

**CITY OF WHEAT RIDGE, COLORADO**  
**INTRODUCED BY COUNCIL MEMBER STITES**  
**COUNCIL BILL NO. 33**  
**ORDINANCE NO. 1785**  
**Series 2023**

**TITLE: AN ORDINANCE AMENDING SECTION 11-52.5 OF THE WHEAT RIDGE CODE OF LAWS CONCERNING MEMBERSHIP OF THE WHEAT RIDGE LIQUOR LICENSING AUTHORITY**

**WHEREAS**, the City of Wheat Ridge (the “City”) is a home rule municipality having all powers conferred by Article XX of the Colorado Constitution; and

**WHEREAS**, pursuant to its home rule authority and C.R.S. § 31-15-201, the City, acting through its City Council (the “Council”), is authorized to adopt ordinances for the appointment, term of office, removal, powers, duties, and compensation of all officers; and

**WHEREAS**, the Council is authorized by the home rule charter to create boards and commissions and to provide for the membership thereof; and

**WHEREAS**, pursuant to this power, the Council previously adopted Ordinance No. 1777, Series 2023, to better clarify procedures concerning board and commission membership; and

**WHEREAS**, the Council desires to make conforming amendments in connection therewith to ensure uniformity of the City’s Liquor Licensing Authority membership with the City’s other boards and commissions.

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

**Section 1.** Section 11-52.5 of the Wheat Ridge Code of Laws is amended to read as follows:

(a) There is established a liquor licensing authority, which shall have and is vested with the authority to grant and refuse licenses and special permits, and to approve and deny applications for renewal and transfer of licenses for the sale at retail of malt, vinous or spirituous liquors and fermented malt beverages, designate and assess fees, promulgate reasonable rules and regulations, conduct investigations, and to suspend or revoke such licenses for cause, all in the manner provided by law. The licensing authority shall have all the powers of the licensing authority set forth in C.R.S. title 44, articles 3, 4, and 5.

(b) The licensing authority for the City of Wheat Ridge shall consist of eight (8) qualified electors of the city, two (2) from each of the four (4) council districts of the city, who shall be appointed by the city council. If, after reasonable

advertisement, no applications are received from residents within the relevant council district for a vacancy on the liquor licensing authority, the council may appoint any otherwise qualified resident TO ACHIEVE APPROXIMATELY EQUAL REPRESENTATION FROM EACH COUNCIL DISTRICT. Upon the vacation or expiration of an out-of-district member's initial term, the council shall not reappoint said member unless no qualified in-district residents have applied for that seat on the liquor licensing authority. In order to stagger the terms of the licensing authority members, one (1) of the first two (2) members representing each council district shall be appointed for a three-year term and one (1) shall be appointed for a two-year term. The length of term for the first licensing authority members shall be determined by lot. Except in the event that a member is appointed to fill a vacancy as provided in subsection (j), all subsequent appointments shall be for three-year terms.

(C) NO LICENSING AUTHORITY MEMBER SHALL BE ELIGIBLE FOR REAPPOINTMENT IF THEY HAVE PREVIOUSLY BEEN APPOINTED TO TWO (2) CONSECUTIVE THREE (3) YEAR TERMS. TERMS ARE CONSIDERED CONSECUTIVE UNLESS SEPERATED BY AT LEAST ONE (1) THREE (3) YEAR TERM. TERM LIMITED MEMBERS MAY BE APPOINTED TO SERVE ADDITIONAL TERMS IN THE ABSENCE OF OTHER QUALIFIED APPLICANTS. NOT WITHSTANDING AND INDEPENDENT OF THE REQUIREMENTS OF SECTION 2-53(E), THE COUNCIL MAY APPOINT A QUALIFIED APPLICANT TO REPLACE A TERM LIMITED MEMBER SERVING AN ADDITIONAL TERM AT ANY TIME. AN APPOINTMENT MADE TO FILL A VACANCY DURING A TERM, SHALL NOT BE CONSIDERED A FULL TERM WHEN THE APPOINTMENT OCCURS MORE THAN HALFWAY THROUGH THE APPOINTED TERM.

(De) A quorum of the licensing authority shall consist of five (5) voting members, and a decision of a majority of the quorum present shall control.

(Ed) All decisions of the licensing authority are final, subject only to appeal to a court of competent jurisdiction.

(Fe) No person shall serve or continue to serve as a member of the licensing authority who is or becomes a member of the Wheat Ridge City Council except during any period of time where the council is acting in the role of the licensing authority as provided in subsection (k).

