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CITY OF SANTA FE, NEW MEXICO

ORDINANCE NO. 2017-3

AN ORDINANCE

AMENDING SUBSECTION 23-6.2 AND 23-6.3 SFCC 1987 TO UPDATE AND REVISE THE PERMITTED LOCATIONS AND REGULATIONS FOR THE SALE AND CONSUMPTION OF ALCOHOL ON CITY PROPERTY; AND REVISING THE PROVISIONS FOR SALE AND CONSUMPTION OF ALCOHOL ON CITY PROPERTY.

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

Section 1. Subsection 23-6.2 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 locations on city property and must comply with the requirements of subsection 23-6.3, except that the locations described in (1), (2) and (3) below are exempt from the requirements of subsection 23-6.3:

- (1) The Santa Fe community convention center and adjacent outdoor spaces under the center's control;
- (2) That area of the Santa Fe municipal airport main terminal building and adjacent areas operated as a restaurant;
- (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 for which the city has entered
3 into a lease with another party for six (6) months or more except for the Railyard park,
4 Plaza and Alameda (as defined in the Deed of Conservation Easement dated October 1,
5 2004) where alcohol is prohibited, unless specifically permitted under subsection 23-6.2
6 SFCC 1987;

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

9 (7) The area of Fort Marcy ballpark designated for concessions and seating
10 shall be used for the sale and consumption of beer and wine only and only at professional
11 baseball games;

12 B. The governing body may approve by resolution the sale and consumption of
13 alcohol at all other locations on city property, except within the plaza as defined by subsection
14 23-5.1(R). The resolution specifying the event, date, hours, location, number of expected
15 attendees, type of alcohol to be served, and required permits shall be adopted sixty (60) days in
16 advance of the event. The resolution shall be limited to authorization for a single event. A
17 separate resolution shall be required for repeated events, unless otherwise stated in the resolution.

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

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

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

25 A. The regulations contained in this subsection are applicable to the locations

1 described in subsection 23-6.2(A)(4), 23-6.2(A)(5) and 23-6.2(A)(7). The regulations are not
2 applicable to the locations described in 23-6.2(A)(1) through 23-6.2(A)(3) and 23-6.2(A)(6).

3 B. When the governing body has authorized the sale and consumption of alcohol for
4 an event or events on city property, whether pursuant to 23-6.2 SFCC 1987 or through adoption
5 of a resolution pursuant to subsection 23-6.2(B) SFCC 1987, the event sponsor shall comply with
6 the following regulations:

7 (1) The event sponsor shall establish a designated drinking area.

8 (a) Except for Fort Marcy ballpark pursuant to 23-6.2(A)(7), the
9 designated drinking area, with entrances/exits and a mandatory buffer, to prevent
10 the circulation of alcohol outside of the designated drinking area, shall be
11 illustrated on a diagram that shall be submitted to the city manager or their
12 designee, at least thirty (30) days before the event. The diagram shall include the
13 dimensions of the drinking area, the location of the entrances/exits, the height and
14 width of the mandatory buffer, which shall be four feet (4') high and five feet (5')
15 wide, with further requirements to be determined in consultation with the city
16 manager, and the locations for the placement of the advertising described in
17 paragraph (6), below.

18 (b) The seating capacity in the designated drinking area shall be
19 comprised of no more than twenty-five percent (25%) of the seating capacity of
20 the event. The seating capacity of the designated drinking area shall be posted in
21 the designated drinking area.

22 (2) Alcohol regulations.

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

25 (b) Alcohol service shall cease at least one (1) hour before the end of

1 the permitted event, or at the end of the sixth inning for professional baseball
2 games.

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

7 (a) Obtain a special dispenser permit for beer, wine, and cider only,
8 that shall be approved by the state of New Mexico and the city of Santa Fe.

9 (b) At the main entrance of the designated drinking area and at the
10 point of sale of alcohol, verify the age of each person so that underage persons
11 are prohibited from entering the designated drinking area or purchasing alcohol.

12 (c) Ensure that alcohol servers are at least twenty-one (21) years old
13 and are licensed by the state.

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

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

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

23 (4) Alcohol limits. The only allowable alcoholic beverages at permitted
24 event(s) are beer, wine and cider.

25 (a) During the permitted event, only three (3) alcoholic beverages

per person are allowed as follows:

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) Alcoholic beverage cups shall be distinguishable from nonalcoholic beverage cups.

(c) Nontransferable wristbands shall be issued to verify age and to indicate the number of alcoholic beverages purchased.

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

(e) In addition to alcoholic beverages, food and non-alcoholic beverage drinks shall be sold. Water shall be provided at no cost.

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

(a) Security guards shall possess a current license issued by the New

1 Mexico Private Investigations Board as a level two security guard pursuant to the
2 Private Investigations Act, Chapter 61, Article 27B NMSA 1978, as may be
3 amended thereafter from time to time.

4 (6) Advertising.

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

6 (b) The event sponsor shall place banners in conspicuous locations
7 in the designated drinking area and throughout the park that:

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

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

11 (c) The city manager or his designee shall approve the number of,
12 size and locations of the above-described banners.

13 (7) tasting events. Events designated by the governing body as wine tasting
14 events, pursuant to the requirements of Section 23-6.2(B), shall abide by the requirements
15 of subsections 23-6.3(B)(2), (3) and (5), above, as well as the following regulations:

16 (a) The area of the event used for the service and consumption of
17 alcohol during a wine tasting event shall be illustrated on a diagram that shall be
18 submitted to the city manager or their designee, at least thirty (30) days before
19 the event(s). The diagram shall include the dimensions of the area, the location of
20 entrances/exits, the width of the mandatory buffer, which shall be four feet (4')
21 high, with further requirements to be determined in consultation with the city
22 manager, and the locations for the placement of the advertising described in
23 paragraph (4), above.

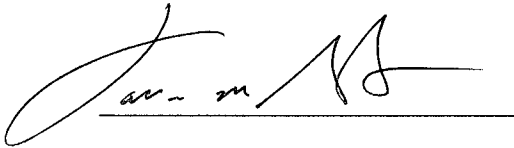
24 (b) Admission shall be a presold/ticketed event at which no alcohol
25 will be offered for sale.

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(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 shall remain under the supervision of a licensed individual at all times.

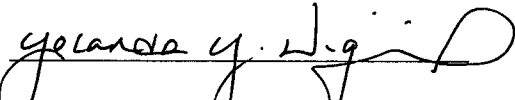
B. *Administration.* The city manager or their designee shall ensure that authorized event sponsors are in compliance with the requirements of this section.

PASSED APPROVED and ADOPTED this 8th day of March, 2017.



JAVIER M. GONZALES, MAYOR

ATTEST:



YOLANDA Y. VIGIL, CITY CLERK

APPROVED AS TO FORM:



KELLEY A. BRENNAN, CITY ATTORNEY