

SPONSORED BY: MAYOR LEIGHTY

COUNCILMAN'S RESOLUTION

RESOLUTION NO.

No. CR-182
Series of 2020

20-181
Series of 2020

A RESOLUTION PURSUANT TO THE REQUIREMENTS OF SECTION 3-1-4(d) OF THE NORTHGLENN MUNICIPAL CODE SETTING A PUBLIC HEARING FOR COUNCILMAN'S BILL 1963, SERIES OF 2020


BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF NORTHGLENN, COLORADO, THAT:

Section 1. A Public Hearing will be held on CB-1963, Series of 2020, entitled "A Bill for an Ordinance Amending Article 2 of Chapter 18 of the Northglenn Municipal Code regarding the Northglenn Liquor Licensing Authority" at a meeting of the Northglenn City Council on December 21, 2020 at 6:00 p.m. or as soon thereafter as the matter may be heard. Due to the COVID-19 pandemic, the meeting will be held electronically. Electronic access options will be posted at the City's designated posting places and on the City's website at www.northglenn.org.


DATED at Northglenn, Colorado, this 14th day of December, 2020.


MEREDITH LEIGHTY
Mayor

ATTEST:


JOHANNA SMALL, CMC
City Clerk

APPROVED AS TO FORM:


COREY Y. HOFFMANN
City Attorney

SPONSORED BY: MAYOR LEIGHTY

COUNCILMAN'S BILL

ORDINANCE NO.

No. CB-1963
Series of 2020

Series of 2020

A BILL FOR AN ORDINANCE AMENDING ARTICLE 2 OF CHAPTER 18 OF THE NORTHGLENN MUNICIPAL CODE REGARDING THE NORTHGLENN LIQUOR LICENSING AUTHORITY

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NORTHGLENN, COLORADO, THAT:

Section 1. Section 18-2-2 of the Northglenn Municipal Code is amended as follows:

Sec. 18-2-2. Licensing Authority.

* * *

(c) The Authority shall have and is vested with the authority to grant or refuse licenses for the sale at retail of malt, vinous or spirituous liquors and fermented malt beverages, as provided by law, to conduct investigations as required by law, to allow "tastings," as that term is defined in C.R.S. § 44-3-103(56), at licensed retail liquor stores and liquor-licensed drug stores subject to the requirements and limitations contained in C.R.S. § 44-3-301, TO ISSUE TAKEOUT AND DELIVERY PERMITS, and to suspend or revoke such licenses for cause in the manner provided by law. Such Authority shall have all the powers of the local liquor licensing authority as set forth in Articles 3 and 4 of Title 44, C.R.S.

* * *

Section 2. Section 18-2-4 of the Northglenn Municipal Code is amended as follows:

Sec. 18-2-4. Administrative Approval of Certain Applications.

(a) In the event that there have been no violations of the Colorado Liquor or Beer Code, as applicable, during the preceding year, and if there is no other derogatory information regarding the licensee, its partners, officers, directors, managers, or shareholders, then the City Clerk may grant the renewal of a liquor license, transfer of ownership, change of corporate status, a transfer of ownership, change of location, ~~and~~ a merger and conversion of retail liquor store licenses into a single liquor-licensed drugstore license, A TAKEOUT OR DELIVERY PERMIT, or manager registration on behalf of the Licensing Authority. If, however, the City Clerk's investigation discloses any proved or alleged violations of the Liquor or Beer Code or derogatory information as described above, the Clerk shall schedule action on the application before the Licensing Authority.

* * *

Section 3. Section 18-2-8 of the Northglenn Municipal Code is amended as follows:

Sec. 18-2-8. ~~Imposing Fines in Lieu of Suspension.~~ IMPOSING FINES AND FINES IN LIEU OF SUSPENSION.

