

ORDINANCE NO. 2361

CONCERNING THE PAYMENT OF A FINE IN LIEU OF THE SUSPENSION OF A LICENSE TO SELL BEVERAGES CONTAINING ALCOHOL AT RETAIL.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION.

That in accordance with the provisions of 12-46-107 and 12-47-110, Colorado Revised Statutes, Article III of Chapter 4 of the Code of Ordinances of the City of Grand Junction is amended by the addition of a Section 35 reading as follows:

"Section 4-35. Suspension - fines.

(a)(1) Whenever a decision of the local licensing authority suspending a retail license for fourteen days or less becomes final, whether by failure of the retail licensee to appeal the decision or by exhaustion of all appeals and judicial review, the retail licensee may, before the operative date of the suspension, petition for permission to pay a fine in lieu of having his retail license suspended for all or part of the suspension period. Upon the receipt of the petition, the local licensing 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:

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

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

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

(2) The fine accepted shall be the equivalent to twenty percent of the retail 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 nor more than five thousand dollars.

(3) Payment of any fine pursuant to the provisions of this subsection (a) shall be in the form of cash or in the form of a certified check or cashier's check made payable to the local licensing authority.

(b) Upon payment of the fine pursuant to subsection (a) of this section, the local licensing authority shall enter its further order permanently staying the imposition of the suspension. The governing body of the authority shall cause such moneys to be paid into the general fund of the City.

(c) In connection with any petition pursuant to subsection (a) of this section, the authority of the local 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.

(d) If the local licensing authority does not make the findings required in paragraph (1) of subsection (a) of this section and does not order the suspension permanently stayed, the suspension shall go into effect on the operative date finally set by the local licensing authority."

PASSED and ADOPTED this 2nd day of September, 1987.

O.F. Ragsdale

President of the Council

Attest:

Neva B. Lockhart, CMC

City Clerk

I HEREBY CERTIFY that the foregoing ordinance, being Ordinance No. 2361, was introduced, read, and ordered published by the City Council of the City of Grand Junction, Colorado, at a regular meeting of said body held on the 19th day of August, 1987, and that the same was published in The Daily Sentinel, a newspaper published and in general circulation in said City, at least ten days before its final passage.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of said City this 3rd day of September, 1987.

Neva B. Lockhart, CMC

Neva B. Lockhart, CMC
City Clerk

Published: August 21, 1987

Final Publication: September 4, 1987

Effective: October 4, 1987