



Legislation Text

File #: 15-00557, **Version:** 1

A resolution amending the Liquor and Beer Licensing Board Rules of Procedure and accepting and adopting the optional fine in lieu of suspension procedures set forth in the Colorado Liquor Code

From:

Sarah Johnson, City Clerk

Summary:

Request to adopt recent changes to the Colorado Liquor Code to replace local rule concerning option for a fine in lieu of active days of a license suspension, amend rules to reflect new license types, and general housekeeping cleanup of Liquor and Beer Licensing Board Rules of Procedure.

Previous Council Action:

Originally adopted in 1997 (Res. 173-97), the Liquor and Beer Licensing Board Rules of Procedure have had nine (9) subsequent amendments and revisions approved by City Council adding new license or permit types (Res. 173-99, 171-08), adjusting incremental fees based on State statutes (Res. 154-07, 171-08, 191-08, 154-09, and 75-10), and revising rules specific to renewal hearings (Res. 193-98), interpreters (Res. 139-00), and neighborhood boundary (Res. 160-02).

Background:

The 2014 passage of Senate Bill 14-054 changed and deleted some specific conditions under which an optional fine in lieu of active days of a license suspension could be used by the local licensing authority and required that local implementation of the revised sections of C.R.S. § 12-47-601 be by resolution or ordinance to accept and adopt the optional procedures. That requirement for affirmative action effectively negated the existing local rule for optional fine in lieu, and since then, the local rule has not been available to the Board as a tool to achieve desired disciplinary action. That and other 2015 legislative changes at the State level also presented the opportunity to revise and update the local rules for other items requiring attention. These items include allowing recent and new license types within existing liquor license categories (vintner's restaurant, distillery pub), clarifying some general terminology, revising rules regarding applicant representation, postponements, required timelines, and renewals, clarifying the difference between permits and licenses, and eliminating the need to specify State fee amounts already set out in the State statutes and rules.

The purposes of the proposed resolution are general housekeeping, clarifying intent, and accepting and adopting the revised optional procedures for fine in lieu of suspension requirements under State statutes.

Financial Implications:

N/A

Board/Commission Recommendation:

At its August 21, 2015, meeting, the Liquor and Beer Licensing Board voted unanimously to recommend the changes to City Council.

Stakeholder Process:

A publicly noticed meeting was held on August 21, 2015, to review and discuss the proposed changes with the Liquor and Beer Licensing Board.

Alternatives:

N/A

Proposed Motion:

Approve the Resolution.

Adopt recent changes to the Colorado Liquor Code to replace local rule concerning option for a fine in lieu of active days of a license suspension, amend rules to reflect new license types, and general housekeeping cleanup of the Liquor and Beer Licensing Board Rules of Procedure.