11 inches, and must include the total square footage of premises.

*If the distance is beyond 300 feet, but less than 400 feet, a registered engineer or licensed surveyor must complete a Survey Certificate showing the exact distance.

8. Type of Operation:

Lounge _____ Restaurant _____ Package Grocery _____ Racetrack _____ Hotel _____ Other (specify) _____

ALCOHOL & GAMING DIVISION
2550 CERRILLOS ROAD
SANTA FE, NEW MEXICO 87505
POSTING CERTIFICATE

DISPENSER (FULL SERVICE)
 RESTAURANT (BEER/WINE ONLY)
 CANOPY (DISPENSER-C)
 OTHER:

RETAILER (PACKAGE ONLY)
 DISPENSER (ON PREMISE ONLY)
 INTER-LOCAL DISPENSER
 LOTTERY

LICENSE NUMBER /APPLICATION NUMBER:

APPL. NO. 964479

TRANSFER OF OWNERSHIP & LOCATION
 TRANSFER OF OWNERSHIP ONLY

TRANSFER OF LOCATION ONLY
 NEW LICENSE

TRANSFERRED FROM: _____

CURRENT LOCATION: _____

TRANSFERRED TO:/APPLICANT: _____

PROPOSED LOCATION: 505 CERRILLOS ROAD, SUITE A, SANTA FE, NM

PROPOSED BUSINESS NAME NEW MEXICO HARD CIDER, LLC

I CERTIFY THAT I HAVE POSTED THE REQUIRED NOTICE OF LIQUOR LICENSE PURSUANT TO SECTION 60-6B-2, NMSA, AND FURTHER CERTIFY AS FOLLOWS:

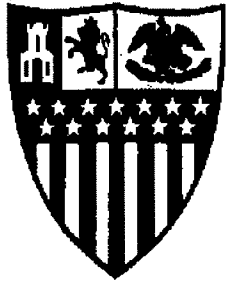
1. LOCATION POSTED IS WITHIN CORPORATE LIMITS OF: State of
2. LOCATION POSTED IS IN UNINCORPORATED LIMITS OF: _____
3. DISTANCE FROM NEAREST CHURCH IS: 1982 ft
NAME OF CHURCH IS: First Christian
4. DISTANCE FROM NEAREST SCHOOL IS: 1433 ft
NAME OF SCHOOL IS: Gormley Elementary
5. DISTANCE FROM NEAREST MILITARY INSTALLATION: 0.5 mile
NAME OF INSTALLATION IS: 12.11.10
6. IF RURAL, DISTANCE FROM NEAREST EXISTING LIQUOR LICENSE IS:
BY PASSABLE ROAD: _____ BY STRAIGHT AIRLINE: _____
7. NOTICE POSTED ON:
 BUILDING
 BUILDING UNDER CONSTRUCTION
 BUILDING BEING REMODELED
 BILLBOARD
 NO BUILDING

DATE POSTED: 7/31/15

EXPIRATION DATE: 8/20/15

[Signature]
APPLICANT'S SIGNATURE
Heather Jassal
PRINTED

[Signature]
S.I.D. SPECIAL AGENT SIGNATURE
WASSER
PRINTED



City of Santa Fe, New Mexico

200 Lincoln Avenue, P.O. Box 909, Santa Fe, N.M. 87504-0909

www.santafenm.gov

Javier M. Gonzales, Mayor

Councillors:

Peter N. Ives, Mayor Pro Tem, Dist. 2

Patti J. Bushee, Dist. 1

Signe I. Lindell, Dist. 1

Joseph M. Maestas, Dist. 2

Carmichael A. Dominguez, Dist. 3

Christopher M. Rivera, Dist. 3

Ronald S. Trujillo, Dist. 4

Bill Dimas, Dist. 4

New Mexico Hard Cider, LLC
Craig Moya
1884 Candela Street
Santa Fe, NM 87505

July 17, 2015

RE: Zoning Verification for 505 Cerrillos Road Unit A105

Dear Mr. Moya,

According to the Official Zoning Map, page I-18, the above-referenced property is within the BCD Zoning District (Business-Capitol District) and is within the Cerrillos Road Townscape Subdistrict.

