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**CITY OF SANTA FE, NEW MEXICO**

**BILL NO. 2017-26**

**INTRODUCED BY:**

Councilor Renee Villarreal

Councilor Carmichael A. Dominguez

Councilor Peter N. Ives

**AN ORDINANCE**

**AMENDING SUBSECTION 23-6.2 AND 23-6.3 SFCC 1987 TO EXEMPT AREAS IN THE RAILYARD FROM CERTAIN REGULATIONS RELATING TO THE 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) and (5) below are exempt from the requirements of subsection 23-6.3:

- (1) The Santa Fe community convention center and adjacent outdoor spaces

1 under the center's control;

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

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

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

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

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

14 ([6]7) In or on railroad cars located on railroad tracks except as prohibited by  
15 state or federal law; and

16 ([7]8) The area of Fort Marcy ballpark designated for concessions and seating  
17 shall be used for the sale and consumption of beer and wine only and only at professional  
18 baseball games;

19 B. The governing body may approve by resolution the sale and consumption of  
20 alcohol at all other locations on city property, except within the plaza as defined by subsection  
21 23-5.1(R). The resolution specifying the event, date, hours, location, number of expected  
22 attendees, type of alcohol to be served, and required permits shall be adopted sixty (60) days in  
23 advance of the event. The resolution shall be limited to authorization for a single event. A  
24 separate resolution shall be required for repeated events, unless otherwise stated in the resolution.

25 C. All other applicable approvals required by state or city laws and regulations shall

1 be obtained prior to the sale or consumption of alcoholic beverages on the property described in  
2 this subsection 23-6.2.

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

5 **23-6.3 Regulations for the Sale and Consumption of Alcohol on City**  
6 **Property; Administration.**

7 A. The regulations contained in this subsection are applicable to the locations  
8 described in subsection 23-6.2(A)(4), 23-6.2(A)(~~5~~6) and 23-6.2(A)(~~7~~8). The regulations are  
9 not applicable to the locations described in 23-6.2(A)(1) through 23-6.2(A)(3), 23-6.2(A)(5) and  
10 23-6.2(A)(~~6~~7).

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

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

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

1 (b) The seating capacity in the designated drinking area shall be  
2 comprised of no more than twenty-five percent (25%) of the seating capacity of  
3 the event. The seating capacity of the designated drinking area shall be posted in  
4 the designated drinking area.

5 (2) Alcohol regulations.

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

8 (b) Alcohol service shall cease at least one (1) hour before the end of  
9 the permitted event, or at the end of the sixth inning for professional baseball  
10 games.

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

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

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

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

22 (d) Ensure that a manager, who has been identified prior to the  
23 events by the event sponsor, is present at all times in the designated drinking  
24 area. A photograph of the manager and his or her name shall be posted at the  
25 point of sale of alcoholic beverages. At all times, the manager shall wear a

1 nametag that identifies him or her as the manager.

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

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

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

8 (a) During the permitted event, only three (3) alcoholic beverages  
9 per person are allowed as follows:

10 <b>ABV (Alcohol by 11 Volume)</b>	<b>Maximum Serving 12 Size</b>	<b># Standard Drinks in hi 13 ABV</b>
14 6.00% or less ABV	12 ounces	6.00% = 1 Standard Drin
6.01% - 7.00% ABV	10 ounces	7.00% = 1 Standard Drin
7.01% - 8.00% ABV	8 ounces	8.00% = 1 Standard Drin
8.01% - 10.00% ABV	6 ounces	10.00% = 1 Standard Drii
10.01% - 12.00% ABV	5 ounces	12.00% = 1 Standard Drii
12.01% - 15.00% ABV	4 ounces	15.00% = 1 Standard Drii

15 \* Ounces by alcohol volume are rounded down

16 \*\* No alcoholic beverages in excess of fifteen percent (15%) ABV are  
17 permitted

18 (b) Alcoholic beverage cups shall be distinguishable from  
19 nonalcoholic beverage cups.

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

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

24 (e) In addition to alcoholic beverages, food and non-alcoholic  
25 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

1 events, one (1) security officer for every one hundred (100) attendees shall be present at  
2 all times the designated drinking area is in operation, unless additional security officers  
3 are required by the city manager and/or the state of New Mexico alcohol and gaming  
4 division. In addition to the security officers required for events in excess of one thousand  
5 (1,000) attendees, the Santa Fe police department shall be responsible for the  
6 enforcement of this subsection, 23-6.3, with associated costs to be paid for by the event  
7 organizers.

8 (a) Security guards shall possess a current license issued by the New  
9 Mexico Private Investigations Board as a level two security guard pursuant to the  
10 Private Investigations Act, Chapter 61, Article 27B NMSA 1978, as may be  
11 amended thereafter from time to time.

12 (6) Advertising.

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

14 (b) The event sponsor shall place banners in conspicuous locations  
15 in the designated drinking area and throughout the park 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. Events designated by the governing body as wine tasting  
22 events, pursuant to the requirements of Section 23-6.2(B), shall abide by the requirements  
23 of subsections 23-6.3(B)(2), (3) and (5), above, as well as the following regulations:

24 (a) The area of the event used for the service and consumption of  
25 alcohol during a wine tasting event shall be illustrated on a diagram that shall be

1 submitted to the city manager or their designee, at least thirty (30) days before  
2 the event(s). The diagram shall include the dimensions of the area, the location of  
3 entrances/exits, the width of the mandatory buffer, which shall be four feet (4')  
4 high, 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 (4), above.

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

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

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

16 **Section 3: Effective Date.**

17 This ordinance shall become effective immediately upon adoption.

18  
19 APPROVED AS TO FORM:

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22 KELLEY A. BRENNAN, CITY ATTORNEY