

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO SETTING FORTH THE TRAINING REQUIREMENTS FOR OWNERS, MANAGERS, AND EMPLOYEES OF PREMISES LICENSED TO SELL AND DISTRIBUTE ALCOHOL BEVERAGES WITHIN THE CITY AS REQUIRED BY THE COLORADO DEPARTMENT OF REVENUE REG. 47-605, RESPONSIBLE ALCOHOL BEVERAGE VENDOR AND THE APPLICABLE PROVISIONS OF ARTICLE 2-65, LIQUOR LICENSING AUTHORITY, ARTICLE 5-8 ALCOHOL BEVERAGES AND ARTICLE 9-24 ALCOHOL BEVERAGES OF THE BRIGHTON MUNICIPAL CODE; MAKING SAID TRAINING REQUIREMENTS APPLICABLE FROM AND AFTER THE EFFECTIVE DATE OF THIS RESOLUTION TO ALL APPLICATIONS FOR (i) ALCOHOL BEVERAGE LICENSES, (ii) RENEWAL OF ANY ALCOHOL BEVERAGE LICENSE IN GOOD STANDING, (iii) TRANSFER OF AN ALCOHOL BEVERAGE LICENSE, (iv) TASTING BY RETAIL LIQUOR STORES AND DRUGSTORES, AND (v) RECERTIFICATION THEREOF EVERY THREE YEARS.**

**RESOLUTION NO. 2015-109**

**WHEREAS**, the City Manager, City Clerk, Police Department, and Staff have engaged in an evaluation of the organizational structure of Brighton’s Liquor Licensing Authority, and recommended revisions to the Brighton Municipal Code in an effort to streamline the liquor licensing process through the implementation of efficient and customer service driven changes; and

**WHEREAS**, critical to that evaluation, which included assistance and advice from the Brighton Police Department, was a review of the training requirements for licensed liquor establishments, owners, managers and employees thereof and all others who will serve alcoholic beverages at a licensed establishment or event; and

**WHEREAS**, such revisions to the Brighton Municipal Code were implemented through Ordinance No. 2209, and included, generally, designating and authorizing the City Clerk to undertake certain application reviews administratively, replacing the five member Liquor Licensing Authority with a Hearing Officer, and refining the training requirements for licensed establishments within the City; and

**WHEREAS**, the City Council continues to hold a ‘no tolerance’ approach to liquor violations and, notwithstanding the fact that liquor violations are strict liability violations, the City Council finds that training plays an essential part in emphasizing to every licensee and employee the importance of staying current on the State and local requirements for holding a liquor license; and

**WHEREAS**, the City Council finds and determines that the following training requirements for all liquor licensees, managers and employees are reasonable, and necessary for the health, safety and welfare of the citizens of Brighton.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO AS FOLLOWS:

(1) As used herein “*training*” shall mean the training requirements set forth in Colorado Department of Revenue Regulation 47-605, *Responsible Alcohol Beverage Vendor* and the requirements of Article 2-65 *Liquor Licensing Authority*, Article 5-8 *Alcohol Beverages*, and Article 9-24 *Alcohol Beverages* of the Brighton Municipal Code, as the same may be amended from time to time.

(2) As used herein “*Training Program*” shall mean a Training Program conducted by a designated officer of the Brighton Police Department, or an approved training program to be a Colorado Responsible Vendor or to serve beverage alcohol at tastings held in retail liquor stores or liquor licensed drugstores tastings as required by Reg. 47-605 of the Department of Revenue, Liquor Enforcement Division.

(3) The training requirements for licensed alcohol beverage establishments herein adopted shall be applicable to applications for:

- (a) All new liquor licenses issued on or after the effective date of this Resolution,
- (b) License renewal of all alcohol beverage licensed establishments holding a license in good standing on the effective date of this Resolution,
- (c) Transfer of a license, and
- (d) Tastings by retail liquor stores and drugstores.

(4) **Training requirements and standards:**

(a) A Training Program must be attended by the resident on-site owner (if applicable) or a manager, and all employees selling/serving alcohol beverages no less than sixty (60) days prior to the submittal of an application for a license, renewal of a license, transfer of a license, or tasting and provide certification of such completed training to the City Clerk within ten (10) days of completion.

(b) All new employees involved in the sale, handling and service of alcoholic beverages must complete the training within ninety (90) days of date of hire and provide certification of such completed training to the City Clerk within ten (10) days of completion.

