



REGULAR CITY COUNCIL MEETING AGENDA
Tuesday, September 20, 2022 6:00 PM
City Council Chambers, Elks Civic Building - 107 S. Cascade Ave.

The Montrose City Council is pleased to have residents of the community take time to attend City Council meetings. We encourage your attendance and participation. Individuals wishing to be heard during public hearing proceedings are encouraged to be prepared and will generally be limited to three minutes to allow everyone the opportunity to be heard. Additional written comments are welcome and will be received at any time. The 11:00 p.m. rule will be enforced in accordance with City of Montrose Regulations (Sec. 7-15-2).

Public participation for this meeting will be in person in the City Council Chambers, and the meeting can be viewed via livestream at <https://www.cityofmontrose.org/759/Live-Meetings-Viewer>.

Hearing assistance devices are available for public use. Please let us know if you need accommodation. The City also offers interpretation for Spanish speakers. In order to allow time to book this resource, please email planningmail@ci.montrose.co.us at least three days before the meeting.

-
- 1) City Council meeting called to order by Mayor Dave Frank
 - 2) The Pledge of Allegiance
 - 3) Roll call by the City Clerk
 - 4) Changes to the agenda including additions and deletions
 - 5) Constitution Week Proclamation 4
 - 6) CALL FOR PUBLIC COMMENT FOR NON-AGENDA ITEMS

The “Call for Public Comment” agenda item is a time when concerned members of the community may publicly voice their concerns and discuss items of interest. Please note that no formal action will be taken on the matters raised during this time.

Comments made during this time should be addressed to the Council and pertain to matters of at least general importance to the City and its operations. Please be aware that neither City Council nor City staff are expected to respond or engage in discussion or debate.

Personal attacks and disagreements, personnel and employment matters, the use of profanity or ethnic, racial or gender-oriented slurs are prohibited, as is any “disorderly conduct” which violates state or local law and shall not be permitted.

7) CONSENT AGENDA (5 minutes)

- A) City Council consideration of the minutes of the September 6, 2022 special City Council meeting and the minutes of the September 6, 2022 regular City Council meeting. *Staff: City Clerk Lisa DelPiccolo* **5-9**
- B) City Council consideration of an application for a Special Events Permit for Black Canyon Boys & Girls Club to serve alcohol in conjunction with the closure of the 500 Block of Main Street for the Dinner on Main Event on September 24, 2022. *Staff: City Clerk Lisa DelPiccolo* **10-13**

Action: Consider making a motion to approve the consent agenda as presented.

8) YOUTH CITY COUNCIL APPLICANT INTERVIEWS (20 minutes)

City Council will interview applicants for the Montrose Youth City Council for the 2022-2023 term. *Staff: Youth City Council Coordinator Briceida Ortega*

9) ORDINANCE 2594 - SECOND READING (15 minutes)

City Council consideration of Ordinance 2594 on second reading, an Ordinance of the City of Montrose, Colorado, extending the temporary moratorium to prohibit the establishment of any new or relocation of existing adult gaming arcade uses within the City limits of the City of Montrose; providing that the moratorium shall be in effect for a period which shall terminate at the earliest of the City's adoption of an amendment to Title 4, Chapter 14 Adult Business Regulations, or the expiration of seven hundred thirty (730) days from date of passage of Emergency Ordinance 2560; providing for legislative findings, intent, and purpose; providing repealing clauses; and providing an effective date. *Staff: Assistant City Attorney Matthew Magliaro* **14-19**

Action: Accept public comment. Consider making a motion to adopt Ordinance 2594 on second reading as presented.

10) ORDINANCE 2595 - SECOND READING (10 minutes)

City Council consideration of Ordinance 2595 on second reading, an Ordinance of the City of Montrose, Colorado, amending Title 5 Chapter 11 Sections 1, 3, and 8, to reflect recodification of certain sections of the Colorado Revised Statutes. *Staff: Assistant City Attorney Chris Dowsey* **20-23**

Action: Hold a hearing. Consider making a motion to adopt Ordinance 2595 on second reading as presented.

11) ORDINANCE 2596 - SECOND READING (10 minutes)

City Council consideration of Ordinance 2596 on second reading, an Ordinance of the City of Montrose, Colorado, amending Title 5 Chapter 12 Sections 1, 2, 3, 5, 7, 8, 9, and 10, to reflect recodification of certain sections of the Colorado Revised Statutes. *Staff: City Attorney Ben Morris* **24-30**



Action: Hold a hearing. Consider making a motion to adopt Ordinance 2596 on second reading as presented.

12) STAFF REPORTS

- A) Sales, Use, and Excise Tax Report (5 minutes)
Staff: Finance Director Shani Wittenberg **31-36**

13) CITY COUNCIL COMMENTS

14) MOTION TO ADJOURN



CONSTITUTION WEEK

September 17-23, 2022

WHEREAS, September 17, 2022, marks the two hundred and thirty-fifth anniversary of the drafting of the Constitution of the United States of America by the Constitutional Convention; and

WHEREAS, It is fitting and proper to accord official recognition to this magnificent document and its memorable anniversary and to officially recognize the patriotic celebrations which will commemorate the occasion; and

WHEREAS, Public Law 915 guarantees the issuing of a proclamation each year by the President of the United States of America designating September 17 through 23 as Constitution Week,

NOW, THEREFORE, we, the City Council of the City of Montrose, Colorado, do hereby proclaim the week of September 17 through 23, 2022, as

CONSTITUTION WEEK

in the City of Montrose, Colorado, and ask our citizens to reaffirm the ideals the Framers of the Constitution had in 1787 by vigilantly protecting the freedoms guaranteed to us through this guardian of our liberties, remembering that lost rights may never be regained.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the official Seal of the City of Montrose this 20th day of September, 2022.

***David Frank, Mayor
City of Montrose***

A special meeting of the Montrose City Council was held on Tuesday, September 6, 2022, at 12:00 p.m., or immediately following the work session in the City Council Chambers of the Elks Civic Building at 107 S. Cascade Avenue. Said meeting was posted in accordance with the Sunshine Law.

PRESENT: Dave Frank, Barbara Bynum, J. David Reed, Ed Ulibarri, Bill Bell, Ann Morgenthaler, Ben Morris, Chris Dowsey, Lisa DelPiccolo

ABSENT: Doug Glaspell

CALL TO ORDER

Mayor Dave Frank called the special meeting to order at 10:54 a.m.

City Attorney Ben Morris reviewed procedures for executive sessions.

EXECUTIVE SESSION

At 11:09 a.m., a motion was made by Ed Ulibarri, seconded by Barbara Bynum, to enter into an executive session for the purpose of receiving legal advice pursuant to C.R.S. Section 24-6-402(4)(b). All voted yes. Motion passed.

City Councilor Doug Glaspell joined the executive session at 12:11 p.m.

RECONVENEMENT AND ADJOURNMENT

The special meeting reconvened at 12:49 p.m.

A motion was made by Barbara Bynum, seconded by J. David Reed, to approve the City Attorney's request to engage outside counsel and use up to 8 free hours. All voted yes. Motion passed.

At 12:52 p.m. a motion was made by Barbara Bynum, seconded by Doug Glaspell, to adjourn with no further action taken. All voted yes. Motion passed.

ATTEST:

David Frank, Mayor

Lisa DelPiccolo, City Clerk

A regular meeting of the Montrose City Council was held on Tuesday, September 6, 2022, at 6:00 p.m. in the City Council Chambers of the Elks Civic Building. Said meeting was posted in accordance with the Sunshine Law.

PRESENT: Dave Frank, Barbara Bynum, Doug Glaspell, J. David Reed, Ed Ulibarri, Bill Bell, Ben Morris, Ann Morgenthauer, Chris Dowsey, Lisa DelPiccolo, Matt Smith, Blaine Hall, Greg Story, Jim Scheid

GUESTS: Janet Chapman, Randy Havens, Mike Trickey, Kylee Smith, Dave Powers, J. Bob Brueske, Brandon Malara, Donald Cram

CALL TO ORDER

Mayor Dave Frank called the meeting to order at 6:00 p.m.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

CHANGES TO THE AGENDA

No changes were made to the agenda.

CALL FOR PUBLIC COMMENT

Janet Chapman questioned whether solar panels can be implemented in the parking area of the new Public Safety Complex and at the Wastewater Treatment Plant.

APPROVAL OF MINUTES

City Council considered the minutes of the August 15, 2022, special City Council meeting and the August 16, 2022, regular City Council meeting.

A motion was made by Barbara Bynum, seconded by J. David Reed, to approve the minutes of the August 15, 2022, special City Council meeting and the August 16, 2022, regular City Council meeting as presented. All voted yes. Motion passed.

ORDINANCE 2594 – FIRST READING

City Council considered Ordinance 2594 on first reading, an Ordinance of the City of Montrose, Colorado, extending the temporary moratorium to prohibit the establishment of any new or relocation of existing adult gaming arcade uses within the City limits of the City of Montrose; providing that the moratorium shall be in effect for a period which shall terminate at the earliest of the City's adoption of an amendment to Title 4, Chapter 14 Adult Business Regulations, or the expiration of seven hundred thirty (730) days from date of passage of Emergency Ordinance 2560; providing for legislative findings, intent, and purpose; providing repealing clauses; and providing an effective date. A hearing was held.

