

CITY COUNCIL ORDINANCE

ORDINANCE NO: 2209

INTRODUCED BY: Humbert

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO AMENDING ARTICLE 2-65. LIQUOR LICENSING AUTHORITY AND ARTICLE 5-8. ALCOHOL BEVERAGES AND ARTICLE 9-24. ALCOHOL BEVERAGES OF THE BRIGHTON MUNICIPAL CODE, REPEALING PROVISIONS RELATED TO THE FIVE MEMBER LIQUOR LICENSING AUTHORITY, AND PROVIDING THAT THE CITY COUNCIL MAY, BY RESOLUTION, APPOINT A HEARING OFFICER TO SERVE AS THE LIQUOR LICENSING AUTHORITY FOR THE CITY OF BRIGHTON; SPECIFYING THAT THE CITY CLERK MAY APPROVE CERTAIN APPLICATIONS RELATED TO LIQUOR LICENSES PURSUANT TO STATED CRITERIA; REVISING THE TRAINING REQUIREMENTS; AND SETTING FORTH DETAILS IN RELATION THERETO.

WHEREAS, in the past few years it has been difficult to find knowledgeable members to serve on the Liquor Licensing Authority with consistency and regularity; and

WHEREAS, with the recent resignation of a member of the Authority, there are now three remaining members who would be available for the holding of hearings and conducting necessary proceedings of the Authority, and should any member be unable to attend a meeting of the Authority, there would not be a quorum, thereby requiring a continuance of the meeting; and

WHEREAS, the rules and procedures for the Liquor Licensing Authority provide that if the number of members falls below three, the duties of the Authority will return to the City Council; and

WHEREAS, service on the Liquor Licensing Authority requires a certain level of expertise regarding administrative law and procedures and familiarity with the ever changing Liquor Code and the related liquor licensing rules and regulations; and

WHEREAS, the City Council has received input from the Office of the City Clerk, the Police Department, the City Attorney and special legal counsel for Authority hearings and concurs with their recommendation that the structure of the Authority be modified; and

WHEREAS, the City Council, as the appointing body for the Authority, desires to make the liquor licensing process as business friendly as possible, by streamlining the process for those liquor licensees who file complete and timely applications and conduct their business in strict compliance with all legal requirements, and finds and determines that these amendments to the Municipal Code further that desire; and

WHEREAS, the City Council finds and determines that it is in the best interest of the public health, safety and welfare that the level of expertise required for the Liquor Licensing Authority and the need for continuity would best be provided by assigning certain liquor related

administrative items to the Deputy City Clerk and with a hearing officer to be appointed by the City Council.

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

SECTION 1. Section 2-65-10. Liquor Licensing Authority established is repealed and reenacted to read as follows:

Sec. 2-65-10. - Liquor Licensing Authority established.

a) There is hereby established a Liquor Licensing Authority, which shall have and is vested with the authority to grant and refuse licenses and special permits, approve and deny applications for renewal and transfer of licenses for the sale at retail of malt, vinuous or spirituous liquors and fermented malt beverages, designate and assess fees, promulgate reasonable rules and regulations, conduct investigations and suspend or revoke such licenses for cause, all in the manner provided by law **WHICH SHALL BE A HEARING OFFICER APPOINTED BY THE CITY COUNCIL BY RESOLUTION. SUCH HEARING OFFICER SHALL HAVE ALL OF THE POWERS OF THE** Liquor Licensing Authority ~~shall have all the powers of the licensing authority~~ set forth in Articles 46, 47 and 48 of Title 12, C.R.S., **AS THE SAME MAY BE AMENDED.**

B) THE HEARING OFFICER SHALL BE APPOINTED BY THE CITY COUNCIL BY RESOLUTION AND MAY BE REMOVED WITH OR WITHOUT CAUSE BY A MAJORITY VOTE OF THE CITY COUNCIL.

