

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO AMENDING ARTICLE 5-8 ALCOHOLIC BEVERAGES OF CHAPTER 5 BUSINESS LICENSES REGULATIONS AND OCCUPATIONS OF THE BRIGHTON MUNICIPAL CODE; AMENDING ARTICLE 3-24 ALCOHOLIC BEVERAGES OF CHAPTER 3 REVENUE AND FINANCE OF THE BRIGHTON MUNICIPAL CODE; AMENDING ARTICLE 9-24 ALCOHOLIC BEVERAGES OF CHAPTER 9 PUBLIC PEACE, MORALS AND WELFARE OF THE BRIGHTON MUNICIPAL CODE; FINDING THAT SUCH AMENDMENTS ARE ENACTED FOR THE PROTECTION OF THE PUBLIC HEALTH, SAFETY AND WELFARE; AND SETTING FORTH OTHER DETAILS RELATED THERETO.**

**ORDINANCE NO.: 2134**

**INTRODUCED BY: Scott**

**WHEREAS,** the Colorado General Assembly enacted HB 11-066, effecting the issuance of Special Events Permits by local liquor licensing authorities; and

**WHEREAS,** certain provisions in the Municipal Code related to alcohol beverages and the licensing and enforcement thereof are in need of updating and clarification; and

**WHEREAS,** the Brighton Local Liquor Licensing Authority has recommended certain revisions to the alcohol beverages provisions of the Municipal Code to implement the provisions of HB 11-066 and in order to provide consistency and the necessary authority for the proper regulation of liquor licensed establishments in the City; and

**WHEREAS,** the City Council finds and determines that the following amendments to the Municipal Code are enacted for the protection of the health, safety and welfare of the citizens of Brighton.

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

**SECTION 1.** Article 5-8. **Alcoholic Beverages** of Chapter 5. **Business licenses, regulations and occupations.** of the Brighton Municipal Code is amended by changing the title of said Article 5-8 to **Alcohol Beverages** and further amended as follows:

(a) **Section 5-8-10. Definitions.** is amended by the addition of the following definitions, a revision to the definition of "Premises", and the remaining definitions re-numbered accordingly:

**(1) "AUTHORITY" AS USED IN THIS ARTICLE MEANS THE LIQUOR LICENSING AUTHORITY OF THE CITY OF BRIGHTON.**

**(2) "HEARING OFFICER" AS USED IN THIS ARTICLE MEANS THE CITY CLERK UNLESS THE AUTHORITY APPOINTS ANOTHER TO ACT AS A HEARING OFFICER.**

**(6) "Premises" includes all or any part of the physical boundaries of any establishment duly licensed for the sale of liquor or fermented malt beverages in the City AND INCLUDING ANY PARKING AREA OR ADJOINING GROUNDS UNDER THE OWNERSHIP, CONTROL OR MANAGEMENT OF SUCH LICENSEE.**

**(7) "SECURITY PERSONNEL" AS USED IN THIS ARTICLE MEANS A CITY OF BRIGHTON POLICE OFFICER OR A MERCHANT GUARD DULY LICENSED BY THE CITY.**

**(b) A new section 5-8-20. City License Required. is adopted and reads as follows:**

**5-8-20. City License Required.**

**IT SHALL BE UNLAWFUL FOR ANY PERSON TO ENGAGE IN THE BUSINESS OF SELLING OR SERVING ANY ALCOHOL BEVERAGES OR FERMENTED MALT BEVERAGES WITHIN THE CITY WITHOUT A CITY LICENSE.**

**(c) A new section 5-8-30. Application – Local Liquor License. is adopted and reads as follows:**

**5-8-30. Application – Local Liquor License.**

**(1) OBTAINING FORMS. APPLICATION FORMS REQUIRED UNDER THIS ARTICLE 5-8 AND ARTICLE 3-24, OF THE BRIGHTON MUNICIPAL CODE, AS THE SAME MAY BE AMENDED FROM TIME TO TIME, SHALL BE AVAILABLE AT THE OFFICE OF THE CITY CLERK.**