City Attorney Ben Morris reviewed the background of the current moratorium and said that a redline version of the changes is included in the meeting packet. Mr. Morris stated that House Bill 22-1412 expands the Division of Gaming's authority for gaming devices, and an extension of the moratorium is recommended to allow the City's participation in future rulemaking sessions.

Mr. Morris stated that Ordinance 2594 adds language to the Municipal Code and extends the moratorium for one more year.

Mayor Dave Frank opened the hearing.

Public comment was accepted. No comments were received.

Mayor Frank closed the hearing.

A motion was made by Doug Glaspell, seconded by Barbara Bynum, to pass Ordinance 2594 on first reading as presented. All voted yes. Motion passed.

ORDINANCE 2595 – FIRST READING

City Council considered Ordinance 2595 on first reading, an Ordinance of the City of Montrose, Colorado, amending Title 5 Chapter 11 Sections 1, 3, and 8, to reflect recodification of certain sections of the Colorado Revised Statutes. A hearing was held.

Assistant City Attorney Chris Dowsey reported that Ordinance 2595 recodifies and updates cross references to the Colorado Revised Statutes but makes no other substantive changes.

Mayor Dave Frank opened the hearing.

Public comment was accepted. No comments were received.

Mayor Frank closed the hearing.

A motion was made by J. David Reed, seconded by Doug Glaspell, to pass Ordinance 2595 on first reading as presented. All voted yes. Motion passed.

ORDINANCE 2596 – FIRST READING

City Council considered Ordinance 2596 on first reading, an Ordinance of the City of Montrose, Colorado, amending Title 5 Chapter 12 Sections 1, 2, 3, 5, 7, 8, 9, and 10, to reflect recodification of certain sections of the Colorado Revised Statutes. A hearing was held.

City Attorney Ben Morris reported that the justification for Ordinance 2596 is identical to the previous agenda item but relates to the Liquor Code and includes one substantive change. Mr. Morris stated that Section 5-12-5 addresses penalties. Instead of restating the updated fee, a reference to Section 1-2-3 was added to avoid recodification for each increase to the fine.

Mayor Dave Frank opened the hearing.

Public comment was accepted. No comments were received.

Mayor Frank closed the hearing.

A motion was made by Barbara Bynum, seconded by Ed Ulibarri, to pass Ordinance 2596 on first reading as presented. All voted yes. Motion passed.

MEMORANDUM OF UNDERSTANDING WITH MONTROSE VETERANS MEMORIAL COALITION

City Council considered a Memorandum of Understanding between the City of Montrose and the Montrose Veterans Memorial Coalition for the creation of the Montrose Veterans Plaza within Cerise Park.

J. David Reed recused himself from this item and agenda item 11 stating that he represents the parties involved. Mr. Reed left the City Council Chambers at 6:16 p.m.

Public Works Manager Jim Scheid reported that the MOU is for the creation of a veterans' plaza in Cerise Park near the existing restroom building and gazebo. A map included in meeting packet shows the location and possible design. Mr. Scheid stated that the MOU allows the use of City property, allows City staff time for design and construction processes, and clarifies that the City will assume maintenance upon completion. The Montrose Veterans Coalition is responsible for completion of the construction documents, determining a cost estimate, and raising funds.

Public comment was accepted.

Mike Trickey stated that the idea was proposed to the City Manager three years ago, and a coalition was formed consisting of all service groups in the area. Mr. Trickey said that the ultimate goal is completion of the plaza and future projects that will benefit the city.

J. Bob Brueske stated his support for the cooperative project.

A motion was made by Barbara Bynum, seconded by Ed Ulibarri, to approve the Memorandum of Understanding between the City of Montrose and the Montrose Veterans Memorial Coalition as presented. All present voted yes. Motion passed.

COUNCIL CHAMBERS DIAS CONSTRUCTION CONTRACT AWARD

City Council considered the award of a construction contract to Stryker & Company, Inc., in the amount of \$237,519.49 for the completion of the Council Chambers Security Improvements Project.

Public Works Manager Jim Scheid reported that this project began with a security assessment of the City Council Chambers where it was determined that the security issues were related to the

dais and its positioning within the Chambers. Mr. Scheid said that the dais will shift to the center of the room which will also enhance aesthetics.

Mr. Scheid reviewed the RFP process and stated that one qualified bid was received from Stryker and Co. Mr. Scheid said that Stryker proposed initiating the project in January of 2023 due to their availability. The owner provided items include AV equipment, additional monitors, and carpeting.

Information Systems Director Greg Story reported that the City Council Chambers AV upgrades are almost complete. New monitors, higher quality microphones, and plug ins for laptops will be added to the new dais.

Public comment was accepted. No comments were received.

A motion was made by Doug Glaspell, seconded by Barbara Bynum, to approve the award of a construction contract to Stryker & Company, Inc., in the amount of \$237,519.49 for the completion of the Council Chambers Security Improvements Project as presented. All present voted yes. Motion passed.

Mr. Reed rejoined the meeting at 6:31 p.m.

STAFF REPORTS

No staff reports were provided.

CITY COUNCIL COMMENTS

Mayor Dave Frank reported that three new police officers took the oath of office before the City Council meeting. All three attended the first class of the Western Colorado Law Enforcement Academy. Mayor Frank acknowledged Montrose Police Department staff, CMU liaisons, and staff members who served as instructors.

MOTION TO ADJOURN

At 6:34 p.m., a motion was made by Doug Glaspell, to adjourn the meeting with no further action taken.

ATTEST:

David Frank, Mayor

Lisa DelPiccolo, City Clerk



CITY OF MONTROSE
CITY CLERK

MEMO

DATE: August 30, 2022
TO: City Council
FROM: Lisa DelPiccolo, City Clerk
RE: Special Events Permit for Dinner on Main Event

An application was received from Black Canyon Boys & Girls Club to serve alcohol at Habitat for Humanity's Dinner on Main event on Saturday, September 24, 2022. Main Street will be closed from Uncompahgre Avenue to Park Avenue for this event.

The Municipal Code and Regulations Manual require City Council approval for Special Events Permits issued in conjunction with a street closure. The alcohol permit application is attached and includes a premises map. The premises were posted in compliance with state statute.



Application for a Special Events Permit

Departmental Use Only

RECEIVED AUG 30 2022

In order to qualify for a Special Events Permit, You Must Be a Qualifying Organization Per 44-5-102 C.R.S. and One of the Following (See back for details.)

- | | | |
|------------------------------------|--|---|
| ☐ Social | ☐ Athletic | ☐ Philanthropic Institution |
| ☐ Fraternal | ☒ Chartered Branch, Lodge or Chapter | ☐ Political Candidate |
| ☐ Patriotic | ☐ National Organization or Society | ☐ Municipality Owned Arts Facilities |
| ☐ Political | ☐ Religious Institution | |

LIAB Type of Special Event Applicant is Applying for: 2110 ☒ Malt, Vinous And Spirituous Liquor Fee: \$100.00 per event 2170 ☒ Fermented Malt Beverage Payable to the City of Montrose	DO NOT WRITE IN THIS SPACE Liquor Permit Number
---	---

1. Name of Applicant Organization or Political Candidate <i>Black Canyon Boys & Girls Club</i>		State Sales Tax Number (Required)
2. Mailing Address of Organization or Political Candidate (include street, city/town and ZIP) <i>P.O. Box 1907 Montrose, CO 81402</i>		3. Address of Place to Have Special Event (include street, city/town and ZIP) <i>Main Street- 500 Block of E. Main</i>
4. Authorized Representative of Qualifying Organization or Political Candidate <i>Boad Taylor</i>		Date of Birth
Authorized Representative's Mailing Address (if different than address provided in Question 2.)		
5. Event Manager <i>Boad Taylor</i>		Date of Birth
Event Manager Home Address (Street, City, State, ZIP) <i>Whitney LaChapelle</i>		Phone Number
6. Has Applicant Organization or Political Candidate been Issued a Special Event Permit this Calendar Year? ☒ No ☐ Yes How many days? _____		7. Is the premises for which your event is to be held currently licensed under the Colorado Liquor or Beer codes? ☒ No ☐ Yes License Number _____

8. Does the Applicant Have Possession or Written Permission for the Use of The Premises to be Licensed? ☒ Yes ☐ No				
List Below the Exact Date(s) for Which Application is Being Made for Permit				
Date <i>8/29/2022</i>	Date	Date	Date	Date
Hours From <i>5:00</i> P.m. To <i>7:30</i> P.m.	Hours From .m. To .m.	Hours From .m. To .m.	Hours From .m. To .m.	Hours From .m. To .m.
Date	Date	Date	Date	Date
Hours From .m. To .m.	Hours From .m. To .m.	Hours From .m. To .m.	Hours From .m. To .m.	Hours From .m. To .m.
Date	Date	Date	Date	Date
Hours From .m. To .m.	Hours From .m. To .m.	Hours From .m. To .m.	Hours From .m. To .m.	Hours From .m. To .m.

Oath of Applicant		
I declare under penalty of perjury in the second degree that I have read the foregoing application and all attachments thereto, and that all information therein is true, correct, and complete to the best of my knowledge.		
Signature <i>[Signature]</i>	Title <i>EXECUTIVE Director</i>	Date <i>8/29/22</i>

Report and Approval of Local Licensing Authority (City or County)

The foregoing application has been examined and the premises, business conducted and character of the applicant is satisfactory, and we do report that such permit, if granted, will comply with the provisions of Title 44, Article 5, C.R.S., as amended.

THEREFORE, THIS APPLICATION IS APPROVED.