C) THE LIQUOR LICENSING AUTHORITY SHALL ESTABLISH ITS RULES OF PROCEDURE (RULES) REGULATING THE CONDUCT OF ITS HEARINGS, WHICH RULES SHALL BE APPROVED BY THE CITY COUNCIL. THE LIQUOR LICENSING AUTHORITY MAY MAKE RECOMMENDATIONS TO THE CITY COUNCIL FOR CHANGES IN ITS RULES.

SECTION 2. Sections 2-65-20. - Membership; terms of office; officers, 2-65-30. - Appointment, 2-65-40. - Removal, 2-65-50. - Vacancies, 2-65-60. - Training, 2-65-70. - Rules of procedure, - Staff representation, 2-65-90. - Compensation and reimbursement of expenditure, 2-65-100. - Quorum appeal, 2-65-110. - Exercise of police power, and 5-8-50 - Hearing Officer are hereby repealed in their entirety.

~~Sec. 2-65-20. - Membership; terms of office; officers.~~

~~(a) The Liquor Licensing Authority of the City shall consist of five (5) voting members: one (1) from each of the four (4) Council wards of the City and one (1) at large position; and one (1) alternate from any ward. Each member of the Authority shall be a qualified elector and at least twenty one (21) years of age on the date of appointment. If there are no applicants for any of the four (4) ward positions, or if none of the applicants is deemed qualified to serve in that position, the vacant ward position may be filled by any~~

~~qualified applicant, regardless of ward. All members and alternates of the authority shall be appointed by the Mayor and City Council for four year terms.~~

~~(b) — The length of term for the first Liquor 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 2-65-50(b), all subsequent appointments shall be for four year terms.~~

~~(c) — No person shall serve or continue to serve as a member of the Liquor 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 Articles 46, 47 and 48 of Title 12, C.R.S., 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.~~

~~(d) — No person shall serve or continue to serve as a member of the Liquor Licensing Authority who is or becomes a member of the City Council, except during any period of time during which the City Council is acting in the role of the Liquor Licensing Authority as provided in Subsection 2-65-50(b) below.~~

~~(e) — No person shall be eligible for appointment or continue to serve as a member of the Liquor 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 Articles 46, 47 or 48 of Title 12, C.R.S. The Police Department shall conduct a criminal record background check on all Liquor Licensing Authority appointees.~~

~~(f) — The Liquor Licensing Authority shall annually elect a chair from its membership. The chair, or person serving on the Liquor 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.~~

~~Sec. 2-65-30. — Appointment.~~

~~The Mayor and the City Council are directed to cause the members of the Liquor Licensing Authority to be selected and appointed, and the Liquor Licensing Authority, upon its organization and adoption of its rules, shall proceed to function.~~

~~Sec. 2-65-40. — Removal.~~

~~Any member of the Liquor Licensing Authority may be removed for cause by a majority vote of the entire City Council.~~

~~Sec. 2-65-50. — Vacancies.~~

~~(a) — Any vacancy occurring in the Liquor Licensing Authority for any reason shall be filled for the unexpired term by the City Council in accordance with City Council policies for filling positions on boards and commissions.~~

~~(b) — In the event three (3) vacancies exist simultaneously on the Liquor Licensing Authority, and there are matters scheduled for consideration before the Liquor Licensing Authority, the City Council shall act as the Liquor Licensing Authority until a quorum of the Liquor Licensing Authority is reconstituted by filling the vacancies in accordance with this Section.~~

~~Sec. 2-65-60. — Training.~~

~~Before becoming a voting member of the Liquor Licensing Authority, each member of the Liquor Licensing Authority must complete a course or class of training, approved by the City, in the laws and regulations governing alcohol beverage sales.~~

~~Sec. 2-65-70. — Rules of procedure.~~

~~The Liquor Licensing Authority shall establish its Rules of Procedure (Rules) regulating the conduct of its meetings, which Rules shall be approved by the City Council. The Liquor Licensing Authority may make recommendations to the City Council for changes in its Rules.~~