“(e) Uses (Ord. No. 2002-37 § 19)

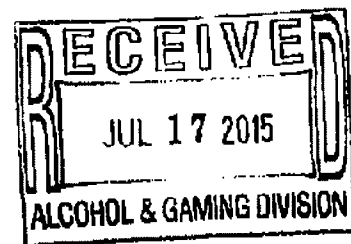
(i) All permitted uses allowed in other districts of this chapter are permitted within the Business-Capitol District subject to the provisions of this section. In areas encompassed by the boundaries of the Historic Districts, all provisions of those districts shall apply and control, and where inconsistent with the Business-Capitol District provisions, the provisions of the Historic Districts shall control.”

- A Wine Grower License and Wine Wholesaler License are allowed within the BCD CER sub-district.

If you have any further questions, please call me at 505-955-6647.

Sincerely,

Noah Berke, CFM
Senior Planner
City of Santa Fe Land Use Department

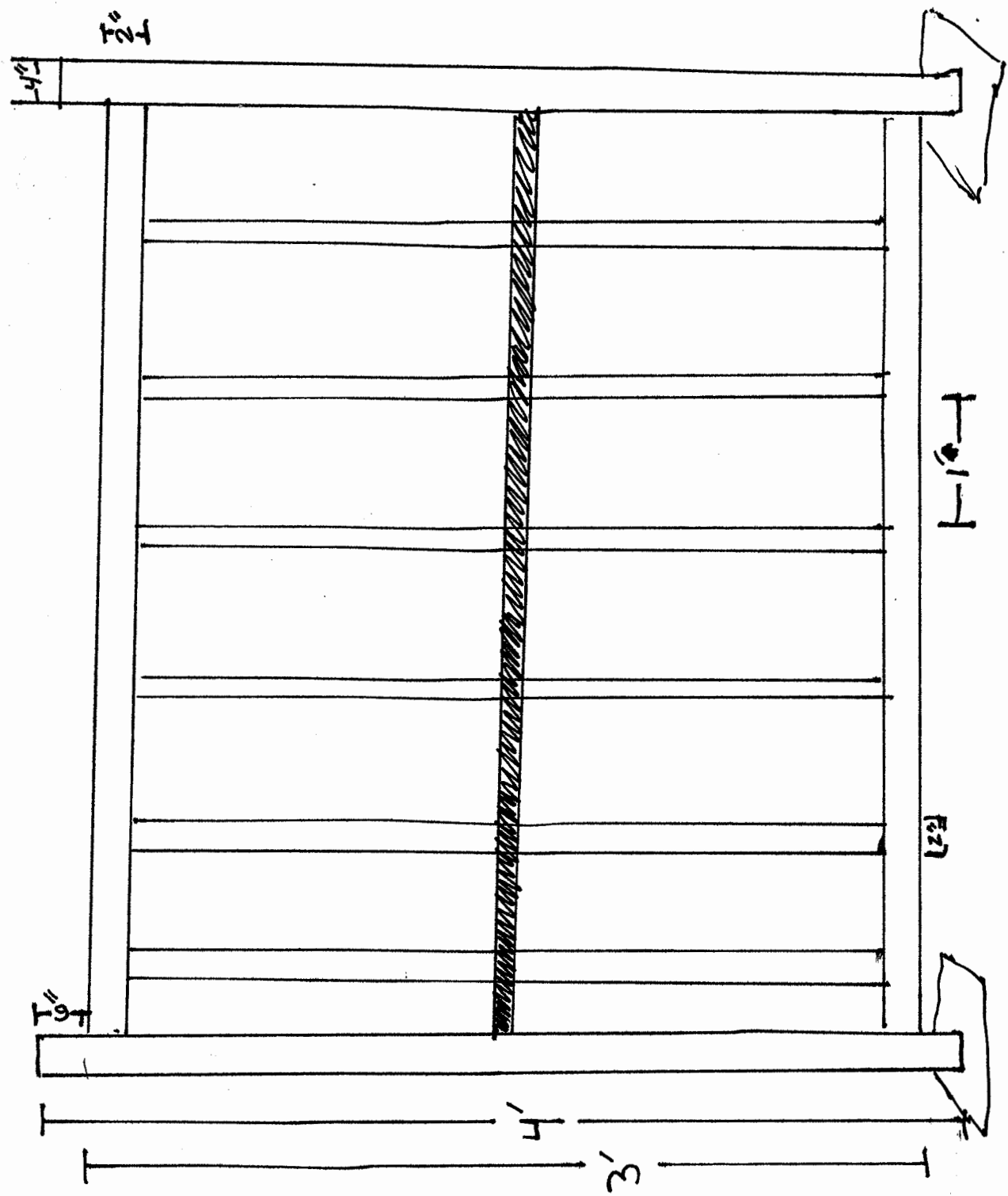