**(2) 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 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 (3) OF THIS SECTION, THE APPLICANT SHALL FURNISH SUCH ADDITIONAL DOCUMENTATION OR INFORMATION AS THE AUTHORITY DEEMS NECESSARY TO MAKE THE DETERMINATIONS REQUIRED BY APPLICABLE STATE STATUTES OR REGULATIONS AND CITY ORDINANCES AND REGULATIONS.**

**(3) ATTACHMENTS. THE APPLICATION MUST BE RETURNED TO THE OFFICE OF THE CITY CLERK WITH ALL NECESSARY ATTACHMENTS AS FOLLOWS:**

**a. TRANSFER OF INTEREST IN LICENSED BUSINESS.**

**1. THREE LETTERS OF REFERENCE FOR EACH INDIVIDUAL, PARTNERSHIP MEMBER OR CORPORATE OFFICER, DIRECTOR AND STOCKHOLDER.**

**2. LEASE AGREEMENT, ASSIGNMENT OF THE LEASE TO THE APPLICANT OR DEED TO THE PREMISES IN THE NAME OF THE APPLICANT.**

**3. PARTNERSHIP AGREEMENT OR, FOR A CORPORATION, ARTICLES OF INCORPORATION, CERTIFICATE OF INCORPORATION AND CERTIFICATE OF GOOD STANDING.**

**4. A CURRENT VERIFIED FINANCIAL STATEMENT OF THE APPLICANT COMPLETED NO LESS THAN 180 DAYS PRIOR TO THE DATE OF THE APPLICATION.**

**5. WRITTEN VERIFICATION EXECUTED BY A DULY AUTHORIZED REPRESENTATIVE OF THE BRIGHTON POLICE DEPARTMENT, WHICH SHALL BE KEPT CURRENT WITH THE CITY CLERK'S OFFICE, THAT THE APPLICANT (LICENSEE) AND MANAGER HAVE COMPLETED THE CITY OF BRIGHTON POLICE DEPARTMENT TRAINING PROGRAM FOR SERVICE OF FERMENTED MALT BEVERAGES OR ALCOHOL BEVERAGES THAT MEETS THE STANDARDS REQUIRED BY CITY OR STATE LAW.**

**6. AN AGREEMENT OF SALE OF THE BUSINESS OR OTHER DOCUMENTATION DEMONSTRATING A TRANSFER OF POSSESSION OF THE LICENSED PREMISES BY OPERATION OF LAW, INCLUDING A PETITION IN BANKRUPTCY PURSUANT TO FEDERAL BANKRUPTCY LAW, THE APPOINTMENT OF A RECEIVER, A FORECLOSURE ACTION BY A SECURED PARTY OR A COURT ORDER DISPOSSESSING THE PRIOR LICENSEE OF ALL RIGHTS OF POSSESSION PURSUANT TO C.R.S. §13-40-101 *ET SEQ.***

**7. AN APPLICATION FOR TRANSFER OF OWNERSHIP OF A LICENSED BUSINESS DOES NOT REQUIRE A PUBLIC HEARING.**

**8. NO PERSON SHALL MAKE APPLICATION NOR SHALL ANY APPLICATION BE RECEIVED FOR TRANSFER OF A LICENSE UNDER THIS ARTICLE UNTIL SUCH TIME AS ALL OCCUPATIONAL FEES, LICENSE FEES, SALES AND USE TAXES, AND OTHER FEES AND CHARGES RELATED TO THE LICENSED PREMISES DUE AND OWING THE CITY ARE PAID IN FULL.**