~~Sec. 2-65-80. - Staff representation.~~

~~The City Attorney and the office of the City Clerk shall act in an advisory capacity to the Liquor Licensing Authority.~~

~~Sec. 2-65-90. — Compensation and reimbursement of expenditure.~~

~~Members of the Liquor Licensing Authority shall receive no compensation for their service; however, any necessary expenditure incurred in the performance of their duties shall be reimbursed by the City as determined by the City Council as part of the annual budget process.~~

~~Sec. 2-65-100. — Quorum appeal.~~

~~(a) — A quorum of the Liquor Licensing Authority shall consist of three (3) members, and a decision of a majority of the quorum present shall control.~~

~~(b) — All decisions of the Liquor Licensing Authority are final, subject only to appeal to a court of competent jurisdiction.~~

~~Sec. 2-65-110. — Exercise of police power.~~

~~The City Council declares that the provisions contained in this Section are an exercise of the police power of the City for the protection of the economic and social welfare and the health, safety, peace and morals of the citizens and residents of the City, as authorized by and pursuant to the authority granted under Article XX of the State Constitution and the provisions of the Colorado Liquor and Beer Codes, as amended.~~

~~Sec. 5-8-50. Hearing officer.~~

~~The Authority may appoint the City Clerk or another to act as a hearing officer at the City's expense, to conduct hearings and issue findings, orders and conclusions.~~

SECTION 3. A new Section 2-65-20. Duties of City Clerk, is hereby adopted to read as follows:

SEC. 2-65-20. DUTIES OF CITY CLERK

THE CITY CLERK, OR OTHER DESIGNEE OF THE CITY MANAGER, SHALL:

- (a) ISSUE ALL LICENSES GRANTED BY THE LIQUOR LICENSING AUTHORITY UPON RECEIPT OF SUCH LICENSE FEES AS ARE REQUIRED BY LAW;**
- (b) SERVE AS THE SECRETARY OF THE LIQUOR LICENSING AUTHORITY;**
- (c) ESTABLISH A CALENDAR OF THE HEARINGS FOR THE LIQUOR LICENSING AUTHORITY WHICH CALENDAR MAY BE MODIFIED BY THE AUTHORITY;**
- (d) PROCESS AND APPROVE ALL LICENSE RENEWAL APPLICATIONS, INCLUDING LATE RENEWAL APPLICATIONS, ON BEHALF OF THE LIQUOR LICENSING AUTHORITY, UPON RECEIPT OF A COMPLETED APPLICATION AND SUCH LICENSE FEES AS ARE REQUIRED BY LAW;**
- (e) PROCESS AND APPROVE ALL COMPLETE APPLICATIONS FOR TEMPORARY PERMITS PURSUANT TO SECTION 5-8-30, BMC, AS THE SAME MAY BE AMENDED.**
- (f) PROCESS AND APPROVE ALL CHANGE IN CORPORATE STRUCTURE, TRADE NAME CHANGE AND CORPORATE NAME CHANGE REPORT FORMS ON BEHALF OF THE LIQUOR LICENSING AUTHORITY, UPON RECEIPT OF A COMPLETED FORM AND SUCH LICENSE FEES AS ARE REQUIRED BY LAW;**

(g) PROCESS AND APPROVE ALL TRANSFER OF OWNERSHIP APPLICATIONS IN WHICH NO NEW PRINCIPALS ARE BEING ADDED TO THE OWNERSHIP, ON BEHALF OF THE LIQUOR LICENSING AUTHORITY, UPON RECEIPT OF A COMPLETED APPLICATION AND SUCH LICENSE FEES AS ARE REQUIRED BY LAW.

(h) PROCESS AND APPROVE ALL APPLICATIONS FOR SPECIAL EVENT PERMITS ON BEHALF OF THE LIQUOR LICENSING AUTHORITY PURSUANT TO SECTION 5-8-200, BMC, AS THE SAME MAY BE AMENDED.

