

EXPLANATORY COVER SHEET

COUNCILMAN'S BILL NO. CB-1603

SPONSOR: COUNCIL MEMBER MILLER

TITLE: A BILL FOR AN ORDINANCE AMENDING CHAPTER 18, ARTICLE 2, OF THE NORTHGLENN MUNICIPAL CODE RELATING TO GUIDELINES FOR VIOLATIONS OF THE COLORADO LIQUOR OR BEER CODE

PURPOSE: THIS ORDINANCE ESTABLISHES NEW LIQUOR PENALTY GUIDELINES FOR THE NORTHGLENN LIQUOR LICENSING AUTHORITY TO USE IN ADDRESSING VIOLATIONS OF THE COLORADO LIQUOR CODE

ADDITIONAL EXPLANATORY REMARKS:

SPONSORED BY: COUNCIL MEMBER MILLER

COUNCILMAN'S BILL

ORDINANCE NO.

No. CB-1603
Series of 2007

Series of 2007

A BILL FOR AN ORDINANCE AMENDING CHAPTER 18, ARTICLE 2, OF THE NORTHGLENN MUNICIPAL CODE RELATING TO GUIDELINES FOR VIOLATIONS OF THE COLORADO LIQUOR OR BEER CODE

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

Section 1. Section 18-2-10 of the Municipal Code of the City of Northglenn, is hereby created 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 guidelines set forth below shall be utilized by the Authority for all liquor or beer code violations set forth in subsection (c) of this Section 18-2-10 as follows:

(1) First Offense.

A. Fourteen (14) days suspension with six (6) days of actual suspension and eight (8) days held in abeyance for two (2) years from the date of the final order of the Authority. The days held in abeyance shall be on the condition that the Licensee shall not commit nor permit any violation of the Colorado Liquor or Beer Codes or local ordinances regarding the subject matter of the Licensee's liquor or beer license.

B In the case of malt, vinous, or spirituous liquor licensees, there shall be a mandatory suspension of at least one (1) day commencing at 2:01 a.m. on a Saturday and ending at 2:01 a.m. the following day. In the case of 3.2% beer licensees, there shall be a mandatory suspension of at least one (1) day commencing at 12:01 a.m. on a Sunday and ending at midnight that same day.

C. The licensee shall have the opportunity to submit a petition to pay a fine in lieu of suspension as provided by Section 18-2-8 of the Northglenn Municipal

Code or by Stipulation of up to five (5) days of the six (6) days of actual suspension.

(2) Second Offense within two (2) years.

A. Thirty (30) days suspension with twelve (12) days actual suspension and eighteen (18) days held in abeyance for two (2) years from the date of the final decision of the Authority. The days in abeyance shall be on the condition that the Licensee shall not commit nor permit any violation of the Colorado Liquor or Beer Codes or local ordinances regarding the subject matter of the Licensee's liquor or beer license.

B. Any period of actual suspension must run consecutively to any previously imposed period of suspension that was held in abeyance.

C. A fine in lieu of suspension shall not be available.

(3) Third Offense within two (2) years.

A. Sixty (60) days suspension to be served by actual suspension with no days held in abeyance.

B. Any period of actual suspension must run consecutively to any previously imposed period of suspension that was held in abeyance.

C. A fine in lieu of suspension shall not be available.

(c) The presumptive guidelines set forth above shall be subject to deviation by the Authority in the event evidence is presented of aggravating or mitigating circumstances sufficient in the sole discretion of the Authority to require deviation from the guidelines.

(d) The following violations of the Colorado Liquor Code shall be subject to the guidelines set forth in subsection (b) of this Section 18-2-10:

(1) Sale or service of an alcohol beverage to a person under the age of twenty-one (21) years pursuant to C.R.S. § 12-47-901(1)(a), unless such person under the age of twenty-one (21) years exhibits a fraudulent proof of age, and the Licensee reasonably relies on such fraudulent proof of age pursuant to C.R.S. § 12-47-901(5)(a)(I);

(2) Sale or service of an alcohol beverage to a visibly intoxicated person pursuant to C.R.S. § 12-47-901(1)(a);

(3) Sale, service, or dispensing of an alcohol beverage by a person under eighteen (18) years of age pursuant to C.R.S. § 17-47-901(5)(a)(I);

(4) Sale or service of an alcohol beverage to consumers for consumption on or off of the licensed premises during any hours where such sale or service is prohibited pursuant to C.R.S. § 12-47-901(5)(b) or C.R.S. § 12-47-901(5)(c);

(5) Sale of an alcohol beverage at retail outside of the licensed premises pursuant to C.R.S. § 12-47-901(5)(b) or C.R.S. § 12-47-901(5)(g);

(6) Authorization or permitting of any gambling or the use of any gambling machine pursuant to C.R.S. § 12-47-901(5)(n)(I);

(7) Authorization or permitting of any toughperson fighting as defined in C.R.S. § 12-10-103 pursuant to C.R.S. § 12-47-901(5)(o);

(8) Violation of any provisions of Code of Regulations, 1 C.C.R. 203-2; Regulation 47-900, "Conduct of Establishment"; and

(9) Violation of any provisions of Code of Regulations, 1 C.C.R. 203-2; Regulation 47-926, "Interference with Officers"

(e) Penalties for all other violations of the Colorado Liquor Code shall be subject to the discretion of the Licensing Authority.

INTRODUCED, READ AND ORDERED POSTED this ____ day of _____, 2007.

KATHLEEN M. NOVAK
Mayor

ATTEST:

DIANA L. LENTZ, CMC
City Clerk

PASSED ON SECOND AND FINAL READING this ____ day of _____, 2007.

KATHLEEN M. NOVAK
Mayor

ATTEST:

APPROVED AS TO FORM:

DIANA L. LENTZ, CMC
City Clerk

COREY Y. HOFFMANN
City Attorney