**b. NEW LICENSES OR CHANGE OF LOCATION OF LICENSED BUSINESS. SUBSECTIONS (3)(a) 1 THROUGH 5 OF THIS SECTION ARE**

**INCORPORATED IN THIS SUBSECTION AND SHALL BE REQUIRED IN ADDITION TO THE FOLLOWING:**

- 1. INTERIOR AND PLOT OR SITE PLANS OF THE PREMISES.**
- 2. AN APPLICATION FOR A NEW LICENSE OR FOR CHANGE OF LOCATION OF A LICENSED BUSINESS REQUIRES A PUBLIC HEARING WHICH WILL BE SET BY THE AUTHORITY PURSUANT TO THE NOTICE REQUIREMENTS SET FORTH IN STATE STATUTE.**
- 3. THE COMPLETED APPLICATION WILL BE PROCESSED BY THE CITY CLERK AND POLICE DEPARTMENT AND PRESENTED TO THE AUTHORITY FOR PUBLIC HEARING.**
- 4. NO LICENSEE SHALL MAKE APPLICATION FOR NOR SHALL ANY APPLICATION BE RECEIVED FOR A NEW LICENSE OR FOR CHANGE IN LOCATION UNDER THIS ARTICLE UNTIL SUCH TIME AS ALL OCCUPATIONAL FEES, LICENSE FEES, SALES AND USE TAXES, AND OTHER FEES AND CHARGES RELATED TO THE LICENSED PREMISES DUE AND OWING THE CITY ARE PAID IN FULL.**

**c. APPLICATIONS FOR NEW LICENSES WHERE NO CERTIFICATE OF OCCUPANCY HAS BEEN ISSUED.**

**SUBSECTIONS (3)(a)1. THROUGH (3)(a)5. OF THIS SECTION ARE INCORPORATED IN THIS SUBSECTION AND SHALL BE REQUIRED IN ADDITION TO THE FOLLOWING:**

- 1. ANY APPLICANT FOR A LICENSE WHOSE BUILDING HAS NOT BEEN ISSUED A CERTIFICATE OF OCCUPANCY AT THE TIME OF PUBLIC HEARING ON THE APPLICATION SHALL HAVE ONE YEAR IMMEDIATELY FOLLOWING THE DATE OF APPROVAL OF THE LICENSE TO OBTAIN A CERTIFICATE OF OCCUPANCY ISSUED BY THE CITY AND TO OBTAIN THE NECESSARY CITY AND STATE LICENSES TO BEGIN OPERATING.**
- 2. WHENEVER IT APPEARS THAT THE APPLICANT SHALL NOT BE READY TO COMMENCE BUSINESS WITHIN THE PRESCRIBED ONE-YEAR PERIOD, THE APPLICANT MUST FILE AN AFFIDAVIT OF DUE DILIGENCE WITH THE AUTHORITY, WITHIN 30 DAYS PRIOR TO THE END OF THE ONE-YEAR PERIOD, REQUESTING AN EXTENSION OF TIME TO COMPLETE THE STRUCTURE AND OBTAIN A CERTIFICATE OF OCCUPANCY, WHICH EXTENSION SHALL IN NO CASE EXCEED ONE YEAR, FOR A TOTAL OF TWO YEARS FROM APPROVAL DATE. THE AFFIDAVIT OF DUE DILIGENCE MUST BE ACCOMPANIED BY AN EXTENSION FEE AS SET BY THE CITY COUNCIL IN THE ANNUAL FEE RESOLUTION WHICH FEE IS NOT REFUNDABLE. THE APPLICANT SHALL BE REQUIRED TO DEMONSTRATE TO THE AUTHORITY THE PROGRESS BEING MADE TOWARD THE**

COMPLETION OF THE STRUCTURE AND OCCUPANCY FOR THE USE OF THE APPROVED LICENSE, THE DUE DILIGENCE ON THE PART OF THE APPLICANT AND THE REASONS WHY THE PREMISES HAVE NOT BEEN COMPLETED. THE AUTHORITY SHALL, AT ITS NEXT REGULARLY SCHEDULED MEETING FOLLOWING RECEIPT OF THE APPLICATION, CONSIDER THE APPLICANT'S AFFIDAVIT AND, IF SATISFIED THAT THE APPLICANT IS DILIGENTLY MAKING PROGRESS TOWARD THE COMPLETION OF THE BUILDING, MAY EXTEND THE APPROVAL OF THE APPLICATION FOR AN ADDITIONAL PERIOD NOT TO EXCEED ONE YEAR. NO MORE THAN ONE EXTENSION SHALL BE GRANTED TO THE APPLICANT UNDER THIS SUBSECTION.

