CHAPTER 3
LIQUOR LICENSING

SECTION:

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3-3-1: LOCAL LIQUOR LICENSING AUTHORITY ESTABLISHED.

(A) Authority Established. The Town hereby establishes a Local Liquor Licensing Authority for the Town of Hot Sulphur Springs. The Board of Trustees shall serve as the Local Liquor Licensing Authority. The Liquor Licensing Authority and shall have and exercise all of the powers and duties of the local licensing authority provided by articles 46, 47, and 48 of Title 12, of the Colorado Revised Statutes, and all related regulations promulgated by the state of Colorado.

(B) License Renewals. The Town Clerk is authorized to administratively review and approve an application for the renewal of any classification of previously approved liquor license where, after a reasonable investigation by the Town Clerk and consultation by the Clerk with other appropriate administrative and law enforcement personnel, all of the following circumstances are found by the Clerk to exist:

(1) The applicant has timely and properly submitted a complete license renewal application and tendered all required fees in accordance with applicable provisions of Title 12, C.R.S.

(2) The applicant's license is in good standing with the Town and the State of Colorado and no violation of law has occurred over the previous year.

(3) To the knowledge of the Town Clerk and the appropriate law enforcement personnel for the Town, there is no pending or proposed criminal or legal investigation or charges against the applicant or the licensed premises.

(4) There is no other information or knowledge available to the Town Clerk which would cause the Town Clerk, in his reasonable belief, to believe that a violation of applicable law has occurred and the license should not be renewed.

The Town Clerk shall retain the discretion to refer and forward any renewal application to the Liquor Licensing Authority. Such referral shall be for purpose of the Liquor Licensing Authority's review and approval when, in the Town Clerk's sole discretion, the renewal application presents questions or issues more appropriately considered by the Liquor Licensing Authority or where the Clerk believes that cause may exist to support suspension or revocation of the license or to support the denial of the renewal application.
3-3-2: LICENSE FEES. License fees for all liquor license applications shall be set by Resolution of the Board of Trustees.

3-3-3: SUSPENSION AND REVOCATION. The Board of Trustees, in its capacity as the Local Liquor Licensing Authority, may suspend, fine, or revoke any license issued by the Town as provided by statute.

3-3-4: PAYMENT OF FINE IN LIEU OF LIQUOR LICENSE SUSPENSION.

(A) Whenever a decision of the Liquor Licensing Authority suspending a license for fourteen (14) days or less become final, whether by failure of the licensee to appeal the decision or by exhaustion of all appeals and judicial review, the licensee may, before the operative date of the suspension, petition for permission to pay a fine in lieu of having his license suspended for all or part of the suspension period. Upon the receipt of the petition, the Authority may, in its sole discretion, stay the proposed suspension and cause any investigation to be made which it deems desirable and may, in its sole discretion, grant the petition if it is satisfied:

(1) That the public welfare and morals would not be impaired by permitting the licensee to operate during the period set for suspension and that the payment of the fine will achieve the desired disciplinary purposes;

(2) That the books and records of the licensee are kept in such a manner that the loss of sales of alcoholic beverages which the licensee would have suffered had the suspension gone into effect can be determined with reasonable accuracy therefrom;

(3) That the licensee has not had his license suspended or revoked, nor had any suspension stayed by payment of a fine, during the two (2) years immediately preceding the date of the motion or complaint which has resulted in a final decision to suspend the license.

(B) The fine accepted shall be the equivalent to twenty percent (20%) of the licensee’s estimated gross revenues from sales of alcoholic beverages during the period of the proposed suspension; except that the fine shall be not less than two hundred dollars ($200.00) nor more than five thousand dollars ($5,000.00).

(C) Payment of any fine pursuant to the provisions of this section shall be only in the form of cash, certified check, or cashier’s check made payable to the Town of Hot Sulphur Springs.

(D) Upon payment of the fine pursuant to this section, the Authority shall enter its further order permanently staying the imposition of the suspension. The Authority shall deliver such payment to the Town Clerk who shall promptly cause such moneys to be paid into the general fund of the Town.

(E) In connection with any petition pursuant to this section, the authority of the Liquor Licensing Authority is limited to the granting of such stays as are necessary for it to complete its investigation and make its findings and, if it makes such findings, to the
granting of an order permanently staying the imposition of the entire suspension or that portion of the suspension not otherwise conditionally stayed.

(F) If the Liquor Licensing Authority does not make the findings required in subsection 3-3-4(A) and does not order the suspension permanently stayed for any reason, the suspension shall go into effect on such date set by the Authority.

(G) The Local Liquor Licensing Authority shall report all actions taken to impose fines, suspensions and revocations to the state licensing authority in the manner required by the state licensing authority.

3-3-5: DELEGATION OF AUTHORITY SUBJECT TO ALL APPLICABLE LAWS. In establishing a Local Liquor Licensing Authority and delegating authority to the Liquor Licensing Authority as provided by this Chapter, the Board of Trustees directs that such delegation be governed by all applicable state laws and regulations and that the Authority shall abide by and exercise its authority in accordance with such laws.

(Ord. 302, 05-21-98, Chapter repealed and reenacted Ord. 329, 05-20-02)