(i) PROCESS AND APPROVE ALL APPLICATIONS FOR BEVERAGE TASTING PERMITS ON BEHALF OF THE LIQUOR LICENSING AUTHORITY PURSUANT TO SECTION 5-8-100, BMC, AS THE SAME MAY BE AMENDED.

(j) PROCESS AND APPROVE APPLICATIONS FOR MODIFICATION OF PREMISES ON BEHALF OF THE LIQUOR LICENSING AUTHORITY UPON RECEIPT OF A COMPLETED FORM AND SUCH LICENSE FEES AS ARE REQUIRED BY LAW; EXCEPT THAT THE FOLLOWING MODIFICATIONS SHALL BE HEARD BY THE AUTHORITY:

(1) ANY SUBSTANTIAL OR MATERIAL ENLARGEMENT OF A BAR, OR RELOCATION OF A BAR, OR ADDITION OF A SEPARATE BAR;

(2) ANY MATERIAL CHANGE IN THE INTERIOR OF THE PREMISES THAT WOULD AFFECT THE BASIC CHARACTER OF THE PREMISES OR THE PHYSICAL STRUCTURE THAT EXISTED IN THE PLAN ON FILE WITH THE LATEST PRIOR APPLICATION; AND

(3) ANY INCREASE OR DECREASE IN THE TOTAL SIZE OR CAPACITY OF THE LICENSED PREMISES THAT REQUIRES CONSIDERATION OF THE REASONABLE REQUIREMENTS AND DESIRES OF THE NEIGHBORHOOD.

(k) THE CITY CLERK MAY REFER ANY APPLICATION SUBMITTED TO THE CLERK FOR LICENSE RENEWAL, INCLUDING LATE RENEWAL; CHANGE IN CORPORATE STRUCTURE, NAME OR TRADE NAME; TRANSFER OF OWNERSHIP; OR MODIFICATION OF PREMISES TO THE AUTHORITY AND THE MATTER WILL BE SCHEDULED FOR A HEARING BEFORE THE AUTHORITY AT ITS NEXT REGULARLY SCHEDULED MEETING, AT WHICH TIME THE AUTHORITY SHALL EITHER APPROVE OR DENY THE APPLICATION.

(l) IF THE CITY CLERK DENIES THE APPLICATION FOR A LICENSE RENEWAL, INCLUDING LATE RENEWAL; CHANGE IN CORPORATE STRUCTURE, NAME OR TRADE NAME; TRANSFER OF OWNERSHIP; OR

MODIFICATION OF PREMISES, AND THE APPLICANT WISHES TO CONTEST THE DENIAL, THE APPLICANT SHALL BE ENTITLED TO A HEARING BEFORE THE AUTHORITY AT ITS NEXT REGULARLY SCHEDULED MEETING, AT WHICH TIME THE AUTHORITY SHALL CONSIDER WHETHER THE CITY CLERK PROPERLY APPLIED THE LAW PURSUANT TO STATE AND LOCAL LAW AND REGULATION, AND WHETHER TO UPHOLD THE DECISION OF THE CITY CLERK OR OVERTURN IT AND APPROVE THE APPLICATION.

SECTION 4. Section 5-8-10. Definitions is amended by the repeal and reenactment of the definition of “Hearing Officer” to read as follows:

“Hearing Officer” means ~~the City Clerk, unless the authority appoints another to act as a hearing officer.~~ **THAT PERSON APPOINTED BY THE CITY COUNCIL TO SERVE AS THE LOCAL LICENSING AUTHORITY.**

SECTION 5. Subsections b), c)(4)(a) and (d), and 6(d) of Section 5-8-30. Application – Local liquor license, are repealed and reenacted in their entirety to read as follows:

Sec. 5-8-30. - Application - local liquor license.

