

CITY of ALBUQUERQUE TWENTY FOURTH COUNCIL

COUNCIL BILL NO. R-20-54 ENACTMENT NO. _____

SPONSORED BY: Brook Bassan

1 RESOLUTION

2 URGING THE NEW MEXICO DEPARTMENT OF REGULATION AND LICENSING
3 TO PROVIDE A METHOD FOR TEMPORARY EXPANSION OF LIQUOR SERVICE
4 AREAS FOR RESTAURANTS AND BARS; ESTABLISHING POLICY FOR THE
5 CITY TO SIMILARLY AUTHORIZE SUCH EXPANSIONS THROUGH ITS LOCAL
6 OPTION AUTHORITY

7 WHEREAS, on March 11, 2020, Governor Michelle Lujan Grisham issued
8 Executive Order 2020-004, Declaring a Public Health Emergency in New Mexico
9 relating to the spread of COVID-19; and

10 WHEREAS, in subsequent weeks the New Mexico Department of Health has
11 issued orders limiting public gatherings and requiring non-essential
12 businesses to close or limit business activity; and

13 WHEREAS, unfortunately, local businesses, including restaurants local
14 breweries, pubs, and bars, together with retail and service employees in the
15 City, have been severely impacted by the public health emergency; and

16 WHEREAS, after several weeks of mandatory closures, it appears that the
17 state of emergency has improved at least enough to contemplate the re-
18 opening of restaurants and other liquor serving establishments within the
19 foreseeable future at limited capacity and with greater physical distancing and
20 other safeguards in place; and

21 WHEREAS, the profit margin within restaurants and other liquor-serving
22 establishments with onsite consumption can often be very narrow, and liquor
23 service is an important component to the success of these businesses; and

24 WHEREAS, restaurants and similar service-oriented businesses may need
25 to expand their floorplans, perhaps into parking lots and other outdoor areas,

1 in order to offer enough seating space to patrons to stay in business, and to
2 otherwise allow outdoor service; and

3 WHEREAS, a restaurant or similar licensed liquor establishment can serve
4 alcohol for onsite consumption only within the floor plan approved as part of
5 its liquor license, which usually corresponds with their normal food service
6 area; and

7 WHEREAS, in addition to the liquor service area authorized for any given
8 license, licensees may also seek approval for temporary special dispenser
9 operations which allows liquor service outside of their normal service area –
10 usually at a remote location; and

11 WHEREAS, although special dispenser permits are usually reserved for
12 temporary operations at a remote location, the temporary dispenser process
13 may offer a reasonable means for a restaurant, brewery, pub, bar, or similar
14 establishment to temporarily expand their liquor service area at their licensed
15 premise to correspond with any temporary expansion of their general
16 operational footprint.

17 BE IT RESOLVED BY THE COUNCIL, THE GOVERNING BODY OF THE CITY OF
18 ALBUQUERQUE:

19 Section 1. The City encourages the State Regulation and Licensing
20 Division to authorize temporary liquor service area expansions to allow
21 businesses to adjust to the current public health emergency through the
22 approval of special dispenser permits for this purpose, or through any other
23 reasonable and expedited means.

24 Section 2. The City shall, through its local option authority, authorize
25 special dispenser permits or other temporary authorizations approved by the
26 State of New Mexico to temporarily authorize liquor service expansions for
27 license holders at their licensed premises as a means of helping these
28 businesses adjust their operations during the public health emergency.

29 Section 3. Notwithstanding Section '2' above, nothing herein is intended to
30 alter any process or alter any requirement, or health, safety, and general
31 welfare provision, of the City's Liquor Control Ordinance.

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