Local Licensing Authority (City or County)	☐ City ☐ County	Telephone Number of City/County Clerk
Signature	Title	Date

DO NOT WRITE IN THIS SPACE - FOR DEPARTMENT OF REVENUE USE ONLY			
Liability Information			
License Account Number	Liability Date	State	Total
		-750 (999)	\$.

(Instructions on Reverse Side)

Special Event Permit Questionnaire

1. Name of Event: Dinner on main
2. Type of Event (i.e., annual, quarterly, benefit, etc.): annual
3. Explain in detail the nature of your organization, its function, and who or what benefits from its operations (attach a separate sheet if necessary): Boys & Girls Club allow for after school ^{dr Summer} enriching activities.
4. Who or what organization will be the recipient of funds derived from this event? Black Canyon Boys & Girls Club
5. How many attendees are expected at this event? 700 people goal 800
6. Describe the premises of this event: uncompahgre ^{to} park on main St.
7. If this is an outdoor event, describe how the exterior boundaries of the premises be marked (i.e., roped, fenced, etc.): City will provide fencing around the area
8. What type of entertainment, if any, will be provided at this event? Piped in music, nothing live.
9. What method will be used to check identification for proper age of attendees (i.e., at the door, at the bar, etc.), and how will underage patrons be identified so as not to be served alcohol beverages (i.e., stamp or mark on the hand, etc.)? at the door. we have wrist bands to identify people
10. How will the conduct and level of intoxication of attendees be monitored, and by whom? We have multiple people with tips training. we will not over serve anyone
11. Have volunteers or members of your organization been trained in the sale/service of alcohol beverages? If yes, what training have they received, and by whom? yes, 3 people tips training provided by the City of Montrose
12. What types of alternate beverages and food/snacks will be available? Dinner, water
13. Have State and City Sales Tax Numbers been initiated by you or a member of your organization? If yes, please provide the numbers in the space provided. _____
14. Explain how this event will be marketed by describing what kinds of advertising material will be distributed and the targeted recipients of such material. Radio and flyer



ORDINANCE NO. 2594

AN ORDINANCE OF THE CITY OF MONTROSE, COLORADO, EXTENDING THE TEMPORARY MORATORIUM TO PROHIBIT THE ESTABLISHMENT OF ANY NEW OR RELOCATION OF EXISTING ADULT GAMING ARCADE USES WITHIN THE CITY LIMITS OF THE CITY OF MONTROSE; PROVIDING THAT THE MORATORIUM SHALL BE IN EFFECT FOR A PERIOD WHICH SHALL TERMINATE AT THE EARLIEST OF THE CITY'S ADOPTION OF AN AMENDMENT TO TITLE 4, CHAPTER 14 ADULT BUSINESS REGULATIONS, OR THE EXPIRATION OF SEVEN HUNDRED THIRTY (730) DAYS FROM DATE OF PASSAGE OF EMERGENCY ORDINANCE 2560; PROVIDING FOR LEGISLATIVE FINDINGS, INTENT, AND PURPOSE; PROVIDING REPEALING CLAUSES; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Montrose is a home rule municipal corporation operating under adopted charter pursuant to § 6 of Article XX of the Colorado Constitution; and

WHEREAS, Article XVIII, §§2 and 9 of the Colorado Constitution regulates unlicensed gaming, and authorizes limited gaming only within the commercial districts in municipal limits of Central City, Black Hawk and Cripple Creek in the State of Colorado; and

WHEREAS limited gaming, defined in Article XVIII, § 9(4)(b) of the Colorado Constitution to include "the use of slot machines," is unlawful within any city that has not approved the expansion of limited gaming by the procedure set forth in Article XVIII, § 9(6) of a statewide vote on a constitutional amendment followed by a second affirmative vote of the majority of electors in the city, town, or county in which limited gaming will occur; and

WHEREAS limited gaming has not been so approved within the municipal limits of the City of Montrose and accordingly "shall not be lawful" in the City of Montrose under Article XVIII, § 9(6) of the Colorado Constitution; and

WHEREAS, the Colorado Supreme Court has recognized the authority of a home rule municipality to enact regulation of gambling as a matter of local concern, in *Woolverton v City and County of Denver*, 361 P.2d 982, 988-990 (Colo. 1961), *overruled on other grounds by, Vela v People*, 484 P.2d 1204 (Colo. 1971); and

WHEREAS, the State of Colorado has recognized the authority of municipal governments, in relation to their general police powers enumerated in C.R.S. § 31-15-401(1)(a)-(q), to declare what is a nuisance, to set punishments and abate declared

nuisances, “to suppress gaming and gambling houses, lotteries, and fraudulent devices and practices for the purpose of gaining or obtaining money or property[,]” and to enact and enforce ordinances prohibiting the activity of gambling and uses of any gambling device; and

WHEREAS, the City of Montrose has exercised this authority in its history to deem it unlawful and to set criminal penalties for “any person to play at any game whatsoever for any sum of money or other property of value, or to make any bet or wager for any sum of money or other property of value upon the result of such game[,]” (Montrose City Ord. 122, passed September 11, 1918); and

WHEREAS, there are now existing within the jurisdiction boundaries of the City of Montrose establishments that are engaged in the business of providing access to and the use of video gaming machines that accept money from patrons and pay monetary prizes in cash that fit the legal definition of slot machine, gambling device, and/or simulated gambling device prohibited under Colorado state law; and

WHEREAS, the businesses engaged in this activity referred to herein as Adult Gaming Arcades sited within the jurisdictional boundaries of the City of Montrose have had secondary, negative impact upon neighboring business, the community and the public in the form of increased crime, to wit: illegal drug usage; illegal drug distribution; public intoxication; violent crime and increased calls for service at and around their locations from the Montrose Police Department; and

WHEREAS, the City Council of the City of Montrose unanimously voted to adopt Emergency Ordinance 2560 on September 21st, 2021, in order to impose a one hundred eighty (180) day moratorium on new or relocating Adult Gaming Arcade establishments pursuant to its home rule authority provided under the Colorado Constitution, Article XX, Section 6, and the Montrose City Charter, Article II, Section 8, which conveys police power authority to act for the benefit of and preservation of public property, health, peace, or safety within the City limits; and

WHEREAS, the City Council of the City of Montrose unanimously voted to adopt Ordinance 2563 on March 1st, 2022, at second reading to extend the moratorium to September 21st, 2022; and

WHEREAS, the moratorium’s intention was to allow City staff sufficient time to evaluate the legality of the use referred to as Adult Gaming Arcades and to help prevent prospective business operators from opening new businesses within city limits that could be determined to be establishments offering simulated gambling prohibited by Colorado law; and

WHEREAS, the Colorado General Assembly during the pendency of this

moratorium passed House Bill 2022-1412 ‘Concerning the Continuation of the Division of Gaming in the Department of Revenue, and in Connection Therewith, Implementing the Recommendations Contained in the 2021 Sunset Report by the Department of Regulatory Agencies’ which expanded the powers of the Colorado Division of Gaming to include the ability to make determinations on whether persons not licensed by the commission to conduct limited gaming operations are offering to one or more members of the public, in any city, town, city and county, or county “[u]nlicensed establishments that allow the use of equipment or devices that qualify as slot machines or are used to play roulette or craps.” C.R.S. § 44-30-302(w)(III); and

WHEREAS, the Division of Gaming is authorized to but has yet to engage in rulemaking activity to further define the statutory grant of authority in House Bill 2022-1412; and

WHEREAS, the City’s Adult Business Regulations are a matter of local control and purposed to promote the public health, safety, and welfare; and

WHEREAS, the City’s Adult Business Regulations are updated from time to time; and

WHEREAS, the City Council of the City of Montrose has determined that the changes to the Municipal Code will further the health, safety, and welfare of the people of the City of Montrose.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MONTROSE, COLORADO that:

The following Sections of Title 4 Chapter 14 of the Official Code of the City of Montrose, Colorado are hereby repealed, replaced or added: Title 4 Chapter 14 Section 10 (§ 4-14-10) only is hereby repealed and replaced. This version supersedes all previous versions to read in full as follows:

4-14-10. - Declaration of Council, Construction.

- (A) Legislative Declaration.** The Montrose City Council hereby adopts and incorporates the above recital clauses herein by reference in this Ordinance, finds the recitals as true and correct, and to constitute the legislative findings of the City in support of the following ordaining sections. It is the purpose and intent of this Ordinance to promote the health, safety, morals, and general welfare of the residents and businesses of the City by affording time for City staff to conduct analysis of any impact from Adult Gaming Arcades, whether such uses are legal and, if so, can be appropriately sited within the city limits of the City of Montrose with appropriate regulation, whether such uses constitute establishments that

allow the use of equipment or devices that qualify as slot machines subject to prohibition by the Division of Gaming as unlicensed and unlawful activity, and whether such uses are or should be prohibited by state law or concurrent local ordinance.

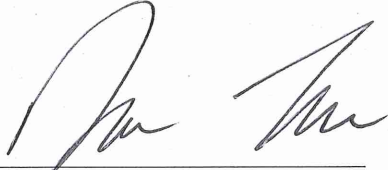
(B) Imposition of Moratorium. A moratorium period is hereby declared on all new establishments not in existence or the relocation of existing establishments as of September 21, 2021, constituting Adult Gaming Arcades, Slot Machine, Gambling Device and Simulated Gambling Device from the effective date of Emergency Ordinance 2560, September 21, 2021, for the period of seven hundred thirty (730) days to September 21, 2023 (inclusive), or until further action of the City Council ending or modifying this moratorium, whichever occurs first. Such further action shall be taken by resolution by the City Council accordingly. No applications pertaining to sales and use tax, amendments to the official zoning map, site development, liquor license, sign permit or building permit, any development permit, or renewal or transfer of any of the aforementioned shall be accepted for review by the City of Montrose for the moratorium period as defined herein.

