

CITY OF SANTA FE, NEW MEXICO
PROPOSED AMENDMENT(S) TO RESOLUTION NO. 2022-13
Alcohol Regulations on City Property Changes

Mayor and Members of the City Council:

I propose the following amendment(s) to Resolution No. 2022-13:

1. On page 1, line 13 *strike* "ALCOHOLIC"
2. On page 4, line 17 after "and" *insert* "both"
3. On page 6, line 4, *strike* "Alcoholic"

Respectfully submitted,



Renee Villarreal, Councilor

Approved as to Form:



Erin K. McSherry, City Attorney

ADOPTED: _____ X _____

NOT ADOPTED: _____

DATE: 7/13/2022



Kristine Mihelcic, City Clerk

CITY OF SANTA FE, NEW MEXICO

ORDINANCE NO. 2022-13

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 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.

(a) Except for Fort Marcy ballpark pursuant to subsection 23-6.2(A)(8), the drinking area shall have a buffer to prevent circulation of alcohol outside the area. The buffer must be at least four feet (4') high.

(b) The sponsor shall submit a diagram of the designated drinking area, illustrating its dimensions, the entrances/exits, and the mandatory buffer to

1 the city manager or the manager's designee, at least thirty (30) days before the
2 event. Further requirements may be determined in consultation with the city
3 manager, including the locations for the placement of the advertising described
4 in paragraph (6), below.

5 (c) Except for Fort Marcy ballpark pursuant to subsection 23-
6 6.2(A)(8), the seating capacity in the designated drinking area shall be comprised
7 of no more than twenty-five percent (25%) of the seating capacity of the event.
8 The seating capacity of the designated drinking area shall be posted in the
9 designated drinking area.

10 (2) Alcohol regulations.

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

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

16 (3) Alcohol provider. Alcohol providers shall comply with all rules
17 regarding alcohol service established by the director of the alcoholic beverage control
18 division of the New Mexico regulation and licensing department, shall be educated on
19 the subjects specified in Section 60-6E-5(B) NMSA 1978, and abide by the following,
20 additional requirements:

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

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

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

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

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

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

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

14 (4) Alcohol limits.

15 (a) The only allowable alcoholic beverages at those events
16 authorized pursuant to subsection 23-6.2(C) are beer, wine, cider, and mixed
17 beverages. Liquor is only permitted when included in a mixed beverage and
18 mixed beverages may only be served during tasting events, which are governed
19 in subsection 23-6.3(B)(7).

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

22 (c) The sale and service of alcoholic beverages shall abide by the
23 following table:
24
25

Alcohol Type	Alcohol by Volume ("ABV")	Maximum Serving Size
Beer/Cider	<8%	12 oz.
Beer/Cider	8% - 10%	6 oz.
Wine	≤ 15%	5 oz.
Mixed Beverage	≤ 10%	2 oz.

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

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

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

(d) Alcoholic beverage containers shall be distinguishable from nonalcoholic beverage containers, and both 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) attendees in the designated drinking area 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 alcoholic beverage control division. In addition to the security officers required for events in excess of one thousand (1,000) attendees in the designated drinking area, the Santa Fe

1 police department shall be responsible for the enforcement of this subsection,
2 with associated costs to be paid for by the event organizers.

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

9 (6) Advertising.

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

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

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

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

18 (7) Tasting events. Tasting events, authorized pursuant to the requirements
19 of Section 23-6.2(C), shall abide by the requirements of subsections 23-6.3(B)(1)(a) and
20 (b), (2), (3), (5), and (6) above, the ABV requirements contained in subsection 23-
21 6.3(B)(4)(c), as well as the following regulations:

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

24 (b) Beverage containers used for tasting events shall be made of
25 recyclable or compostable material.

(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.

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 13th day of July, 2022.



ALAN WEBBER, MAYOR

ATTEST:



KRISTINE MIHELICI, CITY CLERK

APPROVED AS TO FORM:



ERIN K. McSHERRY, CITY ATTORNEY

Bill No. 2022-13

Legislation/2022/Ordinances/2022-13 Alcohol Regulations on City Property Changes