Note: The information provided in this letter is solely derived from the Official Zoning Map and the minimum requirements set forth in Chapter 14, SFCC 1987. It is the intent of this letter to advise of the ordinances pertaining to the zone districts. It is not the intent to state that the subject property complies with zoning requirements. Occupancy is determined based on zoning compliance at the time of building permit or certificate of occupancy, whichever applies. Additionally, it is not the intent to interfere with or to abrogate or annul any official document including conditions or safeguards made a part of the subject property at the time of any public hearings. Applicants are advised to pursue an independent search of official documents.

New Mexico HARD
Cider LLC

Fence PLANS #4
505 Cerrillos Rd
UNIT A 105
SANTA FE, NM
87501

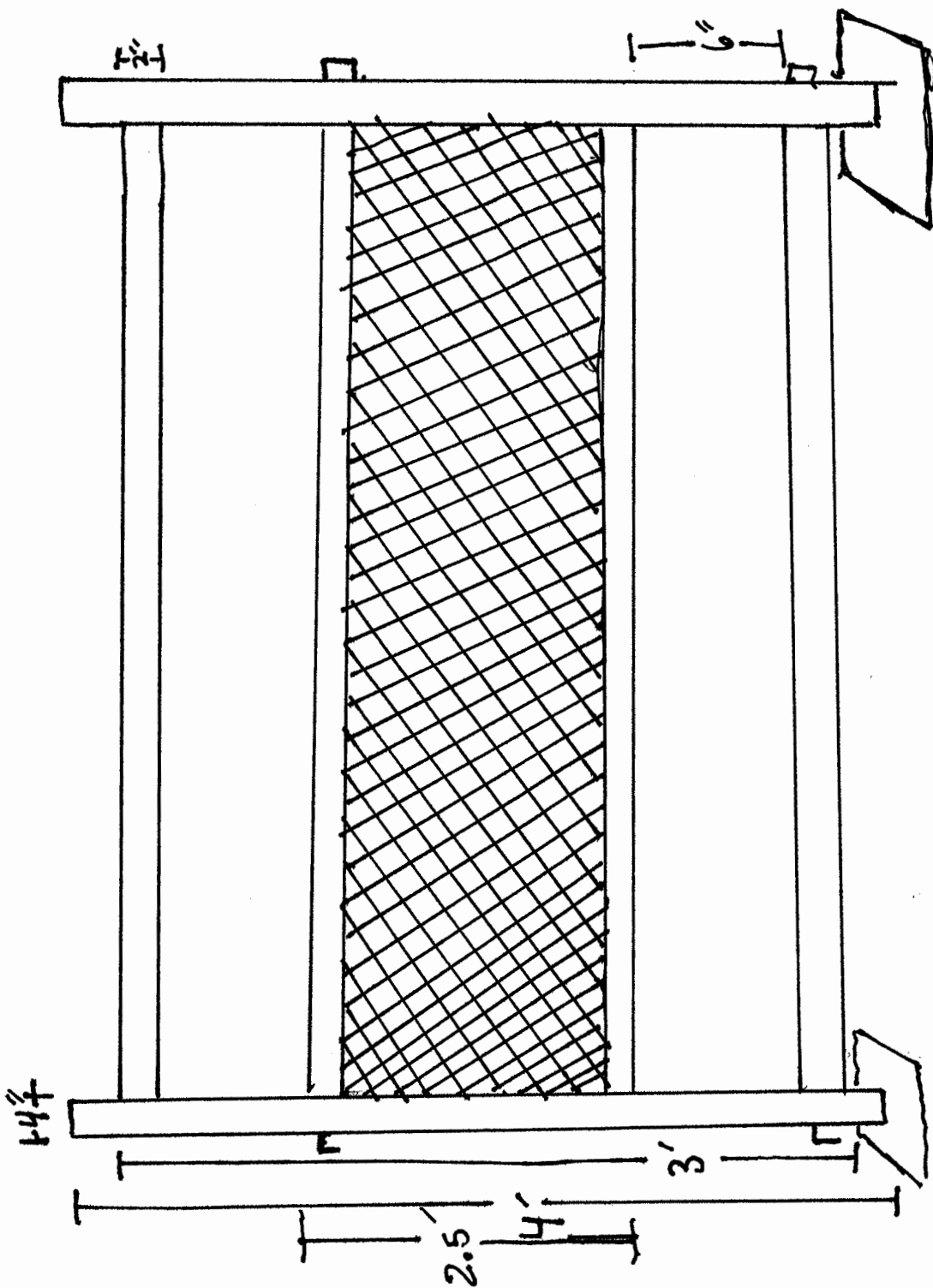
CRAIG MOYA
505-231-0632
mccider@gmail.com