(Gf) No person shall serve or continue to serve as a member of the licensing authority who has or obtains any financial interest, including employment, in the operation of any business which is issued a license relating to fermented malt beverages or alcoholic beverages pursuant to C.R.S. title 44, articles 3, 4, and 5, or who has a member of his or her immediate family who has or subsequently obtains such an interest or employment in any such business in the City of Wheat Ridge.

(Hg) All members of the licensing authority must complete a course or class of training approved by the city in the laws and regulations governing alcohol beverage sales before becoming a voting member on the licensing authority.

(Ih) No person shall be eligible for appointment or continue to serve as a member of the licensing authority who has been convicted within the seven (7) years preceding such appointment of driving under the influence of alcohol or drugs, driving while impaired by the influence of alcohol or drugs, or any alcohol or drug related offense, or any violation of C.R.S. title 44, articles 3, 4, and 5 or the regulations adopted thereunder, or any violation of this article. The City of Wheat Ridge Police Department shall run a criminal record background check on all licensing authority appointees.

(Ji) Any member of the licensing authority may be removed, AT THE COUNCIL'S DISCRETION, ~~for cause~~ by a majority vote of the entire city council. A MEMBER MAY ALSO BE REMOVED BY THE COUNCIL FOR VIOLATION OF A COUNCIL ADOPTED CODE OF ETHICS. The attendance rules for members of boards or commissioners set forth in section 2-53(e) of this Code shall also apply to members of the licensing authority. A MEMBER WHO IS NOT A RESIDENT WITHIN THEIR REPRESENTED DISTRICT, AS PERMITTED BY SECTION 11-52.5(B), MAY BE REMOVED AND THE VACANCY THEREBY CREATED, FILLED ONLY IN THE EVENT ONE OF THE FOREGOING CONDITIONS IN THIS SUBSECTION (J) APPLIES. OTHER THAN AS PERMITTED BY SECTION 11-52.5(B), ANY MEMBER WHO SHALL CHANGE THEIR PERSONAL RESIDENCE TO AN ADDRESS OUTSIDE THE CITY OR THE DISTRICT THEY REPRESENT SHALL CEASE TO BE A MEMBER OF THE AUTHORITY AND THEIR SEAT SHALL AUTOMATICALLY BE DEEMED VACATED AS OF THE DATE ON WHICH THEY CEASED TO BE A RESIDENT OF THE CITY OR OF THE DISTRICT.

(Kj) Any vacancy occurring on the licensing authority for any reason shall be filled for the unexpired term by the city council in accordance with SECTION 2-53(C) ~~city council policies of filling positions on boards and commissions.~~

(Lk) In the event four (4) vacancies exist simultaneously on the licensing authority, and there are matters scheduled for consideration before the licensing authority, the city council shall act as the licensing authority until a quorum of the licensing authority is reconstituted by filling vacancies in accordance with this section.

(Ml) Members of the licensing authority shall receive no compensation for their service; however, any necessary expenditures incurred in the performance of their duties shall be reimbursed by the city as determined by the city council as part of the budget process.

(N~~m~~) The licensing authority shall annually elect a chair from its number. The chair, or person serving on the licensing authority designated by the chair to serve as acting chair in the chair's absence, shall preside over all hearings and proceedings of the authority.

(O~~n~~) The city attorney and the office of the city clerk shall act in an advisory capacity to the licensing authority.

**Section 2. Severability, Conflicting Ordinances Repealed.** If any section, subsection or clause of this Ordinance shall be deemed to be unconstitutional or otherwise invalid, the validity of the remaining sections, subsections and clauses shall not be affected thereby. All other ordinances or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed.

**Section 3. Effective Date.** This Ordinance shall take effect March 1, 2024.

**INTRODUCED, READ, AND ADOPTED** on first reading by a vote of 8 to 0 on this 11th day of December 2023, ordered published by title in full in on the City's website as provided by the Home Rule Charter, and Public Hearing and consideration on final passage set for January 8, 2024, at 6:30 p.m., in the Council Chambers, 7500 West 29<sup>th</sup> Avenue, Wheat Ridge, Colorado.

READ, ADOPTED AND ORDERED PUBLISHED on second and final reading by a vote of 8 to 0, this 8th day of January 2024.

SIGNED by the Mayor on this 10<sup>th</sup> day of January 2024.



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Bud Starker, Mayor

ATTEST:



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Stephen Kirkpatrick, City Clerk

Approved as to Form



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Gerald E. Dahl, City Attorney

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