(C) Repeal. This section (4-14-10) is repealed, effective 12:01 a.m. September 22, 2023.

This Ordinance shall be deemed severable. Should any phrase, term, section, or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid or unlawful, the remainder of the Ordinance shall remain in full force and effect.

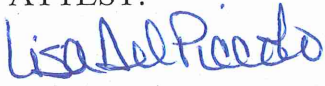
You will please take notice that the Montrose City Council will hold a hearing upon the above Ordinance and the question of its passage on first reading on Tuesday, the 6th day of September, 2022, at the hour of 6:00 p.m. at the Elks' Civic Building in Montrose, Colorado.

INTRODUCED, READ, and PASSED on first reading this 6th day of September, 2022.

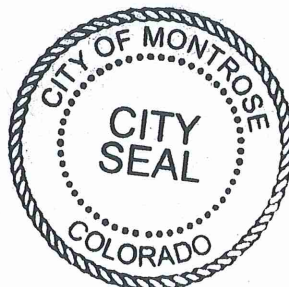


David Frank, Mayor

ATTEST:



Lisa DelPiccolo, City Clerk



INTRODUCED, READ, and ADOPTED on second reading this 20th day of
September, 2022.

David Frank, Mayor

ATTEST:

Lisa DelPiccolo, City Clerk

4-14-10 Adult Gaming Arcades

- (A) **Legislative Declaration.** The Montrose City Council hereby adopts and incorporates the above recital clauses herein by reference in this Ordinance, finds the recitals as true and correct, and to constitute the legislative findings of the City in support of the following ordaining sections. It is the purpose and intent of this Ordinance to promote the health, safety, morals, and general welfare of the residents and businesses of the City by affording time for City staff to conduct analysis of any impact from Adult Gaming Arcades, whether such uses are legal and, if so, can be appropriately sited within the city limits of the City of Montrose with appropriate regulation, whether such uses constitute establishments that allow the use of equipment or devices that qualify as slot machines subject to prohibition by the Division of Gaming as unlicensed and unlawful activity, and ~~or~~ whether such uses are or should be prohibited by state law or concurrent local ordinance.
- (B) **Imposition of Moratorium.** A moratorium period is hereby declared on all new establishments not in existence or the relocation of existing establishments as of September 21, 2021, constituting Adult Gaming Arcades, Slot Machine, Gambling Device and Simulated Gambling Device from the effective date of Emergency Ordinance 2560, September 21, 2021, for the period of ~~three~~ seven hundred ~~thirty~~ sixty-five (~~365~~ 730) days to September 21, 2022~~3~~ (inclusive), or until further action of the City Council ending or modifying this moratorium, whichever occurs first. Such further action shall be taken by resolution by the City Council accordingly. No applications pertaining to sales and use tax, amendments to the official zoning map, site development, liquor license, sign permit or building permit, any development permit, or renewal or transfer of any of the aforementioned shall be accepted for review by the City of Montrose for the moratorium period as defined herein.
- (C) **Repeal.** This section (4-14-10) is repealed, effective 12:01 a.m. September 22, 2022~~3~~.

ORDINANCE NO. 2595

AN ORDINANCE OF THE CITY OF MONTROSE, COLORADO, AMENDING TITLE 5 CHAPTER 11 SECTIONS 1, 3, AND 8, TO REFLECT RECODIFICATION OF CERTAIN SECTIONS OF THE COLORADO REVISED STATUTES.

WHEREAS, the Colorado Revised Statutes relocate certain statutes from one chapter or section to another from time to time; and

WHEREAS, the City's Municipal Code incorporates certain statutes by reference into its ordinances and must update the references to reflect the relocation of these statutes.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MONTROSE, COLORADO that:

The following Sections of Title 5 Chapter 11 of the Official Code of the City of Montrose, Colorado are hereby amended to read as follows:

Section 1:

Section 5-11-1(A); (B)(2) (License required.) of the Code is amended to read as follows:

- (A) It shall be unlawful for any person to engage in the business of being a pawnbroker, as defined and regulated by C.R.S. § 29-11.9-101 et seq., without obtaining a license from the City.
- (B)
 - (1)
 - (2) A good and sufficient bond, with surety, to be approved by the City Attorney in the amount of \$2,000.00 conditioned upon the faithful observance of the requirements of this Chapter and of C.R.S. § 29-11.9-101 et seq. and for the safekeeping or return of all articles held on pledge by the pawnbroker.

Section 2:

Section 5-11-3(A) (Requirements for pawnbroking.) of the Code is amended to read as follows:

- (A) All pawnbrokers shall comply with the requirements of C.R.S. § 29-11.9-101 et seq., the requirements of this Chapter, and of any regulations issued pursuant hereto.

Section 3:

Section 5-11-8 (Right of inspection.) of the Code is amended to read as follows:

For the purpose of administering and enforcing the requirements of this Chapter and C.R.S. § 29-11.9-101 et seq., the City Manager's Office, or its authorized representative, shall have the right to enter upon the licensee's premises and to examine the books, accounts, papers, records and pledged property used or kept by any licensed pawnbroker or other person engaged in the business of pawnbroking. If any licensee shall refuse such access or inspection, the City Manager shall have recourse, as provided by law, including obtaining a warrant from the Municipal Court. The City Manager's Office may also issue a subpoena duces tecum for a hearing before the City Manager or City Council, which subpoena may be enforced by the district court or other court of competent jurisdiction.

Section 4:

Except as specifically amended hereby, the Official Municipal Code of the City of Montrose, and the various secondary codes adopted by reference therein, shall continue in full force and effect.

Section 5:

The City Council hereby finds, determines and declares that this Ordinance is necessary and proper to provide for the safety, preserve the health, promote the prosperity, and improve the order, comfort and convenience of the City of Montrose and the inhabitants thereof.

Section 6:

The City Council hereby finds, determines and declares that it has the power to adopt this Ordinance pursuant to the authority granted to home rule municipalities by Article XX of the Colorado Constitution and the powers contained in the City of Montrose Charter.

Section 7:

If any provision of this Ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared to be severable.

Section 8:

All ordinances and parts of ordinances in conflict with this Ordinance are hereby repealed.

Section 9:

This Ordinance shall become effective as set forth in the City of Montrose Charter.

You will please take notice that the Montrose City Council will hold a hearing upon the above Ordinance and on the question of its passage on first reading on Tuesday, the 6th day of September, 2022, at the hour of 6:00 p.m. at the Elks' Civic Building in Montrose, Colorado.

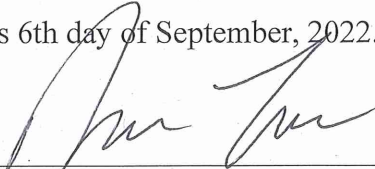
INTRODUCED, READ and PASSED on first reading this 6th day of September, 2022.

ATTEST:



Lisa DelPiccolo, City Clerk





David Frank, Mayor

INTRODUCED, READ and ADOPTED on second reading this 20th day of September, 2022.

ATTEST:

Lisa DelPiccolo, City Clerk

David Frank, Mayor

Sec. 5-11-1. License required.

- (A) It shall be unlawful for any person to engage in the business of being a pawnbroker, as defined and regulated by C.R.S. § ~~42-5629-11.9~~-101 et seq., without obtaining a license from the City.
- (B) Applications for licenses shall be submitted annually, on forms provided by the City which may require all information necessary or convenient for the enforcement and administration of this Chapter accompanied by the following:
 - (1) An annual license fee as set by resolution and referred to in the City of Montrose Regulations Manual.
 - (2) A good and sufficient bond, with surety, to be approved by the City Attorney in the amount of \$2,000.00 conditioned upon the faithful observance of the requirements of this Chapter and of C.R.S. § 29-11.9-101 et seq. and for the safekeeping or return of all articles held on pledge by the pawnbroker.
 - (3) All-risk property insurance insuring all pledged property against loss from fire, theft or other casualty.

...

Sec. 5-11-3. Requirements for pawnbroking.

- (A) All pawnbrokers shall comply with the requirements of C.R.S. § ~~42-5629-11.9~~-101 et seq., the requirements of this Chapter, and of any regulations issued pursuant hereto.

...

Sec. 5-11-8. Right of inspection.

For the purpose of administering and enforcing the requirements of this Chapter and C.R.S. § ~~42-5629-11.9~~-101 et seq., the City Manager's Office, or ~~its~~his authorized representative, shall have the right to enter upon the licensee's premises and to examine the books, accounts, papers, records and pledged property used or kept by any licensed pawnbroker or other person engaged in the business of pawnbroking. If any licensee shall refuse such access or inspection, the City Manager shall have recourse, as provided by law, including obtaining a warrant from the Municipal Court. ~~He~~The City Manager's Office may also issue a subpoena duces tecum for a hearing before the City Manager or City Council, which subpoena may be enforced by the district court or other court of competent jurisdiction.