New Mexico HARD
Cider LLC.

FENCE PLANS #3
505 CERRILLOS RD
UNIT A105
SANTA FE, NM
87501

CRAIG MOYK
505-231-0632
nmcider@gmail.com



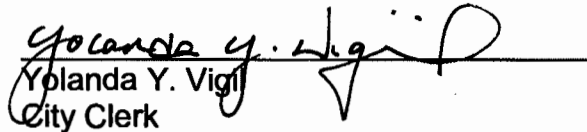
CITY OF SANTA FE

NOTICE OF PUBLIC HEARING

Notice is hereby given that the Governing Body of the City of Santa Fe will hold a public hearing on Wednesday, October 14, 2015 at its regular City Council Meeting, 7:00 p.m. session, at City Hall Council Chambers, 200 Lincoln Avenue.

The purpose of this hearing is to discuss a request from New Mexico Hard Cider, LLC for a Winegrower Off-Site Liquor License, with patio service, to be located at New Mexico Hard Cider Taproom, 505 Cerrillos Road, Suite A-105, Santa Fe.

All interested citizens are invited to attend this public hearing.


Yolanda Y. Vigil
City Clerk

Received by The New Mexican

Date 9/9/15

To Be Published 9/11/15 and

9/18/15

By Victoria Velarde

The New Mexican (Signature)

City of Santa Fe



PUBLIC WORKS DEPARTMENT
TRAFFIC DIVISION
Post Office Box 929
Santa Fe, NM 87504-0929
Phone: 954-6618 (voice)
954-6627 (fax)

Liquor License Request Supplemental Information

Instructions:

The following information is needed regarding this request. Please type or print clearly.
Complete this form and leave with the City Clerk while picking up the newspaper publication notice.

Thank you.

1. Name of owner of business Craig Mayra
Name of business where proposed license is to be used New Mexico Hard Cider LLC
Business street address 805 Cerrillos Rd, Santa Fe, 87501
Telephone number 505-231-0632

2. Indicate the type of liquor license this request entails.
 issuance of new license (indicate type: Winegrowers off site, tasting room)
 transfer of location of existing license (indicate type: _____)
 transfer of ownership of existing license (location to remain the same)

3. Is this an existing business?
 yes
 no

4. Does the location where this license will be used currently sell liquor?
 yes
 no

5. If the answer to question #3 is yes, indicate the current hours of operation of the business.

If the hours of operation will change due to the sales of liquor, indicate the revised hours.

6. If this is a new business, indicate the anticipated hours of operation of the business.

12am - 12pm

7. If the answer to question #3 is yes, indicate the anticipated change in business volume due to the sales of liquor.

Business is expected to increase (number of customers per day _____)

Business is expected to decrease (number of customers per day _____)

Business is expected to remain the same

8. If the answer to question #3 is no, indicate the number of customers anticipated per day at the business.

150 - 200

9. Estimate the number of customers per day who currently drive (or will drive) to the business versus the number who walk.

