

ORDINANCE NO: 2503

INTRODUCED BY: ALLEN-THOMAS, CHACON, DOUGLAS, FORD, HURST,
HUSEMAN, KIM, MADERA, NOBLE

AN ORDINANCE AMENDING CHAPTER 8 OF THE COMMERCE CITY REVISED MUNICIPAL CODE REGARDING THE AUTHORITY OF THE LIQUOR AUTHORITY TO CREATE AND AMEND ITS RULES OF PROCEDURE FOR MEETINGS

WHEREAS, the Commerce City Liquor Authority was originally a citizen board appointed by City Council; and

WHEREAS, in 2015 City Council approved Ordinance 2046 to replace the citizen board with a hearing officer due to the difficulty in recruiting qualified citizens to serve on Liquor Authority; and

WHEREAS, Ordinance 2046 did not provide the Liquor Authority with the power to adopt its own rules of procedures without City Council approval; and

WHEREAS, in 2015 City Council approved Ordinance 2050 to create the Marijuana Licensing Authority and did provide the Marijuana Licensing Authority with the power to adopt its own rules of procedure without City Council approval;

WHEREAS, the City Council wishes to make the powers of both authorities consistent and provide the Liquor Authority with the ability to create and amend their own rules of procedure without City Council approval in order to provide for a more efficient process for the Liquor Authority to adopt or amend its rules of procedure due to changes in federal, state, or local laws.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF COMMERCE CITY, COLORADO AS FOLLOWS:

SECTION 1. Findings. The recitals to this ordinance are incorporated as findings of the City Council. This ordinance is found to be necessary for the preservation of the public health, safety, and welfare and in the public interest.

SECTION 2. Amendments. Section 8-1200 of the Commerce City Revised Municipal Code (“Code”) is amended as set forth in Exhibit A to this ordinance.

SECTION 3. Repealer. All other ordinances or portions thereof inconsistent or conflicting with this ordinance or any portion hereof are hereby repealed to the extent of such inconsistency.

SECTION 4. Effective Date. This ordinance shall be effective immediately upon passage at second reading.

INTRODUCED, PASSED ON FIRST READING AND PUBLIC NOTICE ORDERED THIS 3RD DAY OF APRIL 2023.

PASSED ON SECOND AND FINAL READING AND PUBLIC NOTICE ORDERED
THIS 1ST DAY OF MAY 2023.

CITY OF COMMERCE CITY, COLORADO

Benjamin A. Huseman, Mayor

ATTEST:

Dylan A. Gibson, City Clerk

EXHIBIT A

(Additions in blue italics; deletions in red strikethrough)

Chapter 8. - ALCOHOLIC BEVERAGES AND MARIJUANA

Sec. 8-1200. - Liquor authority.

The liquor authority is hereby established to act as the local licensing authority for the city. *The city council shall appoint a hearing officer to serve, at its pleasure, as the liquor authority. The liquor authority shall have all the powers and authority granted to the local licensing authority by the State of Colorado Revised Statutes and the Liquor Enforcement Division Liquor Rules as well as those explicitly granted or reasonably inferred by this code. The liquor authority's powers shall include, but shall not be limited to, the authority to create its own procedural rules, administer oaths, and to issue subpoenas to require the presence of persons or the production of documents, books and records necessary to the determination of any hearing.* ~~The liquor authority shall be comprised of a hearing officer appointed by, and who shall serve at the pleasure of, city council.~~

- ~~(1) The liquor authority shall have all the powers and authority granted to the local licensing authority by the state liquor laws and this Code, including but not limited to the power to grant, approve, renew, suspend, revoke or deny licenses and special event permits for the sale at retail of malt, vinous or spirituous liquors and fermented malt beverages and the power to conduct investigations as authorized by law or to otherwise impose fines in lieu of suspension, penalties, sanctions or other conditions on the applicant, the licensee or the manager, relating to the license or the permit, and to suspend or revoke such licenses for cause in a manner allowed by law.~~
- ~~(2) The authority shall have rules of procedure ("rules") regulating the conduct of its meetings, which rules and amendments to them shall be approved by the city council. The authority may recommend changes to its rules. The authority may also make recommendations regarding the amount and manner of assessment of any local fee concerning which the city has discretion in regard to amount or manner of assessment. Any such changes in the rules or fees and manner of assessment shall be subject to approval by the city council by resolution.~~