3. IF AFTER ONE YEAR THE CONSTRUCTION OF THE PROPOSED BUILDING HAS NOT COMMENCED OR IF AFTER TWO YEARS THE PROPOSED BUILDING HAS NOT RECEIVED A CERTIFICATE OF OCCUPANCY AND PLACED IN OPERATION, THE AUTHORITY'S INITIAL APPROVAL OF THE LICENSE APPLICATION SHALL EXPIRE. THE APPLICANT SHALL NOT MAKE NEW APPLICATION FOR THE SAME PREMISES FOR THE SAME TYPE OF LICENSE WITHIN TWO YEARS FROM THE END OF THE ORIGINAL PERIOD OF APPROVAL OR OF ANY EXTENSION THEREOF. THE APPLICANT'S FAILURE TO PROCEED WITH DUE DILIGENCE SHALL RENDER THE AUTHORITY'S PRIOR APPROVAL NULL AND VOID AND SHALL CONSTITUTE A DENIAL OF THE LICENSE FOR FAILURE TO MEET THE NEEDS OF THE NEIGHBORHOOD AS PREVIOUSLY DETERMINED BY THE AUTHORITY.

4. NO LICENSE WHICH HAS BEEN APPROVED FOR ISSUANCE UPON COMPLETION OF THE PREMISES SHALL BE TRANSFERRED TO A NEW OWNER PRIOR TO THE ISSUANCE OF THE LICENSE TO THE ORIGINAL APPLICANT.

**d. APPLICATIONS FOR RENEWAL OF RETAIL FERMENTED MALT BEVERAGES AND MALT, VINOUS OR SPIRITUOUS LIQUOR LICENSES.**

1. 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 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 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 45 DAYS PRIOR TO THE DATE ON WHICH THE LICENSE EXPIRES, IT SHALL BE DEEMED A LATE APPLICATION. THE AUTHORITY SHALL NOT BE RESPONSIBLE FOR THE FAILURE OF A LICENSE TO ISSUE BY THE EXPIRATION DATE ON ANY LATE APPLICATION.**

**2. AN APPLICATION FOR RENEWAL OF A LICENSE SHALL INCLUDE WRITTEN VERIFICATION EXECUTED BY A DULY AUTHORIZED REPRESENTATIVE OF THE BRIGHTON POLICE DEPARTMENT, 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 CITY OF BRIGHTON POLICE DEPARTMENT TRAINING PROGRAM FOR SERVICE OF FERMENTED MALT BEVERAGES OR ALCOHOL BEVERAGES THAT MEETS THE STANDARDS REQUIRED BY CITY OR STATE LAW.**

**3. NO APPLICATION FOR RENEWAL OF A LICENSE SHALL BE ACCEPTED AFTER THE DATE OF EXPIRATION; PROVIDED, HOWEVER, THAT A LICENSEE WHOSE LICENSE HAS BEEN EXPIRED FOR NOT MORE THAN 90 DAYS MAY FILE A LATE RENEWAL APPLICATION UPON THE PAYMENT OF ALL REQUIRED FEES.**

**4. IF THERE IS INFORMATION BEFORE THE AUTHORITY TENDING TO CONSTITUTE GOOD CAUSE FOR NOT RENEWING A PARTICULAR LICENSE FOR AN ADDITIONAL YEAR, THE CITY CLERK, AT THE DIRECTION OF 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 DAYS AND HAS BEEN PROVIDED TO THE APPLICANT AT LEAST TEN DAYS PRIOR TO THE HEARING.**

**5. HEARINGS HELD ON ANY RENEWAL OR LATE RENEWAL APPLICATION, AFTER PROPER NOTICE HAS BEEN GIVEN, MAY**

RESULT IN DENIAL OF RENEWAL OF THE LICENSE FOR GOOD CAUSE, AS DEFINED IN C.R.S. § 12-47-103(a).

