

EXPLANATORY COVER SHEET

COUNCILMAN'S BILL NO. CB-1527

SPONSOR: COUNCIL MEMBERS GOODSPEED, LINDSEY & PAIZ

TITLE: A BILL FOR AN ORDINANCE REPEALING SECTIONS 18-2-2 AND 18-2-3 AND REENACTING SECTION 18-2-2 OF THE NORTHGLENN MUNICIPAL CODE RELATING TO THE NORTHGLENN LIQUOR LICENSING AUTHORITY

PURPOSE: TO AMEND THE LIQUOR LICENSING AUTHORITY PROVISIONS TO CREATE A LIQUOR LICENSING AUTHORITY WHICH IS AN ENTITY SEPARATE FROM THE CITY COUNCIL

ADDITIONAL EXPLANATORY REMARKS:

SPONSORED BY: COUNCIL MEMBERS GOODSPEED, LINDSEY & PAIZ

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ORDINANCE NO.

No. CB- 1527
Series of 2005

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A BILL FOR AN ORDINANCE REPEALING SECTIONS 18-2-2 AND 18-2-3 AND REENACTING SECTION 18-2-2 OF THE NORTHGLENN MUNICIPAL CODE RELATING TO 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 Section 18-2-2 of the Northglenn Municipal Code is hereby repealed in its entirety and reenacted to read as follows:

Section 18-2-2. Licensing Authority.

(a) There is hereby established the Liquor Licensing Authority for the City of Northglenn for the licensing of locations within the City for the sale of alcoholic beverages as governed by the Colorado Liquor Code and the Colorado Beer Code (the "Authority").

(b) No person shall serve as a member of the Authority who:

- (1) Shall have within the boundaries of the City of Northglenn any interest in the operation of a liquor establishment or in one serving fermented malt beverages;
- (2) Is under the age of 21 years;
- (3) Has an abhorrence of alcohol; or
- (4) Who has committed or admits having committed any acts involving moral turpitude.

(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, conduct investigations as are required by law and 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 46 and 47 of Title 12, C.R.S.

(d) The Authority shall consist of five (5) members who shall be residents of the City during their term of office. Two (2) of the members shall be members of the Northglenn City Council. The members shall be appointed by the City Council and shall serve for terms of two (2) years. The terms shall be staggered so that on even-numbered years, three (3) members shall be appointed and on odd-numbered years, two (2) members shall be appointed, with each term

commencing on January 1, and terminating on December 31, of the second year thereafter, except that the members of the first authority appointed shall serve four (4) terms as follows:

- (1) Two (2) members shall serve until December 31, 2007; and
- (2) Three (3) members shall serve until December 31, 2008.

(e) Upon creation of the Authority, and then following each regular City election or in the event of a vacancy, the City Council shall appoint one (1) member of the Authority to be Chairperson and one (1) member to be Vice-Chairman of the Authority.

(f) If a vacancy occurs on the Authority, the City Council shall make an appointment within thirty (30) days thereafter to fill the unexpired term.

(g) Any member of the Authority may be removed by the City Council for reasons including, but not limited to:

- (1) Nonattendance at three (3) consecutive meetings of the Authority, or consistent, but not consecutive, nonattendance as determined by the City Council.
- (2) The purposeful failure of a member of the Authority to act in accordance with applicable law regarding the quasi-judicial duties of a member of the Authority.
- (3) The failure to satisfy the qualifications for membership on the Authority set forth in this Article.

(h) The Authority shall make and adopt by resolution its own bylaws.

(i) A quorum shall consist of three (3) members. A decision shall require the affirmative vote of a majority of the members present. Any absent member may join an impending decision of the Authority after he or she has reviewed and considered the evidence adduced in any hearing conducted during his or her absence.

(j) The Authority may adopt rules of procedure and conduct to govern its proceedings.

(k) The Authority shall meet at least once each month at a regularly scheduled time and location. The Authority may also hold special meetings from time to time as it deems necessary. Special meetings shall be at the call of the Chairman or on request of a majority of the Authority members. A complete record shall be kept of all proceedings of the Authority, consistent with the requirements of state law, including the requirements of the Colorado Liquor Code and the Colorado Beer Code, as amended.

(l) The Authority shall have the power to administer oaths and issue subpoenas to require the presence of persons and the production of documents, data compilations or other evidence at any hearing before the Authority. It shall be a violation of this Chapter for any person to willfully fail to comply with any subpoena or order to produce documents, data compilations or other evidence issued by the Authority, punishable as provided in Section 1-1-10 of this Municipal Code.

(m) An appeal from any decision of the Authority shall be directed to the District Court of Adams County pursuant to C.R.C.P. 106(a)(4).

Section 2. Section 18-2-3 of the Northglenn Municipal Code is hereby repealed in its entirety.

INTRODUCED, READ AND ORDERED POSTED this ____ day of _____, 2005.

KATHLEEN M. NOVAK
Mayor

ATTEST:

DIANA L. LENTZ, CMC
City Clerk

PASSED ON SECOND AND FINAL READING this ____ day of _____, 2005.

KATHLEEN M. NOVAK
Mayor

ATTEST:

DIANA L. LENTZ, CMC
City Clerk

APPROVED AS TO FORM:

HERBERT C. PHILLIPS
City Attorney