

**CITY OF CENTRAL, COLORADO
ORDINANCE NO. 12-05**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CENTRAL,
COLORADO AMENDING SECTION 10-25 OF THE
MUNICIPAL CODE CONCERNING LICENSEE RESPONSIBILITY
FOR CONDUCT OF LIQUOR LICENSED ESTABLISHMENTS
AND REPORTING OF UNLAWFUL ACTIVITY IN LICENSED
ESTABLISHMENTS BY LIQUOR LICENSEES**

WHEREAS, the City of Central is authorized under its Home Rule Charter and subsections (b)(e) and (f) of C.R.S., Section 31-15-401(1) to adopt police power regulations as necessary for the promotion of the public health and to prevent disturbances and disorderly conduct; and

WHEREAS, Section 10-25 of the Central City Municipal Code currently requires the holder of any liquor license or the manager or employee of such licensee to immediately report to the Police Department any disorderly conduct or criminal activity occurring on or in the licensed premises; and

WHEREAS, in order to promote the public peace and safety, the City desires to amend Section 10-25 to expand the reporting obligation of licensees to include criminal activity on property surrounding a licensed premise owned or under the control of the licensee.

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

Section 1. Section 10-25 of the City of Central Municipal Code is hereby amended to read as follows in its entirety:

Sec. 10-25. Conduct of licensed establishments; Report of criminal activity by liquor licensees.

(A) Any person who is a holder of a fermented malt beverage, malt, vinous or spirituous liquor license shall conduct his establishment in a decent, orderly and respectable manner and shall not permit within or upon the licensed premises the loitering of habitual drunkards or visibly intoxicated persons, lewd or indecent acts as defined in Section 10-162 of this Code, obscene profanity, rowdiness, undue noise or other unlawful activity offensive to the residents or occupants of the neighborhood in which the establishment is located.

(B) It shall be a violation of this Code for any person who is a holder of a fermented malt beverage, malt, vinous or spirituous liquor license, or for any manager or employee of such license holder in temporary charge at the licensed establishment at the time of the unlawful activity to fail to immediately report to the Police Department any disorderly or unlawful activity under federal, state or local law occurring on or within the licensed premises or the property surrounding such licensed premises which is under the ownership or control of the license holder immediately upon the occurrence of the same.

(C) Each person who is a holder of a fermented malt beverage, malt, vinous or spirituous liquor license shall post and keep at all times visible to the public in a conspicuous place on the licensed premises a sign to be provided by the City Clerk's office which shall be in the following form and content:

WARNING! THE POLICE DEPARTMENT MUST BE IMMEDIATELY NOTIFIED OF ALL UNLAWFUL ACTIVITY INCLUDING DISORDERLY CONDUCT OR DISTURBANCES OF THE PEACE WHICH OCCUR IN THIS LICENSED ESTABLISHMENT.

(D) It shall not be a defense to a charge of violation of this Section that the holder of a fermented malt beverage, malt, vinous or spirituous liquor license was not personally present on the licensed premises at the time of the unlawful activity, but no manager or employee of such license holder not in temporary charge of the licensed establishment at the time of the unlawful activity shall be charged with a violation of this Section.

(E) Any person who violates any provision of this Section, upon conviction thereof, shall be subject to imposition of the general penalty as set forth in Section 1-72 of this Code.

Section 2. Repealer. Existing ordinances, rules or policies, or parts thereof that are inconsistent or conflict with the provisions of this Ordinance are hereby repealed.

Section 3. Severability. If any section, paragraph, clause, or provision of this Ordinance shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause, or provision shall not affect any of the remaining provisions of this Ordinance, the intent being that the same are severable.

Section 4. Codification Amendments. The codifier of the City's Municipal Code, is hereby authorized to make such numerical and formatting changes as may be necessary to incorporate the provisions of this Ordinance within the City of Central Municipal Code.

Section 5. Effective Date. This Ordinance shall become effective immediately following publication, public hearing and the approval of City Council following second reading in accordance with Sections 5.9 and 5.10 of the City Charter.

INTRODUCED AND READ by title only on first reading at the regular meeting of the City Council of the City of Central on the 5th day of June, 2012, at Central City, Colorado.

CITY OF CENTRAL, COLORADO

Ronald E. Engels, Mayor

Approved as to form:

Linda C. Michow, City Attorney

ATTEST:

Reba Bechtel, City Clerk

PASSED AND ADOPTED on second reading, at the regular meeting of the City Council of the City of Central on the 27th day of June, 2012.

CITY OF CENTRAL, COLORADO

Ronald E. Engels, Mayor

ATTEST:

Reba Bechtel, City Clerk

POSTED IN FULL AND PUBLISHED BY TITLE AND SUMMARY in the Weekly Register Call newspaper on June 14, 2012.

POSTED AND PUBLISHED BY TITLE [AND SUMMARY IF AMENDED ON SECOND READING] in the Weekly Register Call newspaper on July 5, 2012.

CITY OF CENTRAL, COLORADO

Ronald E. Engels, Mayor

ATTEST:

Reba Bechtel City Clerk