

**CITY OF CENTENNIAL,  
COLORADO**

**ORDINANCE NO. 2014-O-42**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF  
CENTENNIAL, COLORADO, AMENDING SECTIONS OF ARTICLE 4  
OF CHAPTER 6 OF THE MUNICIPAL CODE CONCERNING LIQUOR  
LICENSES**

WHEREAS, the City of Centennial is a home rule municipal corporation created and organized pursuant to Article 20 of the Colorado Constitution and the Home Rule Charter of the City of Centennial; and

WHEREAS, Section 6-4-110(b) of the City of Centennial (“City”) Municipal Code provides that the members of the City Liquor Licensing Authority (“Authority”) shall consist of five residents of the City, one from each District and one at large; and

WHEREAS, representation on the Authority by District has not been feasible based on the residency of the applicants seeking to fulfill these positions; and

WHEREAS, the City staff and the Authority recommend to the City Council that Section 6-4-110(b) of the Municipal Code be revised to eliminate the requirement that four members of the Authority come from the four different Council districts such that all five members and two alternate members shall be appointed at large; and

WHEREAS, Section 6-4-270(a) of the City of Centennial Municipal Code provides that the fee for an application for a change of registered manager shall be \$75.00; and

WHEREAS, the City Liquor Code otherwise does not recite fees as such fees are determined by the State and declared a matter of statewide concern to which the City must conform its regulations; and

WHEREAS, the City staff and the Authority recommend to the City Council that Section 6-4-270(a) of the Municipal Code be revised to reflect that the fee for change of registered agent shall be as set forth in the State schedule of maximum fees; and

WHEREAS, Section 6-4-290(a) of the City of Centennial Municipal Code provides that applications for renewals of liquor licenses must be submitted to the City Clerk no later than 45 days before the date of license expiration; and

WHEREAS, Section 12-47-302(1), C.R.S., provides that applications for renewals of liquor licenses must be submitted to the Authority no later than 45 days before the date of license expiration but that no such application shall be accepted past the date of expiration unless good cause is shown and a late renewal application and late application fee is paid; and

WHEREAS, the City staff and the Authority recommend to the City Council that Section 6-4-290(a) of the Municipal Code be revised to state that applications for renewals shall be made within the timeframes and following the procedures set forth in state law; and

WHEREAS, Section 6-4-320(a)(3) of the City of Centennial Municipal Code provides that the Authority may, as a sanction for violation of the state liquor laws or City Liquor Code, accept payment of a fine in lieu of any suspension of a license for a duration of fourteen days or less; and

WHEREAS, the legislature is considering an amendment to this 14 day limitation on payments of fine in lieu of suspension and the Authority would be bound by and follow this State law provision; and

WHEREAS, the City staff and the Authority recommend to the City Council that Section 6-4-320(a) of the Municipal Code be revised to recognize that acceptance of a payment of a fine in lieu of a suspension would follow the state liquor laws and that all other sanction options would conform to state law, as may be amended from time to time; and

WHEREAS, the City Council has determined that the adoption of this Ordinance is legislative in nature and will further the public health, safety and welfare of the residents of the City.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CENTENNIAL, COLORADO, ORDAINS:**

**Section 1. Incorporation of Recitals.** The foregoing recitals are hereby affirmed and incorporated herein by this reference as findings of the City Council.

**Section 2. Amendment of Municipal Code Section 6-4-110(b).** Section 6-4-110(b) of the Centennial Municipal Code is hereby amended to read as follows:

- (b) The Authority shall consist of five (5) at large residents of the City appointed by City Council for three year terms. Additionally, two (2) persons from the City at large shall be appointed as alternate members for a term of three (3) years.

**Section 3. Amendment of Municipal Code Section 6-4-270(a).** Section 6-4-270(a) of the Centennial Municipal Code is hereby amended to read as follows:

- (a) Each hotel and restaurant licensee or tavern licensee shall manage the licensed facility himself or herself or shall have a separate and distinct manager who shall be registered by the licensee with the Authority and the state licensing authority. Upon a change of manager of a hotel and restaurant or tavern licensee, the licensee shall notify the City Clerk within five (5) days and shall designate a new registered manager within thirty (30) days. In addition to fees required by the State, there will be paid to the City a registration fee in the amount equal to the maximum amount authorized by state statute, as may be amended from time to time.