6. IF A MALT, VINOUS, OR SPIRITUOUS LIQUOR LICENSE OR FERMENTED MALT BEVERAGE LICENSE IS RENEWED BY THE AUTHORITY, SUCH RENEWAL WILL NOT AFFECT A PENDING VIOLATION OR SHOW CAUSE ORDER WHICH RELATES TO AN INCIDENT THAT OCCURRED PRIOR TO THE DATE OF THE RENEWAL. THE AUTHORITY SHALL BE AUTHORIZED TO TAKE WHATEVER ACTION IS NECESSARY AGAINST THE LICENSE EITHER IN THE FORM OF SUSPENSION OR REVOCATION OF THE LIQUOR LICENSE REGARDLESS OF WHEN SUCH LICENSE HAS BEEN RENEWED.

7. NO PERSON SHALL MAKE APPLICATION FOR NOR SHALL ANY APPLICATION BE RECEIVED FOR RENEWAL OF A LICENSE UNDER THIS ARTICLE UNTIL SUCH TIME AS ALL OCCUPATIONAL FEES, LICENSE FEES, SALES AND USE TAXES, AND OTHER FEES AND CHARGES RELATED TO THE LICENSED PREMISES DUE AND OWING THE CITY ARE PAID IN FULL.

e. APPLICATIONS FOR LATE RENEWAL OF RETAIL FERMENTED MALT BEVERAGE AND MALT, VINOUS OR SPIRITUOUS LIQUOR LICENSES.

1. ANY APPLICANT FOR LATE RENEWAL OF A LICENSE SHALL BE REQUIRED TO SUBMIT A LATE RENEWAL APPLICATION.

2. IN NO EVENT SHALL A LATE RENEWAL APPLICATION BE ACCEPTED BY THE CITY CLERK MORE THAN 90 DAYS AFTER THE EXPIRATION OF A LICENSEE'S PERMANENT ANNUAL LICENSE.

3. THE AUTHORITY, IN ITS DISCRETION, MAY HOLD A PUBLIC HEARING TO DETERMINE THE QUALIFICATIONS OF AN APPLICANT FOR LATE RENEWAL OF A LICENSE.

f. APPLICATIONS FOR TEMPORARY RETAIL FERMENTED MALT BEVERAGES, MALT, VINOUS OR SPIRITUOUS LIQUOR PERMITS.

1. ANY APPLICANT FOR A TEMPORARY PERMIT SHALL BE REQUIRED TO SUBMIT AN APPLICATION FOR A TRANSFER OF OWNERSHIP PURSUANT TO THE REQUIREMENTS SET FORTH IN SUBSECTION (3)(a) OF THIS SECTION.

2. IN NO EVENT SHALL A TEMPORARY PERMIT BE GRANTED EXCEPT FOR PREMISES WHICH HAVE BEEN PREVIOUSLY LICENSED BY THE STATE AND THE AUTHORITY, AND SUCH LICENSE SHALL HAVE BEEN VALID AT THE TIME THE

**APPLICATION FOR TRANSFER OF OWNERSHIP WAS FILED WITH THE AUTHORITY.**

**3. THE APPLICATION FOR A TEMPORARY PERMIT SHALL BE FILED NO LATER THAN 30 DAYS AFTER THE FILING OF THE APPLICATION FOR TRANSFER OF OWNERSHIP.**

**4. A TEMPORARY PERMIT, IF GRANTED BY 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 120 DAYS, WHICHEVER SHALL FIRST OCCUR; EXCEPT THAT, IF THE APPLICATION TO TRANSFER THE LICENSE HAS NOT BEEN GRANTED DURING THE 120-DAY PERIOD AND THE TRANSFEREE DEMONSTRATES GOOD CAUSE, THE AUTHORITY MAY EXTEND, IN ITS DISCRETION, THE VALIDITY OF THE PERMIT FOR AN ADDITIONAL PERIOD NOT TO EXCEED 60 DAYS.**

