



Background Paper for Proposed Ordinance

COUNCIL MEETING DATE: March 14, 2022

TO: President Heather Graham and Members of City Council
CC: Mayor Nicholas A. Gradisar
VIA: Marisa Stoller, City Clerk
FROM: Michael Miller, Assistant City Attorney
SUBJECT: AN ORDINANCE AMENDING CHAPTER 3 OF TITLE XI TO CONFORM WITH STATE STATUTES AND REGULATIONS

SUMMARY:

Attached for consideration is a text amendment to Sections 11-3-8 and 11-3-26 of the Pueblo Municipal Code. This amendment relates to the penalties for violating the Liquor Code at the local level pursuant to C.R.S. § 44-3-603.

PREVIOUS COUNCIL ACTION:

Not applicable to this Ordinance.

BACKGROUND:

Pueblo Municipal Code Sections 11-3-8 and 11-3-26 pertain to discipline of municipal liquor licenses. This Ordinance updates the language of these provisions in accordance with state law, allowing the City's Liquor Board to fine licensees upon the finding of a violation and increasing the minimum fine that may be issued. These amendments bring the Pueblo Municipal Code in line with C.R.S. § 44-3-603 and 1 C.C.R. 203-2-47-603.

FINANCIAL IMPLICATIONS:

The increase in the minimum fine in accordance with State law would result in minimal additional funds for the City.

BOARD/COMMISSION RECOMMENDATION:

Not applicable to this Ordinance.

STAKEHOLDER PROCESS:

Not applicable to this Ordinance.

ALTERNATIVES:

If this Ordinance is not approved, the code provision as is would limit the authority of the local Liquor Board and allow liquor licensees to pay lower fines than at the State level.

RECOMMENDATION:

Staff recommends approval of this Ordinance.

Attachments:

Proposed Ordinance

ORDINANCE NO. 10144

AN ORDINANCE AMENDING CHAPTER 3 OF TITLE
XI TO CONFORM WITH STATE STATUTES AND
REGULATIONS

BE IT ORDAINED BY THE CITY COUNCIL OF PUEBLO, that: (brackets indicate matter being deleted, underscoring indicates new matter being added)

SECTION 1.

Section 11-3-8 of the Pueblo Municipal Code is hereby amended to read as follows:

Sec. 11-3-8. - Suspension and revocation of license.

The Liquor and Beer Licensing Board shall have the power to **fine**, suspend, or revoke any license issued by the Board on its own motion or on complaint for any violation by the licensee or by any of the agents, servants or employees of such licensee of the provisions of **the Pueblo Municipal Code**, the Colorado Liquor Code, the Colorado Beer Code, or any of the rules and regulations authorized pursuant to such codes, or any of the terms, conditions or provisions of the license issued by the Board, after investigation and public hearing at which the licensee shall be afforded an opportunity to be heard. **The calculation of fines, and fines in lieu of suspension, shall be in accordance with the Colorado Liquor Code, Colorado Beer Code, or any of the rules and regulations authorized pursuant to such codes, and any minimums and maximum payments set forth therein.**

(a) The Board shall have 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 which it is authorized to conduct.

(b) Notice of **fine**, suspension, or revocation, as well as any required notice of **[such] a hearing for the same**, shall be given by mailing **[same] the notice** in writing to the licensee at the address contained in such license. No such suspension shall be for a longer period than six (6) months.

(c) Any license may be summarily suspended by the Board without notice pending any prosecution, investigation or public hearing. Nothing in this Section shall prevent the summary suspension of such license for a temporary period of not more than fifteen (15) days.

(d) If any license is **fined**, suspended, or revoked, no part of the fees paid therefor shall be returned to the licensee.

(e) The Board shall have the power to implement the optional procedures set forth in **[Subsections (3) to (6) of]** Section 44-3-601 of the Colorado Liquor Code, as amended, which the City Council hereby accepts and adopts.

SECTION 2.

Section 11-3-26 of the Pueblo Municipal Code is hereby amended to read as follows:

Sec. 11-3-26. - Penalty.

Any licensee violating any of the provisions of Sections 11-3-21 to 11-3-25, inclusive[,] of this Article, shall, upon conviction thereof **by the Pueblo Municipal Court**, be fined in a sum not less than **[two hundred dollars (\$200.00)] five hundred dollars (\$500.00)** nor more than one thousand dollars (\$1,000.00). **Any licensee violating any of the provisions of the Pueblo Municipal Code, the Colorado Liquor Code, Colorado Beer Code, or any of the rules and regulations authorized pursuant to such codes, inclusive of this Article, may, upon a finding thereof by the Liquor and Beer Licensing Board, be penalized in accordance with 1 C.C.R. 203-2: 47-603, as may be amended.**

SECTION 3.

The officers and staff of the City are authorized to perform any and all acts consistent with this Ordinance and to implement the policies and procedures described therein.

SECTION 4.

This Ordinance shall become effective thirty (30) days after final action by the Mayor and City Council.

Action by City Council:

Introduced and initial adoption of Ordinance by City Council on March 14, 2022.

Final adoption of Ordinance by City Council on March 28, 2022.



President of City Council

Action by the Mayor:

- ☒ Approved on March 30, 2022.
- ☐ Disapproved on _____ based on the following objections:



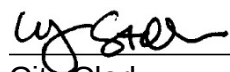
Mayor

Action by City Council After Disapproval by the Mayor:

- ☐ Council did not act to override the Mayor's veto.
- ☐ Ordinance re-adopted on a vote of _____, on _____
- ☐ Council action on _____ failed to override the Mayor's veto.

President of City Council

ATTEST



City Clerk

President of City Council

Action by the Mayor:

☐ Approved on _____.

☐ Disapproved on _____ based on the following objections:

Mayor

Action by City Council After Disapproval by the Mayor:

☐ Council did not act to override the Mayor's veto.

☐ Ordinance re-adopted on a vote of _____, on _____

☐ Council action on _____ failed to override the Mayor's veto.

President of City Council

ATTEST

City Clerk