ORDINANCE NO. 2596

AN ORDINANCE OF THE CITY OF MONTROSE, COLORADO, AMENDING TITLE 5 CHAPTER 12 SECTIONS 1, 2, 3, 5, 7, 8, 9, AND 10, TO REFLECT RECODIFICATION OF CERTAIN SECTIONS OF THE COLORADO REVISED STATUTES.

WHEREAS, the Colorado Revised Statutes relocate certain statutes from one chapter or section to another from time-to-time; and

WHEREAS, the City's Municipal Code incorporates certain statutes by reference into its ordinances, and these references should be updated to reflect the relocation of these such statutes.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MONTROSE, COLORADO that:

The following Sections of Title 5 Chapter 12 of the Official Code of the City of Montrose, Colorado are hereby amended to read as follows:

Section 1:

Section 5-12-1(B) (Licensing authority.) of the Code is amended to read as follows:

- (B) The Montrose City Clerk is hereby authorized to issue temporary permits upon a determination that the request for such permit meets the requirements of C.R.S. § 44-3-303 or other applicable provisions of the Colorado Beer Code (C.R.S. § 44-4-101, et seq.) or Colorado Liquor Code (C.R.S. § 44-3-101, et seq.). Any person aggrieved by a failure of the Clerk to issue a temporary license may appeal the denial to the City Council.

Section 2:

Section 5-12-2 (Definitions.) of the Code is amended to read as follows:

Alcoholic beverage means any fermented malt beverage as defined by the Colorado Beer Code (C.R.S. § 44-4-101, et seq.) and all "malt, vinous or spirituous liquors" as defined by the Colorado Liquor Code (C.R.S. § 44-3-101, et seq.), including, but not limited to, beverages commonly known as liquor, wine and beer with an alcoholic content of more or less than 3.2 percent by weight.

Fermented malt beverage means any beverage defined as such by the Colorado Beer Code (C.R.S. § 44-4-101, et seq.), including, but not limited to, beverages commonly referred to as 3.2 percent beer or beer containing not more than 3.2 percent alcohol by weight.

Malt, vinous or spirituous liquors means as defined by the Colorado Liquor Code (C.R.S. § 44-3-101, et seq.), and shall include, but not be limited to, liquor, wine and beer having more than 3.2 percent alcohol content by weight.

Section 3:

Sections 5-12-3(B); (F)(1), (2) (Unlawful acts.) of the Code are amended to read as follows:

- (B) The provisions of this Section shall not apply to a person in possession of one opened but resealed container of partially consumed vinous liquor which was lawfully removed from the licensed premises of a liquor licensee pursuant to C.R.S. § 44-3-423 as it may be amended.
- (F) (1) For any person under 21 years of age to enter or remain upon the premises of a business establishment holding a tavern liquor license, as that term is defined in C.R.S. § 44-3-414, during business hours, unless such person is accompanied by such person's parent or legal guardian, is an employee of such premises, or is temporarily on the premises making a delivery.
- (2) For any person holding a tavern liquor license, as that term is defined in C.R.S. § 44-3-414, for a business establishment, or any agent or employee thereof, to allow a person under the age of 21 years of age to enter or remain upon the premises during business hours, unless such person is accompanied by such person's parent or legal guardian, is an employee of such premises, or is temporarily on the premises while making a delivery.

Section 4:

Section 5-12-5 (Penalty.) of the Code is amended to read as follows:

Any person convicted of a violation of any provision of this Chapter shall be punished in accordance with Section 1-2-3, of the Official Code of the City of Montrose, Colorado.

Section 5:

Section 5-12-7(A) (Optional premises license.) of the Code is amended to read as follows:

- (A) Optional premises licenses and hotel and restaurant licenses with optional premises may be approved pursuant to C.R.S. § 44-3-310 upon showing that the following specific standards are met.

Section 6:

Sections 5-12-8(A); (C); (D)(1)(a), (b), (d), (e) (Special event permits.) of the Code are amended to read as follows:

- (A) Pursuant to C.R.S. § 44-5-107(5)(a) the City Council of the City of Montrose, acting as the local liquor licensing authority, hereby elects to exercise exclusive local control over the issuance of liquor license special event permits for events within the City. The preceding recitals are adopted as specific findings and determinations of the Council.
- (C) Upon receipt of an application for a special event permit the City Clerk shall, as required by C.R.S. § 44-5-107(5)(c), access information made available on the website of the state licensing authority

to determine the statewide permitting activity of the organization applying for the permit. The City shall consider compliance with the provisions of C.R.S. § 44-5-105(3) limiting to 15 the number of special event permits issued in any one year to any one organization, before approving any application.

(D)

(1)

- (a) Timely and proper posting of a conspicuous public notice sign as required by C.R.S. § 44-5-106(2).
- (b) Whether the applicant satisfies the eligibility criteria set forth in C.R.S. § 44-5-102.
- (d) That the applicant has not exceeded and does not propose to exceed the maximum number of special event calendar days permitted by C.R.S. § 44-5-105(3).
- (e) Each application for a special event permit shall be accompanied by an application fee in an amount equal to the local licensing fee established by C.R.S. § 44-5-107(2).

Section 7:

Sections 5-12-9(B)(2); (C) (Tastings.) of the Code are amended to read as follows:

(B)

(1)

- (2) The alcohol beverage used in tastings must be purchased through a class of license listed in C.R.S. § 44-3-301(10) at a cost that is not less than the laid-in cost of the alcohol beverage.

- (C) A violation of a limitation specified in this Section or of C.R.S. § 44-3-301 by a retail liquor store or liquor-licensed drugstore licensee, whether by the licensee's employees, agents, or otherwise, shall be the responsibility of the retail liquor store or liquor-licensed drugstore licensee who is conducting the tasting.

Section 8:

Section 5-12-10 (Distance restrictions to schools.) of the Code is amended to read as follows:

The distance restriction established by C.R.S. § 44-3-313(1)(d)(1) shall be eliminated pursuant to C.R.S. § 44-3-313(1)(d)(III), with respect to beer and wine, and, hotel and restaurant licenses. Beer and wine, and hotel restaurant liquor licenses may be issued within 500 feet of any public, parochial, or nonpublic school or any college, university, or seminary.

Section 9:

Except as specifically amended hereby, the Official Municipal Code of the City of Montrose, and the various secondary codes adopted by reference therein, shall continue in full force and effect.

Section 10:

The City Council hereby finds, determines and declares that this Ordinance is necessary and proper to provide for the safety, preserve the health, promote the prosperity, and improve the order, comfort and convenience of the City of Montrose and the inhabitants thereof.

Section 11:

The City Council hereby finds, determines and declares that it has the power to adopt this Ordinance pursuant to the authority granted to home rule municipalities by Article XX of the Colorado Constitution and the powers contained in the City of Montrose Charter.

Section 12:

If any provision of this Ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared to be severable.

Section 13:

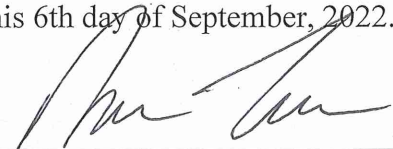
All ordinances and parts of ordinances in conflict with this Ordinance are hereby repealed.

Section 14:

This Ordinance shall become effective as set forth in the City of Montrose Charter.

You will please take notice that the Montrose City Council will hold a hearing upon the above Ordinance and on the question of its passage on first reading on Tuesday, the 6th day of September, 2022, at the hour of 6:00 p.m. at the Elks' Civic Building in Montrose, Colorado.

INTRODUCED, READ and PASSED on first reading this 6th day of September, 2022.



David Frank, Mayor

ATTEST:



Lisa DelPiccolo, City Clerk

INTRODUCED, READ and ADOPTED on second reading this 20th day of September, 2022.



David Frank, Mayor

ATTEST:

Lisa DelPiccolo, City Clerk

Sec. 5-12-1. Licensing authority.

- (A) The Montrose City Council is hereby designated the local licensing authority for the purposes of exercising the duties and powers provided for in the Colorado Beer Code and the Colorado Liquor Code.
- (B) The Montrose City Clerk is hereby authorized to issue temporary permits upon a determination that the request for such permit meets the requirements of C.R.S. ~~§§ 12-46-106.5, 12-47-106.5, 12-47-106(1)(b.5)~~ § 44-3-303 or other applicable provisions of the Colorado Beer Code (C.R.S. § 44-4-101, et seq.) or Colorado Liquor Code ~~(C.R.S. § 44-3-101, et seq.)~~. Any person aggrieved by a failure of the Clerk to issue a temporary license may appeal the denial to the City Council.

...

Sec. 5-12-2. Definitions.

The following words, terms and phrases, when used in this Chapter, shall have the meanings ascribed to them in this Section, except where the context clearly indicates a different meaning:

Alcoholic beverage means any fermented malt beverage as defined by the Colorado Beer Code (C.R.S. § 44-4-101, et seq.) and all "malt, vinous or spirituous liquors" as defined by the Colorado Liquor Code ~~(C.R.S. § 44-3-101, et seq.)~~, including, but not limited to, beverages commonly known as liquor, wine and beer with an alcoholic content of more or less than 3.2 percent by weight.

~~(1) C.R.S. § 12-46-101 et seq.~~

~~(2) C.R.S. § 12-47-101 et seq.~~

Fermented malt beverage means any beverage defined as such by the Colorado Beer Code ~~(C.R.S. § 44-4-101, et seq.)~~, including, but not limited to, beverages commonly referred to as 3.2 percent beer or beer containing not more than 3.2 percent alcohol by weight.

