

ADMINISTRATIVE REGULATION **A R 18-02**
MAYOR JOHN SUTHERS

DATE: July 3, 2018

TOPIC: Liquor and Beer Enforcement Policies

LEGAL AUTHORITY: City Charter §§ 4-10, 4-40(a) and (d)
City Code § 2.5.104(A)
C.R.S § 12-47-601 (C.R.S. § 44-3-601)
1 CCR 203-2 Regulation 47-604

1.0 Purpose and Scope: This Administrative Regulation sets forth limited enforcement policies for the enforcement of the liquor laws of the State of Colorado and the City of Colorado Springs and the rules and regulations promulgated thereto. These policies are intended to encourage the efficient and effective enforcement of the liquor laws and rules in a consistent manner among the City Clerk's Office, the City Attorney's Office, and the Colorado Springs Police Department.

These policies are broad in nature so that the City retains the flexibility to react to violations based upon their seriousness in the context of the factual situation in which they present themselves.

2.0 Terms Defined:

- 2.1. "Enforcement Agency"** – The Colorado Springs Police Department and the City Clerk's Office.
- 2.2. "City Code"** – The Code of the City of Colorado Springs 2001, as amended.
- 2.3. "City Liquor Rules"** – Liquor and Beer Rules and Regulations of the City of Colorado Springs
- 2.4. "Colorado Liquor Rules"** – 1 C.C.R. 203-2 *et seq.* as amended
- 2.5. "LED"** – Liquor Enforcement Division of the Colorado Department of Revenue
- 2.6. "Colorado Liquor Code"** – C.R.S. §§12-46-101 *et seq.*, 12-47-101 *et seq.*, 12-48-101 *et seq.*, as amended (C.R.S. §§ 44-4-101 *et seq.*, 44-3-101 *et seq.*, 44-5-101 *et seq.*)

3.0 Procedures and Policies:

3.1. This Administrative Regulation repeals and replaces the prior Liquor and Beer Enforcement Policies dated December 4, 1998. This Administrative Regulation is an exercise of the Mayor’s administrative and executive power to guide the enforcement discretion of the City Clerk’s Office, the City Attorney’s Office, and the Colorado Springs Police Department.

3.2. Investigations: License Enforcement Officers employed with the City Clerk’s Office and the Colorado Springs Police Department will investigate alleged violations of the Colorado Liquor Code and/or the City Code. Administrative enforcement action may be requested by an enforcement agency by making such request in writing to the City Attorney’s Office-Prosecution Division. The City Attorney’s Office shall review any such request to determine the legal sufficiency thereof.

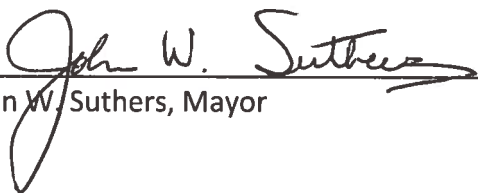
3.3. Recommended Penalties: The City Clerk’s Office, Colorado Springs Police Department, and City Attorney’s Office should consider the facts and circumstances of each case, the aggravating and mitigating factors, and relevant prior history of the alleged violator when determining a recommended penalty consistent with the Colorado Liquor Code, Colorado Liquor Rules, City Code, and City Liquor Rules. Published LED Standards for Liquor Violations may be considered as guidance when determining a recommended penalty but shall not be binding.

4.0 Miscellaneous

4.1. This Administrative Regulation shall be effective as of July 3, 2018, and shall remain in effect until amended or rescinded.

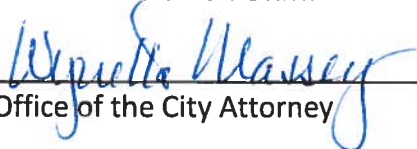
4.2. This Administrative Regulation shall be filed with the City Attorney and made available for public inspection on the City’s website.

4.3. This Administrative Regulation does not limit, restrict or replace the Mayor’s ability to exercise any authority granted by City Charter.



John W. Suthers, Mayor

APPROVED AS TO FORM:



Office of the City Attorney