100 number of customers who drive

50 number of customers who walk

10. Has liquor ever been sold at this business site?

yes

no

11. If the answer to question #10 is yes, indicate the name of the establishment and the year(s) that liquor sales occurred.

Name Newble Brewery

Year(s) 2014 - 2015 1 year

12. Indicate which of the following statements best reflects your opinion regarding traffic impacts if this request is approved.

traffic can be expected to increase on adjacent streets if this request is approved

traffic will not increase on adjacent streets if this request is approved

Name of person completing this form Craig Moya

Telephone number 505-231-0632

Date 9/9/15

(For City Use Only)

Based upon the information provided above, staff has the following comments:

It does not appear that the approval of this request will create any unacceptable traffic impacts.

It appears that the approval of this request will create unacceptable traffic impacts (see comments below).

Other comments _____

By [Signature]

Title TRAFFIC ENGINEER

Date 10/1/15



City of Santa Fe, New Mexico

200 Lincoln Avenue, P.O. Box 909, Santa Fe, N.M. 87504-0909

Javier M. Gonzales, Mayor

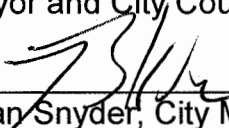
Councilors:

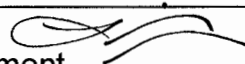
Patti J. Bushee, Dist. 1
Signe I. Lindell, Dist. 1
Peter N. Ives, Dist. 2
Joseph M. Maestas, Dist. 2
Carmichael A. Dominguez, Dist. 3
Christopher M. Rivera, Dist. 3
Ronald S. Trujillo, Dist. 4
Bill Dimas, Dist. 4


DATE: October 8, 2015 for the City Council Meeting of October 14, 2015

TO: Mayor and City Council Members

VIA:



Brian Snyder, City Manager
Lisa Martinez, Director, Land Use Department 

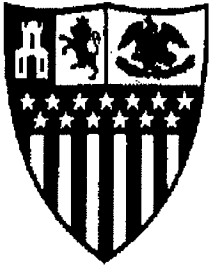
FROM: Antoinette Padilla, Code Enforcement Specialist 

ITEM AND ISSUE

Litter and noise impact assessment, due to a request from New Mexico Hard Cider, LLC for a Winegrower Off-Site Liquor License, with patio service, to be located at New Mexico Hard Cider Taproom, 505 Cerrillos Road, Suite A-105, Santa Fe, New Mexico.

BACKGROUND AND SUMMARY

A substantial change in litter and noise due to this request is not anticipated.



City of Santa Fe, New Mexico

200 Lincoln Avenue, P.O. Box 909, Santa Fe, N.M. 87504-0909
www.santafenm.gov

Javier M. Gonzales, Mayor

Councillors:

- Peter N. Ives, Mayor Pro Tem, Dist. 2
- Patti J. Bushee, Dist. 1
- Signe I. Lindell, Dist. 1
- Joseph M. Maestas, Dist. 2
- Carmichael A. Dominguez, Dist. 3
- Christopher M. Rivera, Dist. 3
- Ronald S. Trujillo, Dist. 4
- Bill Dimas, Dist. 4

New Mexico Hard Cider, LLC
Craig Moya
1884 Candela Street
Santa Fe, NM 87505

July 17, 2015

RE: Zoning Verification for 505 Cerrillos Road Unit A105

Dear Mr. Moya,

According to the Official Zoning Map, page I-18, the above-referenced property is within the BCD Zoning District (Business-Capitol District) and is within the Cerrillos Road Townscape Subdistrict.

“(e) Uses (Ord. No. 2002-37 § 19)

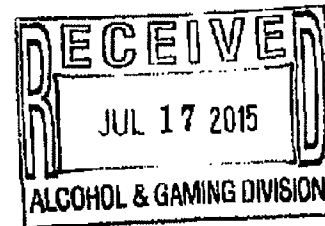
(i) All permitted uses allowed in other districts of this chapter are permitted within the Business-Capitol District subject to the provisions of this section. In areas encompassed by the boundaries of the Historic Districts, all provisions of those districts shall apply and control, and where inconsistent with the Business-Capitol District provisions, the provisions of the Historic Districts shall control.”