(b) Completion of forms. All applications for malt, vinous and spirituous liquor licenses and fermented malt beverage licenses shall be submitted to the City Clerk on the prescribed forms. The forms shall be accompanied by all the required fees and such additional materials as the **CITY CLERK AND/OR THE** Authority deems necessary to carry out the provisions of state statutes and regulations and the provisions of the ordinances of the City applicable to such licenses and all regulations promulgated pursuant thereto. No application shall be accepted by the City Clerk which is not complete in every detail. Any application mailed to or deposited with the City Clerk which, upon examination, is found to have some omission or error shall be returned to the applicant for completion or correction without any action on the part of the City Clerk or the Authority. In addition to the documents and information required under Subsection (c) below, the applicant shall furnish such additional documentation or information as the **CITY CLERK AND/OR THE** Authority deems necessary to make the determinations required by applicable state statutes or regulations and City ordinances and regulations.

(4) Applications for renewal of retail fermented malt beverages and malt, vinous or spirituous liquor licenses.

a. All renewal applications for malt, vinous and spirituous liquor licenses and fermented malt beverage licenses shall be submitted to the City Clerk on the prescribed forms no later than forty-five (45) days prior to the date on which the license expires. The forms shall be accompanied by all the required fees and such additional materials as the **CITY CLERK AND/OR THE** Authority deems necessary to carry out the

provisions of state statutes and regulations and the ordinances of the City related to alcohol beverages and fermented malt beverages and all regulations promulgated pursuant thereto. No renewal application shall be accepted by the City Clerk which is not complete in every detail. Any application mailed to or deposited with the City Clerk which, upon examination, is found to have an omission or error shall be returned to the applicant for completion or correction without any action on the part of the City Clerk or the Authority. Should any renewal application be received in completed form less than forty-five (45) days prior to the date on which the license expires, it shall be deemed a late application. **NEITHER the CITY CLERK NOR THE** Authority shall be responsible for the failure of a license to issue by the expiration date on any late application.

d. If there is information before the **CITY CLERK** Authority-tending to constitute good cause for not renewing a particular license for an additional year, the City Clerk, ~~at the direction of~~ **SHALL REFER THE RENEWAL APPLICATION TO** the Authority, shall cause to be issued a notice of hearing on the license renewal. If the Authority requires a hearing to renew a license, such hearing shall be held only after a notice of hearing has been conspicuously posted on the licensed premises for a period of ten (10) days and has been provided to the applicant at least ten (10) days prior to the hearing.

(6) Applications for temporary retail fermented malt beverages or malt, vinous or spirituous liquor permits.

d. A temporary permit, **WHETHER** granted by the **CITY CLERK OR THE** Authority, shall be valid until such time as the application to transfer ownership of the license to the applicant is granted or denied or for one hundred twenty (120) days, whichever shall first occur; except that, if the application to transfer the license has not been granted during the one-hundred-twenty-day period and the transferee demonstrates good cause, the **CITY CLERK OR THE** Authority may extend, in its discretion, the validity of the permit for an additional period not to exceed sixty (60) days.

SECTION 6. Subsection 5-8-100(b) and Section 5-8-150 Permit posting related to Tasting Permits are repealed and reenacted in their entirety to read as follows:

Sec. 5-8-100. - Alcohol beverage tastings; authority.

(b) **THE CITY CLERK IS AUTHORIZED TO ISSUE ALCOHOL BEVERAGE TASTINGS PERMITS PROVIDED THAT NO OBJECTION TO THE APPLICATION HAS BEEN FILED WITH THE CITY CLERK, THE LIQUOR LICENSE IS VALID, IS NOT SUBJECT TO A CURRENT OR PENDING ENFORCEMENT ACTION BY THE CITY OR THE STATE, AND IS IN FULL FORCE AND EFFECT, OR THE CITY CLERK HAS REASONABLE GROUNDS TO QUESTION WHETHER THE APPLICANT IS ABLE TO CONDUCT ALCOHOL BEVERAGE TASTINGS IN COMPLIANCE WITH THIS SECTION OR SECTION 12-47-301(10), C.R.S., OR IF SUCH ALCOHOL BEVERAGE TASTINGS CREATES OR THREATENS TO CREATE A PUBLIC**

