

**CITY OF EVANS, COLORADO**

**ORDINANCE NO. 734-20**

**AN ORDINANCE AMENDING TITLE 3, CHAPTER 3.04, SUBSECTION 3.04.500.O OF THE EVANS MUNICIPAL CODE TO ALLOW THE CITY MANAGER TO DESIGNATE A HEARING OFFICER TO DETERMINE LICENSE REVOCATION**

**WHEREAS** the City of Evans is a Colorado home rule municipal corporation duly organized and existing under laws of the State of Colorado and the City Charter; and

**WHEREAS** the City Council of the City of Evans, Colorado, pursuant to Colorado statute and the Evans City Charter, is vested with the authority of administering the affairs of the City of Evans, Colorado; and

**WHEREAS** the City Council seeks to provide for more orderly, expeditious, and fair business license revocation procedures by allowing the City Manager to designate a hearing officer to determine license revocation; and

**WHEREAS** City Council finds it necessary to provide the City Manager the discretion to designate a hearing officer or other designee for the purpose of performing any of the duties of the City Manager under Chapter 3.04, Subsection 3.04.500.O.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EVANS, COLORADO:**

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

**Section 2.** Title 3, Chapter 3.04, Subsection 3.04.500.O of the Evans Municipal Code is hereby by amended to read in its entirety as follows:

**Title 3, Chapter 3.04, Subsection 3.04.500.O**

Subsection 3.04.500.O

Revocation of license:

1. The City Manager may, on reasonable notice and after a license revocation hearing, revoke the license of any person found to have violated any provisions of this Chapter.
2. Any findings and order of the City Manager or designated hearing officer revoking the license of any person shall be subject to review by the District Court upon application of the aggrieved party in accordance with Rule 106(a)(4) of the

Colorado Rules of Civil Procedure.

3. The City Manager or designated hearing officer may adopt rules and regulations governing the hearings contemplated by this Subsection.
4. The business license revocation hearing shall be held before the City Manager or before a hearing officer designated by the City Manager. At the hearing, the licensee shall have the right to be present and shall have the right to assert any facts, make any arguments, and file any briefs and affidavits he or she believes pertinent to his case. The City Manager or designated hearing officer may request the City and the licensee to file written briefs or statements prior to or at the hearing in the discretion of the City Manager or designated hearing officer. The admissibility of evidence shall be encouraged, and the City Manager or designated hearing officer shall consider all evidence of probative value.

**Section 3.** If any portion of this ordinance is held to be invalid for any reason, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance and each part hereof irrespective of the fact that any one part be declared invalid.

**Section 4.** The repeal or modification of any provision of the Municipal Code of the City of Evans by this ordinance shall not release, extinguish, alter, modify, or change in whole or in part any license revocation, conditional issuance of temporary license, penalty, forfeiture, or liability, either civil or criminal, which shall have been incurred under such provision, and each provision shall be treated and held as still remaining in force for the purpose of sustaining any and all proper actions, suits, proceedings, and prosecutions for the enforcement of the penalty, forfeiture, or liability, as well as for the purpose of sustaining any judgment, decree, or order which can or may be rendered, entered, or made in such actions, suits, proceedings, or prosecutions.

**Section 5.** All other ordinances or portions thereof inconsistent or conflicting with this ordinance or any portion hereof are hereby repealed to the extent of such inconsistency or conflict.

**Section 6.** This Ordinance, after its passage on final reading, shall be numbered, recorded, published, and posted as required by the City Charter and the adoption, posting, and publication shall be authenticated by the signature of the Mayor and City Clerk, and by the Certificate of Publication. This Ordinance shall become effective upon final passage.

**INTRODUCED AND PASSED AT A REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF EVANS ON THIS 5th DAY OF OCTOBER, 2020.**

ATTEST:



CITY OF EVANS, COLORADO

*Julie Kamka*  
Julie Kamka, City Clerk

BY:

*Brian Rudy*  
Brian Rudy, Mayor

**PASSED AND ADOPTED ON A SECOND READING THIS 20th DAY OF OCTOBER, 2020.**

ATTEST:



CITY OF EVANS, COLORADO

*Julie Kamka*  
Julie Kamka, City Clerk

BY:

*Brian Rudy*  
Brian Rudy, Mayor