- A Wine Grower License and Wine Wholesaler License are allowed within the BCD CER sub-district.

If you have any further questions, please call me at 505-955-6647.

Sincerely,

Noah Berke, CFM
Senior Planner
City of Santa Fe Land Use Department



Note: The information provided in this letter is solely derived from the Official Zoning Map and the minimum requirements set forth in Chapter 14, SFCC 1987. It is the intent of this letter to advise of the ordinances pertaining to the zone districts. It is not the intent to state that the subject property complies with zoning requirements. Occupancy is determined based on zoning compliance at the time of building permit or certificate of occupancy, whichever applies. Additionally, it is not the intent to interfere with or to abrogate or annul any official document including conditions or safeguards made a part of the subject property at the time of any public hearings. Applicants are advised to pursue an independent search of official documents.

505 Cerrillos Road, Suite A-105



Legend

- City Limits
- Full Address Labels
- Parcels
- Airport Clear Zones
- Santa Fe River
- Zoning**
 - RR Rural Residential
 - R1, (PUD) Single-Family 1du/ac.
 - R2, (DT), (PUD), (AC) Single - Family 2du/ac
 - R3, (PUD) Single - Family 3du/ac
 - R4 Single - Family 4du/ac
 - R5, (DT), (PUD), (AC), R6 Single - Family 5-6du/ac
 - R7, (I), (PUD), R8 Single - Family 7-8du/ac
 - RCS, RCSAC Compound 5du/ac
 - RC8, RCSAC Compound 8du/ac
 - R10, (PUD) Multiple - Family 10du/ac
 - R12, (PUD) Multiple - Family 12du/ac
 - R21, (PUD) Multiple - Family 21du/ac
 - R29, (PUD),(AC) Multiple - Family 29du/ac
 - RAC Residential Arts & Crafts

Scale: 1:566



This map is a user generated static output from an internet mapping site and is for general reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable. THIS MAP IS NOT TO BE USED FOR NAVIGATION.

CATEGORY Specific Use	RR	R-1 -	R-6 -	R-7 -	R-7 -I	RC- 5, RC- 8	R- 10 -R- 29	MHP	RAC	AC**	C-1	C-2	C-4	HZ	BCD	I-1	I-2	BIP	SC- 1	SC- 2	SC- 3	MU ***	Use- Specific Regs 14-6.2
Florist shops									P	P		P		P	P	P			P	P	P	P ²	
Funeral homes or mortuaries											P	P			P	P							
Furniture stores												P				P				P	P	P ²	
Neighborhood grocery stores and laundromats	S	S	S	S	S	S	S		S		S	P	S	S								P ²	(C)(5)
Office equipment sales and service; retail sale of office supplies												P			P	P				P	P	P ²	
Retail establishments not listed elsewhere												P			P	P				P	P	P ²	
Retail and service uses that are intended to serve the primary uses and that do not exceed 5,000 square feet																		P				P ²	

Italicized words defined in Article 14-12

60-6A-11. Winegrower's license.

A. A person in this state who produces wine is exempt from the procurement of any other license pursuant to the terms of the Liquor Control Act, but not from the procurement of a winegrower's license. Except during periods of shortage or reduced availability, at least fifty percent of a winegrower's overall annual production of wine shall be produced from grapes or other agricultural products grown in this state pursuant to rules adopted by the director; provided, however, that, for purposes of determining annual production and compliance with the fifty percent New Mexico grown provision of this subsection, the calculation of a winegrower's overall annual production of wine shall not include the winegrower's production of wine for out-of-state wine producer license holders.