SAFETY RISK TO THE NEIGHBORHOOD. IF THE CITY CLERK RECEIVES AN OBJECTION TO THE ISSUANCE OF A BEVERAGE TASTINGS PERMIT FROM ONE (1) OR MORE PARTIES, OR DETERMINES THERE ARE OTHER ISSUES TO BE DETERMINED BY THE AUTHORITY, THE MATTER WILL BE SCHEDULED FOR A HEARING BEFORE THE AUTHORITY AT ITS NEXT REGULARLY SCHEDULED MEETING, AT WHICH TIME THE AUTHORITY SHALL CONSIDER ANY AND ALL OBJECTIONS AND ISSUES, AND IT MAY EITHER APPROVE OR DENY THE BEVERAGE TASTINGS PERMIT APPLICATION in accordance with the requirements of this Article. The Authority shall establish the procedures for obtaining an alcohol beverage tastings permit, which procedures shall include, without limitation, conducting a noticed public hearing before the Authority, at which hearing the applicant must establish that the applicant is able to conduct alcohol beverage tastings without violating the provisions of this Article. The notice required for the public hearing shall be the posted and published notices required by Section 12-47-311, C.R.S., as the same may be amended from time to time.

Sec. 5-8-150. Application and permit posting.

(a) Application posting. At least ten (10) days before approval of the permit by the City Clerk or the Authority, the applicant shall conspicuously post at the licensed premises notice of the beverage tasting event and the procedure for protesting issuance of the permit as provided by the City Clerk.

(b) Permit posting. Alcohol beverage tastings permits shall be conspicuously and prominently posted by the licensee on the licensed premises at all times during business hours.

SECTION 7. Subsections (a) and (e) of Sec 5-8-200 are reenacted in their entirety and new subsections (b)(c) and (d) are adopted, and the remaining subsections re-lettered as appropriate to read as follows:

Sec. 5-8-200. - Authority.

(a) Pursuant to Title 12, Article 48, C.R.S., qualified organizations, as defined in Section 12-48-102, C.R.S., may apply to the **CITY CLERK AND** Authority for a special event permit for the sale of fermented malt beverages or malt, vinous or spirituous liquor to members of the general public at a special event as permitted herein.

(b) THE CITY CLERK MAY, PURSUANT TO SECTION 12-48-101 ET SEQ., C.R.S., AND THE COLORADO CODE OF REGULATIONS 1 C.C.R. 203-2, 47-1000 THROUGH 47-1020, APPROVE AN APPLICATION FOR A SPECIAL EVENT PERMIT FOR THE SALE, BY THE DRINK ONLY, OF FERMENTED MALT BEVERAGES, OR OF MALT, SPIRITUOUS OR VINOUS LIQUORS TO QUALIFIED ORGANIZATIONS AND POLITICAL CANDIDATES. SUCH SPECIAL EVENT PERMIT SHALL AUTHORIZE A PERMITTEE TO SELL

SUCH ALCOHOL BEVERAGES AT THE LOCATION AND FOR THE DURATION OF TIME SPECIFIED ON THE ISSUED PERMIT.

(c) IF THE CITY CLERK RECEIVES AN OBJECTION TO THE ISSUANCE OF A SPECIAL EVENT PERMIT FROM ONE (1) OR MORE PARTIES IN THE DESIGNATED NEIGHBORHOOD AS DETERMINED BY THE CITY CLERK'S OFFICE, THE MATTER WILL BE SCHEDULED FOR A HEARING BEFORE THE AUTHORITY AT ITS NEXT REGULARLY SCHEDULED MEETING, AT WHICH TIME THE AUTHORITY SHALL CONSIDER ANY AND ALL OBJECTIONS, AND IT MAY, PURSUANT TO SECTION 12-48-101 ET SEQ., C.R.S., AND THE COLORADO CODE OF REGULATIONS 1 C.C.R. 203-2, 47-1000 THROUGH 47-1020, EITHER APPROVE OR DENY THE SPECIAL EVENT PERMIT APPLICATION.