Malt, vinous or spirituous liquors means as defined by the Colorado Liquor Code ~~(C.R.S. § 44-3-101, et seq.)~~, and shall include, but not be limited to, liquor, wine and beer having more than 3.2 percent alcohol content by weight.

Sec. 5-12-3. Unlawful acts.

It shall be unlawful for any person to commit any of the following acts:

...

- (B) The provisions of this Section shall not apply to a person in possession of one opened but resealed container of partially consumed vinous liquor which was lawfully removed from the licensed premises of a liquor licensee pursuant to C.R.S. ~~§ 12-47-421~~ § 44-3-423 as it may be amended.

...

Sec. 5-12-5. Penalty.

Any person convicted of a violation of any provision of this Chapter shall be punished ~~by a fine of not more than \$1,000.00 or by a term of imprisonment of not more than one year or both such fine and imprisonment; provided, however, no person under the age of 18 years shall be sentenced to any term of imprisonment, in accordance with Section 1-2-3, of the Official Code of the City of Montrose, Colorado.~~

Sec. 5-12-7. Optional premises license.

- (A) Optional premises licenses and hotel and restaurant licenses with optional premises may be approved pursuant to C.R.S. § ~~12-47-135.544-3-310~~ upon showing that the following specific standards are met.

...

Sec. 5-12-8. Special event permits.

- (A) Pursuant to C.R.S. § ~~12-4844-5~~-107(5)(a) the City Council of the City of Montrose, acting as the local liquor licensing authority, hereby elects to exercise exclusive local control over the issuance of liquor license special event permits for events within the City. The preceding recitals are adopted as specific findings and determinations of the Council.
- (B) The provision of this Section notwithstanding, the City Clerk shall report to the Colorado Liquor Enforcement Division, within ten days after the City issues any special event permit, the name of the organization to which the permit was issued, the address of the permitted location, and the permitted dates of alcohol beverage service.
- (C) Upon receipt of an application for a special event permit the City Clerk shall, as required by C.R.S. § ~~12-4844-5~~-107(5)(c), access information made available on the website of the state licensing authority to determine the statewide permitting activity of the organization applying for the permit. The City shall consider compliance with the provisions of C.R.S. § ~~12-4844-5~~-105(3) limiting to 15 the number of special event permits issued in any one year to any one organization, before approving any application.
- (D) In addition, before approval, the City Clerk shall confirm the following when appropriate:
- (1) For special event licenses.
 - (a) Timely and proper posting of a conspicuous public notice sign as required by ~~Article 48, Title 12, C.R.S., as amended.C.R.S. § 44-5-106(2).~~
 - (b) Whether the applicant satisfies the eligibility criteria set forth in ~~Article 48, Title 12, C.R.S., as amendedC.R.S. § 44-5-102.~~
 - (c) After investigation, no sufficient grounds for denial appear to exist and no protests have been filed by affected persons.
 - (d) That the applicant has not exceeded and does not propose to exceed the maximum number of special event calendar days permitted by ~~Article 48, Title 12, C.R.S., as amended.C.R.S. § 44-5-105(3).~~
 - (e) Each application for a special event permit shall be accompanied by an application fee in an amount equal to the local licensing fee established by C.R.S. § ~~12-4844-5~~-107(2).

Sec. 5-12-9. Tastings.

Any retail or liquor-licensed drugstore licensee who wishes to conduct tastings may:

...

- (B) Tastings are subject to the following limitations:
- (1) Tastings shall be conducted only by a person who has completed a server training program that meets the standards established by the Liquor Enforcement Division in the Department of Revenue and is a retail liquor store or liquor-licensed drugstore licensee, an employee of a licensee, and only on a licensee's licensed premises.
 - (2) The alcohol beverage used in tastings must be purchased through a ~~licensed wholesaler, licensed brew pub, licensed distillery pub, or winery licensed pursuant to class of license~~

listed in C.R.S. § ~~12-47-403~~44-3-301(10) at a cost that is not less than the laid-in cost of the alcohol beverage.

...

- (C) A violation of a limitation specified in this Section or of C.R.S. § ~~12-47-801~~44-3-301 by a retail liquor store or liquor-licensed drugstore licensee, whether by the licensee's employees, agents, or otherwise, shall be the responsibility of the retail liquor store or liquor-licensed drugstore licensee who is conducting the tasting.

...

Sec. 5-12-10. Distance restrictions to schools.

The distance restriction established by C.R.S. § ~~12-47-44-3~~44-3-313(1)(d)(1) shall be eliminated pursuant to C.R.S. § 44-3-313(1)(d)(III), with respect to beer and wine, and, hotel and restaurant licenses, ~~pursuant to C.R.S. § 12-47-313(1)(d)(III)~~. Beer and wine, and hotel restaurant liquor licenses may be issued within 500 feet of any public, parochial, or nonpublic school or any college, university, or seminary.

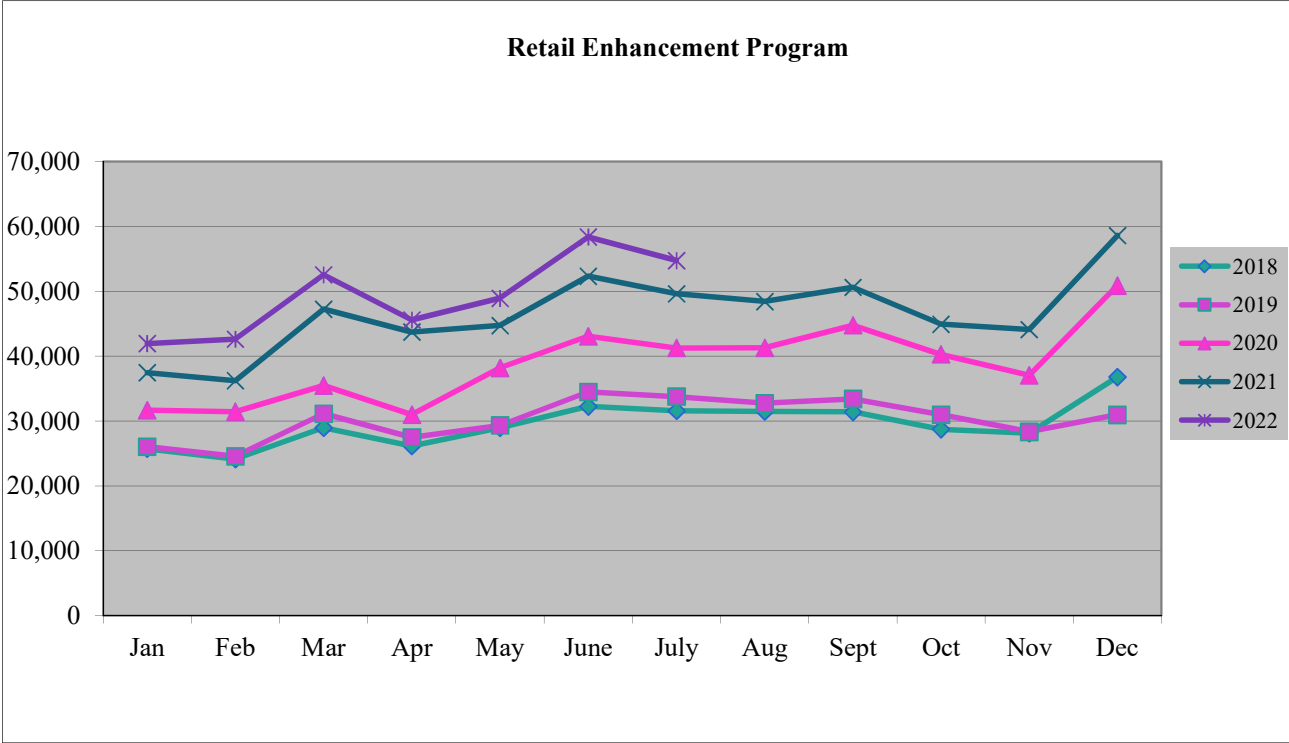
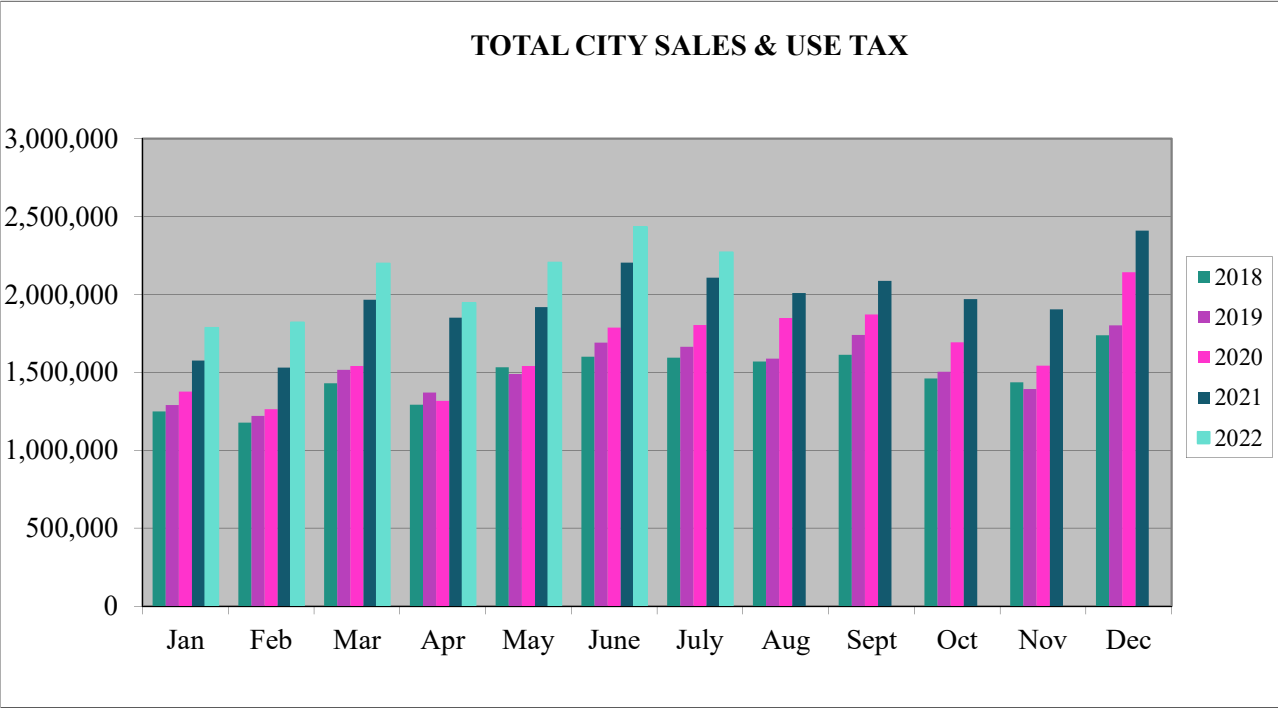
CITY OF MONTROSE

