

FIRST READING: May 7, 2024

SECOND READING: May 21, 2024

ORDINANCE NO. 6706

AN ORDINANCE AMENDING SECTION 8.04.010 OF THE LOVELAND MUNICIPAL CODE TO ALLOW THE CITY MANAGER TO APPOINT A LOCAL LICENSING AUTHORITY AS AN ALTERNATIVE TO THE MUNICIPAL JUDGE

WHEREAS, the City Council for the City of Loveland, Colorado (“City Council”) recognizes the need for an administrative hearing officer capable of serving as the City’s Local Licensing Authority (“Authority”) in the City of Loveland, Colorado; and

WHEREAS, the Loveland Municipal Code (“Code”) currently establishes and designates the Municipal Judge (“Judge”) to serve as the Authority to preside over quasi-judicial hearings on matters involving the licensing of the sale of alcoholic beverages within city limits; and

WHEREAS, conflicts of interest between the Judge presiding over criminal matters before the Loveland Municipal Court and local licensing matters before the Authority occasionally arise; and

WHEREAS, establishing an alternate Authority separate from the Judge will resolve potential conflicts of interest; and

WHEREAS, the City Council desires to amend section 8.04.010 of the Code to allow the City Manager to appoint an alternate Authority to preside over local licensing matters as may become necessary; and

WHEREAS, the City Council finds it to be in the best interests of the citizens of Loveland to make amendments to section 8.04.010 of the Code.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LOVELAND, COLORADO ORDAINS:

Section 1. That section 8.04.010 of the Code is hereby amended and shall read in full as follows:

8.04.010 Local licensing authority established.

There is established a local licensing authority consisting of the municipal judge. Further, the city manager shall appoint an attorney at law admitted to practice in Colorado, in good standing and capable of meeting the duties and functions below, to serve as the local licensing authority as an alternative to the municipal judge when the municipal judge is unavailable due to recusal or any other circumstance whereby the City requires a hearing officer and the presiding municipal judge is unavailable. The City Council shall ratify the appointment made by the city manager

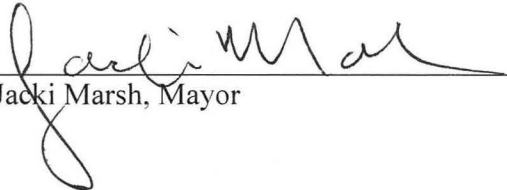
within 90 days of said appointment. The duties and functions of the local licensing authority shall be to serve as the local licensing authority under the Colorado Beer Code, the Colorado Liquor Code, Article 5 of Title 44, C.R.S., and in all other matters involving the licensing of the sale, manufacture, and consumption of beverages containing alcohol. The local licensing authority shall have the authority to impose those penalties and sanctions as specified in Articles 3, 4, and 5 of Title 44, C.R.S., including the imposition of a fine in lieu of suspension under the provisions of C.R.S. Section 44-3-601(3). The local licensing authority shall have the authority, through the secretary, to issue subpoenas to require the presence of persons and the production of papers, books, and records necessary to the determination of any hearing which the local licensing authority is authorized to conduct. It is unlawful for any person to fail to comply with any subpoena issued by the secretary on behalf of the local licensing authority.

Section 2. That nothing in this Ordinance shall be construed to affect any suit or proceeding pending in any court or any matters pending before the Authority, or any rights acquired, liability incurred, or cause of action acquired or existing under any ordinance hereby repealed, nor shall any legal right or remedy of any character be impaired by this Ordinance.

Section 3. That if any title, chapter, section, paragraph, sentence, clause or phrase of this ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect the validity or constitutionality of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance and each part or parts thereof, irrespective of the fact that any one part or parts be declared invalid or unconstitutional.

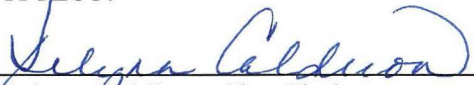
Section 4. That as provided in City Charter Section 4-9(a)(7), this Ordinance shall be published by title only by the City Clerk after adoption on second reading unless the Ordinance has been amended since first reading in which case the Ordinance shall be published in full or the amendments shall be published in full. This Ordinance shall be in full force and effect ten days after its final publication, as provided in City Charter Section 4-8(b).

ADOPTED this 21st day of May, 2024.



Jacki Marsh, Mayor


ATTEST:



Delynn Coldiron, City Clerk



APPROVED AS TO FORM:


Assistant City Attorney

Ordinance 6706

I, Delynn Coldiron, City Clerk of the City of Loveland, Colorado, hereby certify that the above and foregoing Ordinance was introduced at a regular (or special) meeting of the City Council, held on May 7, 2024 and was initially published in the Loveland Daily Reporter-Herald, a newspaper published within the city limits, in full on May 11, 2024 and by title except for parts thereof which were amended after such initial publication which parts were published in full in said newspaper on May 25, 2024.


Delynn Coldiron, City Clerk

Effective Date: June 4, 2024