(d) IF THE CITY CLERK DECIDES TO DENY THE APPLICATION FOR A SPECIAL EVENT PERMIT APPLIED FOR UNDER THIS SECTION, AND THE APPLICANT WISHES TO CONTEST THE DENIAL, THE APPLICANT SHALL BE ENTITLED TO A HEARING BEFORE THE AUTHORITY AT ITS NEXT REGULARLY SCHEDULED MEETING, AT WHICH TIME THE AUTHORITY SHALL CONSIDER WHETHER THE CITY CLERK PROPERLY APPLIED THE LAW PURSUANT TO SECTION 12-48-101 ET SEQ., C.R.S., AND THE COLORADO CODE OF REGULATIONS 1 C.C.R. 203-2, 47-1000 THROUGH 47-1020, AND WHETHER TO UPHOLD THE DECISION OF THE CITY CLERK OR OVERTURN IT AND APPROVE THE SPECIAL EVENT PERMIT APPLICATION.

(e) As provided in Section 12-48-107(5)(a), C.R.S., the application for a special event permit shall be reviewed by the **CITY CLERK OR** Authority for approval or disapproval without notification to the State. Thereafter, the City Clerk shall, within ten (10) days of approval of the permit, report to the State Liquor Enforcement Division the approval of the permit, including the name of the organization to which the permit was issued, the addresses of the permitted location and the permitted dates of the permitted special event.

SECTION 8. Section 5-8-230. Decision on application is repealed and section 5-8-240 Permit posting is repealed and reenacted to read as follows:

~~Sec. 5-8-230. Decision on application.~~

~~The Authority may assign all or any portion of its functions under this Article and Section 12-48-101, et seq., C.R.S., related to special event permits to the City Clerk or another to act as a hearing officer.~~

Sec. 5-8-240. – Application and Permit posting.

(a) **APPLICATION POSTING.** AT LEAST TEN (10) DAYS BEFORE APPROVAL OF THE SPECIAL EVENT PERMIT BY THE CITY CLERK OR THE AUTHORITY, THE APPLICANT SHALL CONSPICUOUSLY POST AT THE PROPOSED LOCATIONS OF THE SPECIAL EVENTS A NOTICE OF THE EVENT AND THE PROCEDURE FOR PROTESTING ISSUANCE OF THE PERMIT AS PROVIDED BY THE CITY CLERK.

(b) **PERMIT POSTING.** THE SPECIAL EVENT PERMIT SHALL BE CONSPICUOUSLY AND PROMINENTLY POSTED BY THE PERMITTEE AT ALL TIMES AT THE LOCATION OF THE SPECIAL EVENT DURING PERMITTED HOURS.

SECTION 9. The following Sections and Subsections 5-8-30(c)(1)(e) and (4)(b), 5-8-110(f), 5-8-160(12), 5-8-210 and Section 9-24-130 all related to required training are repealed and reenacted to read as follows:

Sec. 5-8-30. - **Application - local liquor license.**

(c) Attachments. The application must be returned to the office of the City Clerk with all necessary attachments as follows:

(1) Transfer of interest in licensed business.

e. Written verification executed by a duly authorized representative of A **STATE CERTIFIED OR CITY APPROVED TRAINING PROGRAM**, which shall be kept current with the City Clerk's office, that the applicant (licensee) and manager have completed the **STATE CERTIFIED OR CITY APPROVED** training program for service of fermented malt beverages or alcohol beverages that meets the standards required by City or state law.

(4) Applications for renewal of retail fermented malt beverages and malt, vinous or spirituous liquor licenses.

b. An application for renewal of a license shall include written verification executed by a duly authorized representative of A **STATE CERTIFIED OR CITY APPROVED TRAINING PROGRAM**, which shall be kept current with the City Clerk's office, that the licensee, manager and each employee of the licensee who shall be serving fermented malt beverages or alcohol beverages has completed the **STATE CERTIFIED OR CITY APPROVED** training program for service of fermented malt beverages or alcohol beverages that meets the standards required by City or state law.