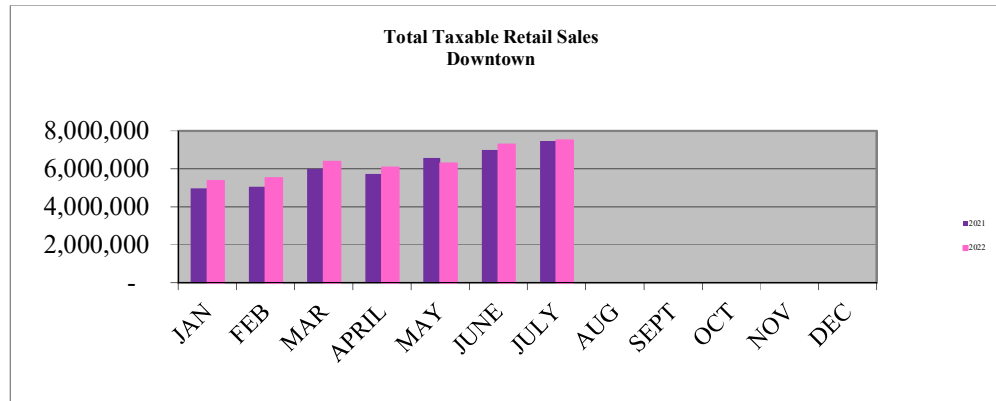
MONTHLY SALES, USE & EXCISE TAX REPORT

Date: September 14, 2022

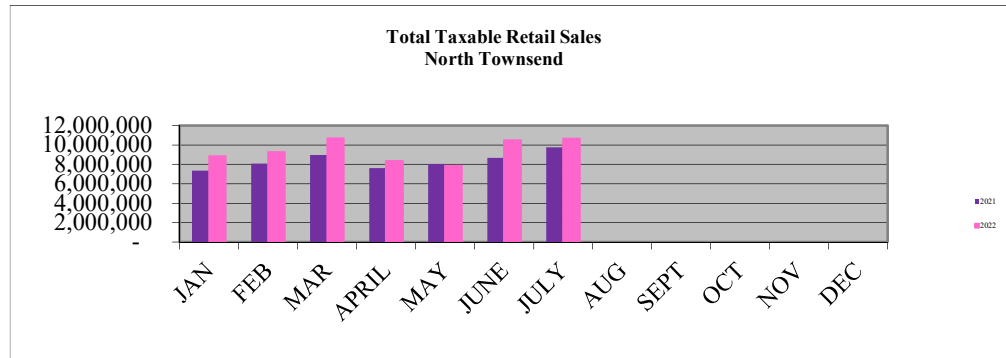
	Retail Sales Tax 3.0%			Construction Use Tax 3.0%			Use & Auto Tax 3.0%			Total Collected Sales and Use Tax			Sales and Use Budget	
Month	Current Year 2022	Prior Year 2021	% of Increase/ Decrease	Current Year 2022	Prior Year 2021	% of Increase/ Decrease	Current Year 2022	Prior Year 2021	% of Increase/ Decrease	Current Year 2022	Prior Year 2021	% of Increase/ Decrease	Budget 2022	Variance 2022
Jan	1,577,196	1,411,880	11.7%	105,404	56,829	85.5%	103,384	106,625	-3.0%	1,785,984	1,575,334	13.4%	1,373,456	30.0%
Feb	1,604,527	1,356,512	18.3%	86,060	62,892	36.8%	131,237	111,783	17.4%	1,821,825	1,531,187	19.0%	1,312,954	38.8%
Mar	1,987,512	1,774,652	12.0%	76,046	67,001	13.5%	134,920	124,961	8.0%	2,198,478	1,966,614	11.8%	1,688,649	30.2%
Apr	1,727,419	1,648,303	4.8%	87,996	76,234	15.4%	130,690	127,030	2.9%	1,946,105	1,851,567	5.1%	1,578,615	23.3%
May	1,862,079	1,698,414	9.6%	230,326	79,180	190.9%	111,822	141,859	-21.2%	2,204,227	1,919,453	14.8%	1,612,555	36.7%
June	2,215,401	1,964,482	12.8%	55,698	95,375	-41.6%	162,206	142,970	13.5%	2,433,306	2,202,827	10.5%	1,891,631	28.6%
July	2,074,974	1,907,098	8.8%	65,121	60,682	7.3%	130,595	138,049	-5.4%	2,270,690	2,105,829	7.8%	1,798,641	26.2%
Aug														
Sept														
Oct														
Nov														
Dec														
YTD Total	13,049,109	11,761,341	10.9%	706,651	498,193	41.8%	904,854	893,277	1.3%	14,660,615	13,152,811	11.5%	11,256,502	30.2%

	PSST Retail Sales Tax 0.58%			PSST Construction Use Tax 0.58%			PSST Use & Auto Tax 0.58%			Total Collected PSST Sales and Use Tax			PSST Budget		Montrose Recreation District 0.3%		
Month	Current Year 2022	Prior Year 2021	% of Increase/ Decrease	Current Year 2022	Prior Year 2021	% of Increase/ Decrease	Current Year 2022	Prior Year 2021	% of Increase/ Decrease	Current Year 2022	Prior Year 2021	% of Increase/ Decrease	Budget 2022	Variance 2022	Current Year 2022	Prior Year 2021	% of Increase/ Decrease
Jan	306,061	273,697	11.8%	20,501	11,422	79.5%	19,988	20,614	-3.0%	346,550	305,733	13.4%	265,395	30.6%	179,323	160,355	11.8%
Feb	311,225	263,661	18.0%	19,789	12,159	62.7%	25,373	21,611	17.4%	356,387	297,431	19.8%	258,006	38.1%	184,349	153,850	19.8%
Mar	385,493	344,978	11.7%	14,702	18,202	-19.2%	26,085	24,159	8.0%	426,280	387,339	10.1%	335,577	27.0%	220,486	200,342	10.1%
Apr	334,940	319,857	4.7%	17,005	14,739	15.4%	25,267	24,559	2.9%	377,212	359,155	5.0%	311,595	21.1%	195,107	185,847	5.0%
May	360,979	329,666	9.5%	52,447	33,452	56.8%	21,619	27,426	-21.2%	435,045	390,545	11.4%	360,477	20.7%	225,444	202,002	11.6%
June	429,836	381,703	12.6%	16,305	18,448	-11.6%	31,360	27,641	13.5%	477,501	427,792	11.6%	371,104	28.7%	246,982	221,266	11.6%
July	402,688	370,107	8.8%	13,831	24,937	-44.5%	25,248	26,689	-5.4%	441,767	421,733	4.8%	364,414	21.2%	228,499	218,237	4.7%
Aug																	
Sept																	
Oct																	
Nov																	
Dec*																	
YTD Total	2,531,222	2,283,668	10.8%	154,580	133,359	15.9%	174,939	172,700	1.3%	2,860,741	2,589,728	10.5%	2,266,567	26.2%	1,480,190	1,341,899	10.3%