(c) The Colorado Department of Revenue, Liquor Enforcement Division’s list of Approved Responsible Vendor Trainers for tastings is available at

<https://www.colorado.gov/pacific/enforcement/approved-responsible-vendors-training>.

(d) The schedule of Training Programs conducted by the Brighton Police Department shall be available at the Brighton Police Department and/or the City Clerk’s office.

(e) Every attendee is responsible for successfully completing the State of Colorado Training Program to be certified as a Responsible Alcohol Beverage Vendor including

passing a test of knowledge of the required curriculum, securing a certificate of completion, and providing a copy of the certificate to the City Clerk.

(1) Attendees who can speak and write English must successfully pass a written test with a score of 70% or better.

(2) Attendees who cannot speak or write English may be offered a verbal test, provided the same questions are given as are on the written test and the results of the verbal test are documented with a passing score of 70% or better.

(f) Every attendee at a Police Department Training Program shall successfully complete the Training Program including passing a test of knowledge of the required curriculum, securing a certificate of completion, and providing a copy of the certificate to the City Clerk.

(1) Attendees who can speak and write English must successfully pass a written test with a score of 70% or better.

(2) Attendees who cannot speak or write English may be offered a verbal test, provided the same questions are given as are on the written test and the results of the verbal test are documented with a passing score of 70% or better.

(g) The City Clerk will maintain a file of all certificates of completion of a Training Program.

(h) The Training Program providers must keep proof of attendance and records of successful completion of the training for a minimum of three (3) years and make the records available to the Colorado Department of Revenue Liquor Enforcement Division, the Brighton Police Department or City Clerk upon request.

(i) Each certificate issued for successful completion of a Training Program shall expire three (3) years after the date of said certificate, except that

(1) Every owner, manager or employee who is found by a court of competent jurisdiction or the Brighton Liquor License Authority to have violated any local or State liquor license statute, regulation, or ordinance shall attend and successfully complete a Training Program within thirty (30) days of said finding, decision or conviction; and

(2) Any owner, manager or employee who is ordered or required by the Brighton Liquor License Authority to attend training shall attend and successfully complete the required Training Program consistent with said order or decision.

(j) Retraining and certification for an owner, manager, employee and all others who will serve alcoholic beverages at a licensed establishment or event must occur every three (3) years which may be accomplished in any of the following manners:

(1) Successful passage of a written or verbal test with a score of 70% or better administered by a certified or approved trainer in person. Completion of a

Training Program is not required before the test, provided that if the person fails to pass the first administration of the test required attendance and successful completion of a recertification Training Program shall be required.

(2) A recertification Training Program shall include all changes in the law or regulations from the time of the initial training; refresher instruction as to sales to intoxicated persons or minors, legal sales hours, and civil and criminal liabilities for law violations. There shall be no minimum instruction time or testing required for the recertification course.

(k) Participation in the Training Program and testing shall be in person or by live-streaming as approved by the Colorado Liquor Enforcement Division. On-Line programs or participation shall not be sufficient for certification.

(5) **Brighton Police Department Training**

(a) The Brighton Police Department shall schedule and hold a Training Program once every three (3) months of the calendar year, post and update a schedule of the dates, times and location of said Program on the City's website, and provide a copy to the City Clerk.

(b) Each class of the Police Department Training Program shall be limited to thirty (30) participants. If the number of participants exceeds thirty (30), the Department shall schedule additional sessions within a reasonable time.

(c) The Police Department Training Program will consist of two (2) hours of in person instruction, followed by a written examination as required by Department of Revenue Regulation 47-605, Responsible Alcohol Beverage Vendor.

(d) Certificates of completion will be provided to the attendee upon successful completion of the Police Department Training Program, and a copy provided to the City Clerk.

(6) **Other trainers and programs.**

Licensees with more than thirty (30) employees who sell or serve alcohol beverages and which have a company alcohol beverage training program, and assert that participation in the Police Department Training Program as required above is not feasible may, in lieu of such participation, consult with the Police Department to arrange for a review of the internal training program and testing. The Police Department, after such review, and at its sole discretion, may authorize the use of the internal training program to satisfy the training requirements, and include reasonable conditions on said authorization.

**INTRODUCED AND ADOPTED THIS 18<sup>th</sup> DAY OF AUGUST, 2015.**

**CITY OF BRIGHTON, COLORADO**

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**Richard N. McLean, Mayor**

**ATTEST:**

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**Natalie Hoel, City Clerk**

**APPROVED AS TO FORM:**

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**Margaret R. Brubaker, City Attorney**