Sec. 5-8-110. - **Application.**

(f) An applicant for an alcohol beverage wine tastings permit must also include with the filing of the initial and any renewal application, and keep current with the City Clerk's office at all times, written verification that the licensee and each employee of the licensee who will be conducting the alcohol beverage tastings has completed a server training

program for alcohol beverage tastings **BY A STATE CERTIFIED OR CITY APPROVED TRAINING PROGRAM** that meets the standards required by City and state law.

Sec. 5-8-160. - Regulations

The following regulations shall apply to all alcohol beverage tastings;

(12) A copy of the state certified training certificates **OR VERIFICATION OF COMPLETION OF THE CITY APPROVED TRAINING PROGRAM** and the alcohol beverage tastings schedule must be available for inspection by a City Representative or Police Department at all times during business hours.

Sec. 5-8-210. - Applications.

(b) At a minimum, the application must include the following information:

(4) Written verification executed by a duly authorized representative of A **STATE CERTIFIED OR CITY APPROVED TRAINING PROGRAM** that the applicant and each server of fermented malt beverages and malt, vinous and spirituous liquors of the licensee who will be working at or assisting in the special event has completed A **STATE CERTIFIED OR CITY APPROVED** server training program for alcohol beverages that meets the standards required by City and state law.

9-24-130 - Training

Within sixty (60) days prior to submission of an application for a license, transfer of license or renewal thereof, and **TASTINGS BY RETAIL LIQUOR STORES AND LIQUOR LICENSED DRUGSTORES** or within sixty (60) days of hire, and ~~annually~~ thereafter **AS REQUIRED BY THE CITY**, each applicant licensee and agent, subcontractor, security personnel or employee of the licensee shall attend and complete ~~the Police Department~~ **A STATE CERTIFIED OR CITY APPROVED** training program for service of fermented malt beverages or alcohol beverages that meets the standards required by the City and state law **AND REGULATION** and receive written verification from a duly authorized representative of the **TRAINING PROGRAM** ~~Police Department~~ of the satisfactory completion thereof.

SECTION 10. **PURPOSE.** The purpose of this Ordinance is to provide for the health, safety and welfare of the people.

SECTION 11. **REPEAL.** Existing or parts of ordinances covering the same matters as embraced in this Ordinance are hereby repealed and all ordinances or parts of ordinances inconsistent with the provisions of this Ordinance are hereby repealed, except that this repeal shall not affect or prevent the prosecution or punishment of any person for any act done or committed in violation of any ordinance hereby repealed prior to the taking effect of this Ordinance

SECTION 12. **VALIDITY.** If any part or parts of this Ordinance are for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this

Ordinance. The City Council hereby declares that it would have passed this Ordinance and each part or parts thereof, irrespective of the fact that any one part or parts be declared invalid.

SECTION 13. **INTERPRETATION.** This Ordinance shall be so interpreted and construed as to effectuate its general purpose.

**INTRODUCED, PASSED ON FIRST READING AND ORDERED PUBLISHED
THIS 2nd DAY OF JUNE, 2015.**

CITY OF BRIGHTON, COLORADO

By: _____
Richard N. McLean, Mayor

ATTEST:

Natalie Hoel, City Clerk

APPROVED AS TO FORM:

Margaret R. Brubaker, City Attorney

Published in the *Standard Blade*
First Publication: June 10, 2015

**PASSED ON SECOND AND FINAL READING AND ORDERED PUBLISHED BY
TITLE ONLY THIS 23rd DAY OF JUNE, 2015.**

CITY OF BRIGHTON, COLORADO

By: _____
Richard N. McLean, Mayor

ATTEST:

Natalie Hoel, City Clerk

Published in the *Standard Blade*
Final Publication: July 1, 2015