**Section 4. Amendment of Municipal Code Section 6-4-290(a).** Section 6-4-290(a) of the Centennial Municipal Code is hereby amended to read as follows:

- (a) All renewal applications for City licenses shall be submitted to the City Clerk within the timeframes set forth in state statute, as may be amended from time to time.

**Section 5. Amendment of Municipal Code Section 6-4-320(a).** Section 6-4-320(a) of the Centennial Municipal Code is hereby amended to read as follows:

- (a) The Authority shall have the power upon its own motion or upon complaint, and in accordance with the state liquor laws, to:

- (1) Summarily suspend any City license for a period not to exceed the maximum suspension period allowed by State law.
- (2) Upon notice to the licensee and hearing, suspend any City license for a period not to exceed the maximum suspension period allowed by State law.
- (4) Upon notice to the licensee and hearing, revoke the license.
- (3) Accept payment of a fine in lieu of suspension.

**Section 6. Severability.** If any provision of this Ordinance should be found by a court of competent jurisdiction to be invalid, such invalidity shall not affect the remaining portions or applications of this Ordinance that can be given effect without the invalid portion, provided that such remaining portions or applications of this Ordinance are not determined by the court to be inoperable. The City Council declares that it would have adopted this Ordinance and each section, subsection, sentence, clause, phrase, or portion thereof, despite the fact that any one or more section, subsection, sentence, clause, phrase, or portion would be declared invalid or unconstitutional.

**Section 7. Codification Amendments.** The codifier of the City's Municipal Code, Colorado Code Publishing, is hereby authorized to make such numerical and formatting changes as may be necessary to incorporate the provisions of this Ordinance within the Centennial Municipal Code.

**Section 8. Effective Date.** This Ordinance shall take effect thirty (30) days after publication following final passage.

**Section 9. Safety Clause.** The City Council hereby finds, determines, and declares that this Ordinance is promulgated pursuant to the City's home rule authority and under the general police power of the City of Centennial, that it is promulgated for the health, safety, and welfare of the public, and that this Ordinance is necessary for the preservation of health and safety and for the protection of public convenience and welfare. The City Council further determines that this Ordinance bears a rational relation to the proper legislative objective sought to be obtained.

INTRODUCED, READ, AND ORDERED PUBLISHED BY THE CITY COUNCIL OF THE CITY OF CENTENNIAL, COLORADO, UPON A MOTION DULY MADE, SECONDED AND PASSED AT ITS REGULAR MEETING HELD ON THE 8<sup>TH</sup> DAY OF SEPTEMBER, 2014.

CITY OF CENTENNIAL

By: \_\_\_\_\_  
Cathy A. Noon, Mayor

Approved as to Form:

\_\_\_\_\_  
For City Attorney's Office

I hereby certify that the above Ordinance was introduced to the City Council of the City of Centennial at its meeting of September 8, 2014, 2014 and ordered published one time by title only in *The Villager* newspaper on September 11, 2014, and in full on the City web site in accordance with Section 2-1-110 of the Municipal Code.

SEAL

ATTEST:

By: \_\_\_\_\_  
City Clerk or Deputy City Clerk

FINALLY ADOPTED, PASSED, APPROVED WITH AMENDMENTS, IF ANY, AND ORDERED PUBLISHED BY TITLE ONLY, IN *THE VILLAGER* NEWSPAPER AND IN FULL ON THE CITY WEB SITE IN ACCORDANCE WITH SECTION 2-1-110 OF THE MUNICIPAL CODE BY THE CITY COUNCIL OF THE CITY OF CENTENNIAL, COLORADO, UPON A MOTION DULY MADE, SECONDED AND PASSED AT ITS MEETING HELD ON THE \_\_\_\_ DAY OF \_\_\_\_\_, 2014, BY A VOTE OF \_\_\_\_ IN FAVOR AND \_\_\_\_ AGAINST.

CITY OF CENTENNIAL

By: \_\_\_\_\_  
Cathy A. Noon, Mayor

I hereby certify that the above Ordinance was finally adopted by the City Council of the City of Centennial at its meeting of \_\_\_\_\_, 2014, and ordered published by title only, one time by *The Villager* newspaper on \_\_\_\_\_, 2014 and in full on the City web site in accordance with Section 2-1-110 of the Municipal Code.

ATTEST:

SEAL

By: \_\_\_\_\_  
City Clerk or Deputy City Clerk

Published in full on the City of Centennial website, [www.centennialcolorado.com](http://www.centennialcolorado.com), on Friday, September 5, 2014.

/s/ Brenda J. Madison, MMC, City Clerk