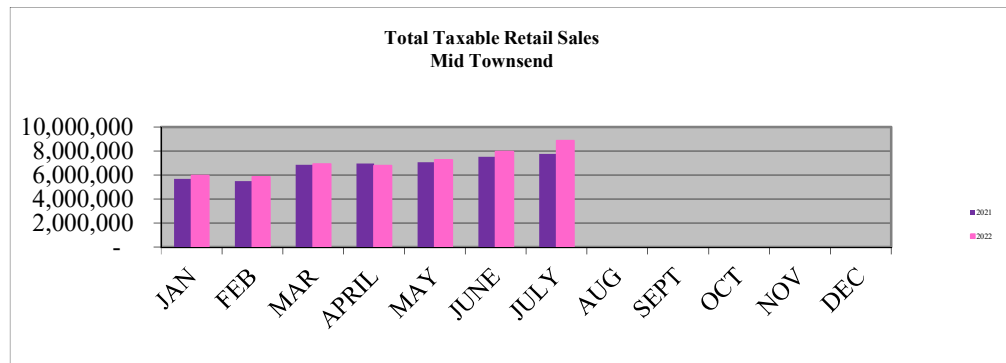




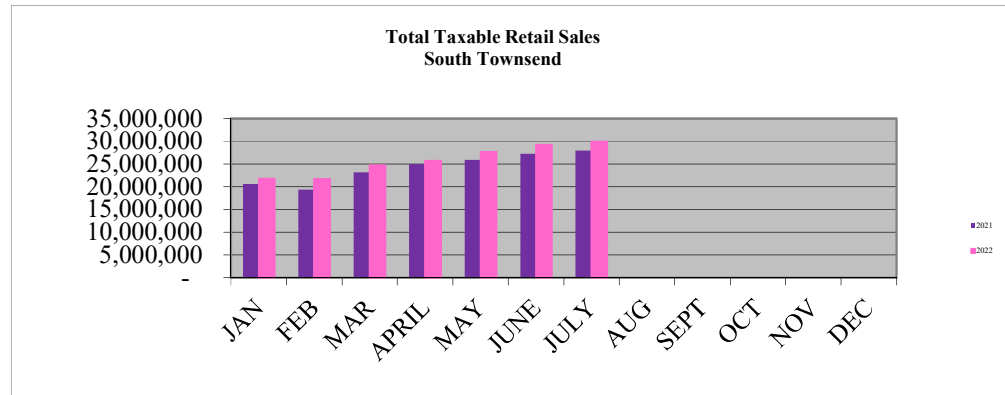
AREA 1: DOWNTOWN BOUNDARY



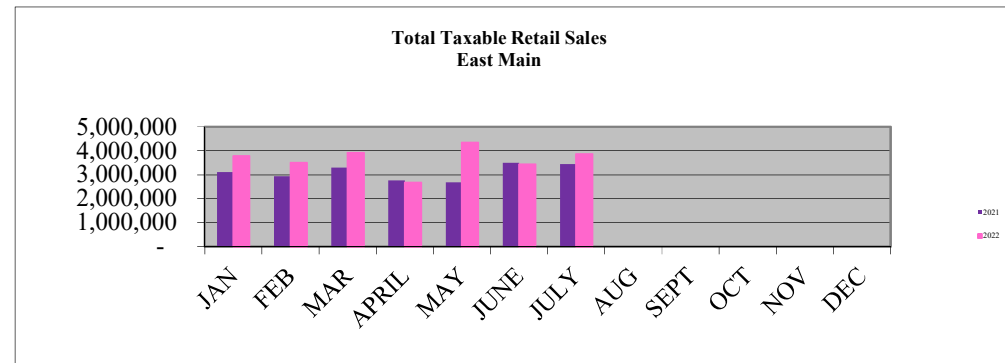
AREA 2: *NORTH CITY LIMIT TO NORTH 2ND STREET



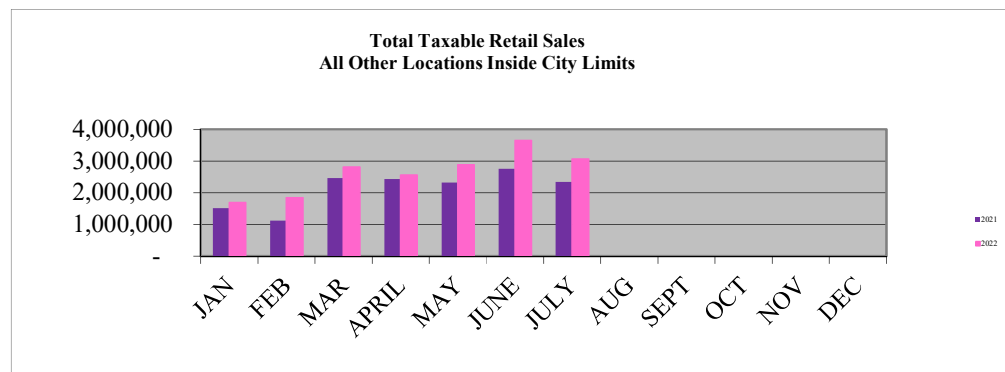
AREA 3: MID TOWNSEND SOUTH 2ND STREET TO E OAK GROVE RD



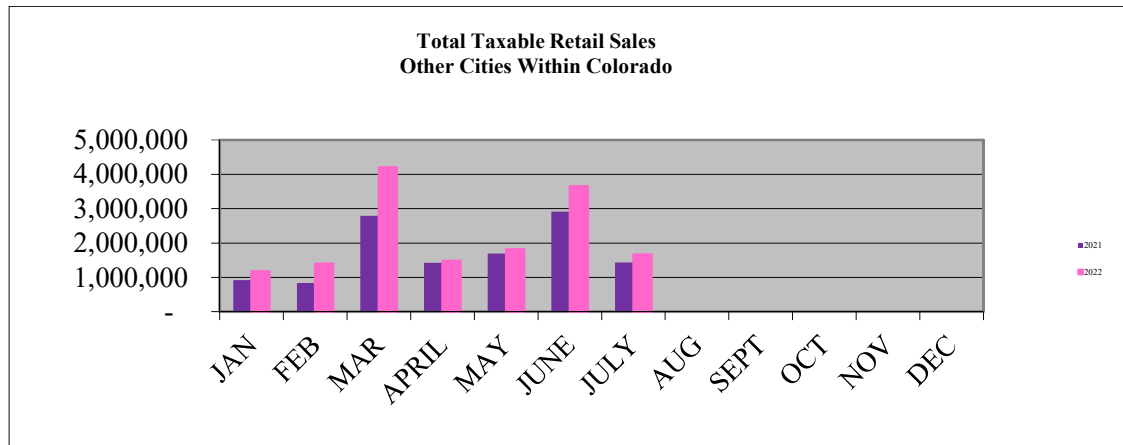
AREA 4: SOUTH TOWNSEND E OAK GROVE RD TO SOUTH CITY LIMIT



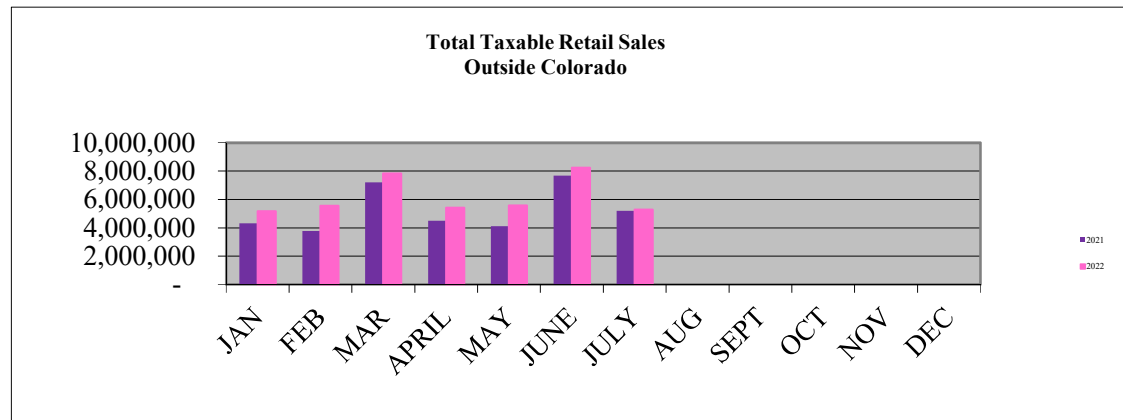
AREA 5: EAST MAIN SAN JUAN AVENUE TO EAST CITY LIMIT



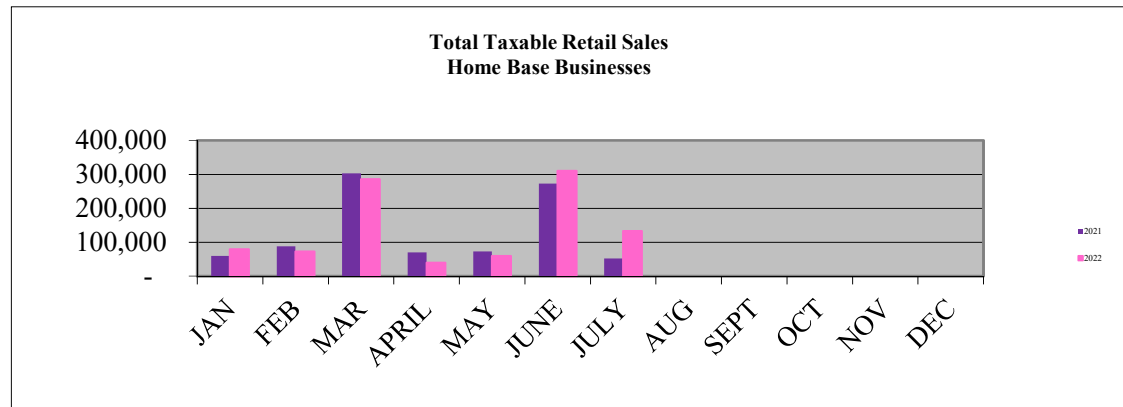
AREA 6: ALL OTHER LOCATIONS INSIDE CITY LIMITS OF MONTROSE



AREA 7: OTHER CITIES WITHIN COLORADO



AREA 8: OUTSIDE COLORADO



AREA 9: HOME BASE BUSINESSES