

ORDINANCE NO. 58

Series 2003

AN ORDINANCE AMENDING CHAPTERS 4 AND 5 OF TITLE 4 OF THE BRECKENRIDGE TOWN CODE CONCERNING THE FUNCTIONS AND AUTHORITY OF THE TOWN OF BRECKENRIDGE LIQUOR LICENSING AUTHORITY

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF BRECKENRIDGE, COLORADO:

Section 1. Paragraph A of Section 4-3-1 of the Breckenridge Town Code is hereby amended so as to read in its entirety as follows:

A. A completed application for an optional premises license or optional premises for a hotel and restaurant license on forms to be provided by the Town Clerk together with an application fee of three hundred fifty dollars (\$350.00) (\$25.00 State and \$325.00 local) shall be submitted to the Town Clerk no later than thirty (30) days prior to the date for consideration by the Liquor Licensing Authority.

Section 2. Section 4-4-1 of the Breckenridge Town Code is hereby amended by the addition of a new definition of "Liquor Licensing Authority", which shall read in its entirety as follows:

LIQUOR LICENSING AUTHORITY: The Town of Breckenridge Liquor Licensing Authority created pursuant to Chapter 5 of Title 2 of this Code.

Section 3. The introductory portion of Subsection A of Section 4-4-2 of the Breckenridge Town Code is hereby amended so as to read in its entirety as follows:

A. Whenever a decision of the Liquor Licensing Authority suspending a license for fourteen (14) days or less becomes 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 Liquor Licensing Authority 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 Liquor 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:

Section 4. Subsection D of Section 4-4-2 of the Breckenridge Town Code is hereby amended so as to read in its entirety as follows:

D. Upon payment of the fine pursuant to this Section, the Liquor Licensing Authority shall enter its further order permanently staying the imposition of the suspension.

Section 5. Subsection E of Section 4-4-2 of the Breckenridge Town Code is hereby amended so as to read in its entirety as follows:

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.

Section 6. Subsection F of Section 4-4-2 of the Breckenridge Town Code is hereby amended so as to read in its entirety as follows:

F. If the Liquor Licensing Authority does not make the findings required in 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 Liquor Licensing Authority.

Section 7. Section 4-5-2 of the Breckenridge Town Code is hereby amended by the addition of a new definition of "Liquor Licensing Authority", which shall read in its entirety as follows:

LIQUOR LICENSING AUTHORITY: The Town of Breckenridge Liquor Licensing Authority created pursuant to Chapter 5 of Title 2 of this Code.

Section 8. Section 4-5-8 of the Breckenridge Town Code is hereby amended so as to read in its entirety as follows:

4-5-8: DURATION OF TEMPORARY PERMIT:

A temporary permit issued pursuant to this Chapter shall be valid only until such time as the application for the license to the applicant is granted or denied for one hundred twenty (120) days, whichever shall first occur; except that if the application to transfer the license has not been granted or denied within the one hundred twenty (120) day period and the applicant demonstrates good cause, the Liquor Licensing Authority may, in its discretion, extend the validity of said permit for an additional period not to exceed sixty (60) days.

Section 9. Section 4-5-10 of the Breckenridge Town Code is hereby amended so as to read in its entirety as follows:

4-5-10: CANCELLATION, REVOCATION, OR SUMMARY SUSPENSION OF TEMPORARY PERMIT:

A temporary permit may be canceled, revoked or summarily suspended by the Liquor Licensing Authority if it determines that there is probable cause to believe that the applicant has violated any provision of the Colorado Beer Code or the Colorado Liquor Code, whichever statutes govern the license of the licensed premises, or any rule or regulation adopted by the Department of Revenue pursuant thereto, or any Town ordinance governing the operation of licensed premises, or if the applicant has failed to truthfully disclose those matters required pursuant to the application forms required by the Department of Revenue or the Town.

Section 10. Except as specifically amended hereby, the Breckenridge Town Code, and the various secondary codes adopted by reference therein, shall continue in full force and effect.

Section 11. The Town Council hereby finds, determines and declares that this Ordinance is necessary and proper to provide for the safety, preserve the health, promote the prosperity, and improve the order, comfort and convenience of the Town of Breckenridge and the inhabitants thereof.

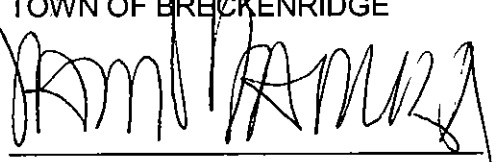
Section 12. The Town Council hereby finds, determines and declares that it has the power to adopt this Ordinance pursuant to the authority granted to home rule municipalities by Article XX of the Colorado Constitution and the powers contained in the Breckenridge Town Charter.

Section 13. This Ordinance shall be published and become effective as provided by Section 5.9 of the Breckenridge Town Charter.

INTRODUCED, READ ON FIRST READING, APPROVED AND ORDERED PUBLISHED IN FULL this 28th day of October, 2003. A Public Hearing shall be held at the regular meeting of the Town Council of the Town of Breckenridge, Colorado on the 11th day of November, 2003, at 7:30 P.M., or as soon thereafter as possible in the Municipal Building of the Town.

ATTEST:


Mary Jean Loufek, CMC, Town Clerk

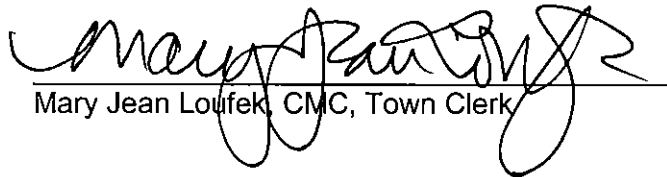
TOWN OF BRECKENRIDGE

Sam Mamula, Mayor

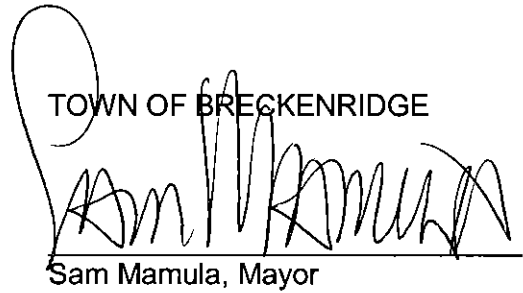
This Ordinance was published in full in the Summit County Journal, a newspaper of general circulation within the Town of Breckenridge, on November 7, 2003.

The public hearing on this ordinance was held on November 11, 2003.


READ, ADOPTED ON SECOND READING AND ORDERED PUBLISHED BY TITLE ONLY, this 11th day of November, 2003. A copy of this Ordinance is available for inspection in the office of the Town Clerk.

ATTEST:


Mary Jean Loufek, CMC, Town Clerk

TOWN OF BRECKENRIDGE

Sam Mamula, Mayor

APPROVED IN FORM


Town Attorney

11/11/03
Date

This ordinance was published by title only in the Summit County Journal, a newspaper of general circulation within the Town of Breckenridge, on November 21, 2003.