B. A person issued a winegrower's license pursuant to this section may do any of the following:

- (1) manufacture or produce wine, including blending, mixing, coloring, flavoring, bottling and labeling, whether the wine is manufactured or produced for a winegrower or an out-of-state wine producer holding a permit issued pursuant to the Federal Alcohol Administration Act and a valid license in a state that authorizes the wine producer to manufacture, produce, store or sell wine;
- (2) store, transport, import or export wines;
- (3) sell wines to a holder of a New Mexico winegrower's, wine wholesaler's, wine exporter's license or to a winegrower's agent;
- (4) transport not more than two hundred cases of wine in a calendar year to another location within New Mexico by common carrier;
- (5) deal in warehouse receipts for wine;
- (6) sell wines in other states or foreign jurisdictions to the holders of a license issued under the authority of that state or foreign jurisdiction authorizing the purchase of wine;
- (7) buy wine or distilled wine products from other persons, including licensees and permittees under the Liquor Control Act, for use in blending, mixing or bottling of wines;
- (8) buy or otherwise obtain beer from a small brewer for the purposes described in this subsection;
- (9) conduct wine tastings and sell, by the glass or by the bottle, or sell in unbroken packages for consumption off the premises, but not for resale, wine of the winegrower's own production, wine produced by another New Mexico winegrower on the winegrower's premises or beer produced and bottled by or for a small brewer pursuant to Section 60-6A-26.1 [60-6A-26.1] NMSA 1978;
- (10) at no more than three off-premises locations, conduct wine tastings, sell by the glass and sell in unbroken packages for consumption off premises, but not for resale, wine of the winegrower's own production, wine produced by another New Mexico winegrower or beer produced and bottled by or for a small brewer pursuant to Section 60-6A-26.1 NMSA 1978 after the director has determined that the off-premises locations meet the requirements of the Liquor Control Act and the department rules for new liquor license locations;

- (11) be deemed a manufacturer for purposes of the Gross Receipts and Compensating Tax Act [Chapter 7, Article 9 NMSA 1978];
- (12) at public celebrations on or off the winegrower's premises, after the winegrower has paid the applicable fees and been issued the appropriate permit, to conduct wine tastings, sell by the glass or the bottle, or sell in unbroken packages, for consumption off premises, but not for resale, wine produced by or for the winegrower;
- (13) sell wine or cider in a growler for consumption off premises; and
- (14) in accordance with the provisions of this section that relate to the sale of wine, accept and fulfill an order for wine that is placed via an internet web site, whether the financial transaction related to the order is administered by the licensee or the licensee's agent.
- C. Sales of wine or beer as provided for in this section shall be permitted between the hours of 7:00 a.m. and midnight Monday through Saturday, and the holder of a winegrower's license or public celebration permit may conduct wine tastings and sell, by the glass or bottle, or sell in unbroken packages for consumption off premises, but not for resale, wine of the winegrower's own production or beer produced and bottled by or for a small brewer pursuant to Section 60-6A-26.1 NMSA 1978 on the winegrower's premises between the hours of 12:00 noon and midnight on Sunday.
- D. At public celebrations off the winegrower's premises in any local option district permitting the sale of alcoholic beverages, the holder of a winegrower's license shall pay ten dollars (\$10.00) to the alcohol and gaming division of the regulation and licensing department for a "winegrower's public celebration permit" to be issued under rules adopted by the director. Upon request, the alcohol and gaming division of the regulation and licensing department may issue to a holder of a winegrower's license a public celebration permit for a location at the public celebration that is to be shared with other winegrowers and small brewers. As used in this subsection, "public celebration" includes any state or county fair, community fiesta, cultural or artistic event, sporting competition of a seasonal nature or activities held on an intermittent basis.
- E. Every application for the issuance or annual renewal of a winegrower's license shall be on a form prescribed by the director and accompanied by a license fee to be computed as follows on the basis of total annual wine produced or blended:
- (1) less than five thousand gallons per year, twenty-five dollars (\$25.00) per year;
 - (2) between five thousand and one hundred thousand gallons per year, one hundred dollars (\$100) per year; and
 - (3) over one hundred thousand gallons per year, two hundred fifty dollars (\$250) per year.
- History: Laws 1981, ch. 39, § 28; 1985, ch. 15, § 1; 1987, ch. 98, § 2; 1988, ch. 60, § 3; 1993, ch. 329, § 2; 1995, ch. 122, § 1; 1998, ch. 109, § 2; 1999, ch. 211, § 1; 2001, ch. 248, § 1; 2001, ch. 260, § 1; 2005, ch. 216, § 1; 2011, ch. 71, § 1; 2015, ch. 102, § 4; 2015, ch. 105, § 1; 2015, ch. 124, § 1.