(a) The Northglenn Liquor Licensing Authority ("Authority") shall have the power and authority, on its own motion or on complaint, after investigation and public hearing at which the licensee shall be afforded an opportunity to be heard, to suspend or revoke any license or permit issued by such authority for any violation by the licensee or by any of the agents, servants, or employees of such licensee of the Colorado Liquor OR BEER CODES Code, C.R.S. 44-3-101 et. seq., or any of the rules or regulations authorized pursuant to the Colorado Liquor Code OR BEER CODES or of any of the terms, conditions, or provisions of the license or permit issued by such Authority. ANY FINE FOR INDIVIDUAL VIOLATIONS SHALL NOT BE LESS THAN FIVE HUNDRED DOLLARS (\$500.00) NOR MORE THAN ONE HUNDRED THOUSAND DOLLARS (\$100,000.00). A FINE SCHEDULE MAY BE ADOPTED BY RESOLUTION. The Authority has the power to administer oaths and issue subpoenas to require the presence of persons and the production of papers, books, and records necessary to the determination of any hearing that the ~~licensing authority~~ AUTHORITY is authorized to conduct.

* * *

(d) The fine accepted IN LIEU OF SUSPENSION shall be the equivalent to twenty percent (20%) of the licensee's estimated gross revenues from sales of alcohol beverages during the period of the proposed suspension; except that the fine shall not be less than ~~two hundred dollars (\$200.00) nor more than five thousand dollars (\$5,000.00)~~ FIVE HUNDRED DOLLARS (\$500.00) NOR MORE THAN ONE HUNDRED THOUSAND DOLLARS (\$100,000.00).

(e) Payment of any fine pursuant to the provisions of ~~subsection (e)~~ THIS SECTION shall be in the form of cash or in the form of a certified check or cashier's check made payable to Authority.

* * *

Section 4. Article 2 of Chapter 18 of the Northglenn Municipal Code is hereby amended with the addition of a new subsection 18-2-8.5(c) entitled "Takeout and Delivery Permits" to read as follows:

Sec. 18-2-8.5(c). Takeout and Delivery Permits.

(1) The Authority may issue takeout and delivery permits for the following types of licenses in compliance with C.R.S. § 44-3-911, as amended: beer and wine, hotel and restaurant, tavern, brew pub, club, vintner's restaurant, distillery pub, lodging and entertainment, fermented malt beverage on- or off-premise retailers, and manufacturers and wholesalers with an approved sales room.

(2) The fees for Takeout and Delivery Permits shall be set by resolution and shall not exceed the state fees for such permits.

Section 5. Section 18-2-10 of the Northglenn Municipal Code is hereby repealed and reenacted to read as follows:

Section 18-2-10. Guidelines for Violations of the Colorado Liquor or Beer Code.

(a) Purpose. The purpose of this Ordinance is to provide the Northglenn Liquor Licensing Authority (the "Authority") with presumptive guidelines for certain liquor and beer code violations occurring within the City. The guidelines are to be used to allow the Authority to treat all licensees as equally and consistently as possible when imposing penalties pursuant to the Colorado Liquor Code or the Colorado Beer Code, while at the same time allowing for sanctions that still take into account any aggravating or mitigating factors resulting from the particular facts and circumstances in each case.

(b) Guidelines. The Authority hereby adopts by reference the categories of violations and aggravating and mitigating factors created by the Department of Revenue in Regulation 47-603 of 1 CCR 203-2, as amended.

(c) Authority Discretion. The Authority retains the discretion in assessing penalties within the bounds of the law.

Section 6. Section 4 of this Ordinance as to Takeout and Delivery Permits shall be effective only upon expiration of the Governor's Executive Order D 2020 003, as amended or extended by Executive Orders D 2020 018, D 2020 032, D 2020 058, D 2020 076, D 2020 109, D 2020 125, D 2020 152, D 2020 176, D 2020 205, and as may be amended by any further Executive Order.

INTRODUCED, READ AND ORDERED POSTED this 14th day of December, 2020.


MEREDITH LEIGHTY
Mayor

ATTEST:


JOHANNA SMALL, CMC
City Clerk

PASSED ON SECOND AND FINAL READING this ____ day of _____,
2020.

MEREDITH LEIGHTY
Mayor

ATTEST:

JOHANNA SMALL, CMC
City Clerk

APPROVED AS TO FORM:

COREY Y. HOFFMANN
City Attorney