**(d) A new section 5-8-40, Findings of the Authority. is adopted and reads as follows:**

**5-8-30. FINDINGS OF THE AUTHORITY.**

**(1) THE AUTHORITY MAY SPECIFY TERMS, CONDITIONS OR PROVISIONS UPON GRANTING OF A LICENSE AS THE AUTHORITY MAY DEEM NECESSARY TO CARRY OUT THE EXERCISE OF POLICE POWERS, PROVIDED THESE TERMS, CONDITIONS OR PROVISIONS DO NOT CONFLICT WITH THE LAWS OF THE STATE OR RULES AND REGULATIONS PROVIDED BY THE STATE LIQUOR LICENSING AUTHORITY, LOCAL RULES OR ORDINANCES AND RESOLUTIONS OF THE CITY.**

**(2) THE AUTHORITY SHALL HAVE THE POWER TO IMPOSE ON A LICENSEE AS A CONDITION OF A PERIOD OF SUSPENSION HELD IN ABEYANCE OR AS A CONDITION OF RENEWAL, ANY CONDITION(S) REASONABLY RELATED TO THE OFFENSE(S) LEADING TO THE SUSPENSION OR THE CONDUCT OF THE BUSINESS FOR WHICH THE LICENSE IS TO BE RENEWED.**

**(3) THE DECISION OF THE AUTHORITY SHALL CONSTITUTE FINAL AGENCY ACTION OF THE AUTHORITY FOR ALL PURPOSES UNDER THE APPLICABLE STATE STATUTES, CITY CODE, AND STATE AND LOCAL RULES AND REGULATIONS.**

**(e) A new section 5-8-50, Hearing Officer. is adopted and reads as follows:**

**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.**



(f) Section 5-8-20. **Licensee's duty to report violations.** is repealed and reenacted as Section 5-8-60. **Licensee's duty to report violations.** to read as follows:

**5-8-60. Licensee's duty to report violations.**

(1) It shall be the duty of the licensee and those agents or employees of the licensee on duty on the premises to immediately report to the Police Department **ANY BREACH OF THE PEACE OR UNLAWFUL OR DISORDERLY ACT, CONDUCT, DISTURBANCE, OR** any act or acts that constitute a violation of the law of the City or State ("**UNLAWFUL CONDUCT**") committed on the premises of the ~~Licensee~~ **BUSINESS OR UPON ANY PARKING AREA OR ADJOINING GROUNDS UNDER THE OWNERSHIP, CONTROL OR MANAGEMENT OF SUCH LICENSEE.**

(2) It shall not be a defense to a violation of this Section that the licensee was not personally present on the premises at the time such violation of law occurred, if the licensee had reasonable opportunity to report such violation of law after learning of such violation. However, any agent, servant or employee of the licensee shall not be responsible hereunder when absent from the premises and not on duty on the premises at the time such violation occurred on the premises.

(g) Section 5-8-30. **Licensee's duty to post sign.** is repealed and reenacted as Section 5-8-70. **Licensee's duty to post.** to read as follows:

**5-8-70. Licensee's duty to post.**

(1) Each licensee shall post and keep at all times visible to the public, in a conspicuous place on the premises, a sign to be furnished by the City Clerk's office, which sign shall be in the following form:

"WARNING: Brighton Police Department must be notified of all disturbances in this establishment. Brighton Ordinances make it mandatory that all liquor and fermented malt beverage establishments comply with this requirement."

(2) **EACH LICENSEE SHALL POST AND KEEP AT ALL TIMES VISIBLE TO THE PUBLIC, IN A CONSPICUOUS PLACE ON THE PREMISES, THE STATE AND CITY LICENSES ISSUED TO THE LICENSEE FOR THE PREMISES.**

(3) **EACH LICENSEE SHALL POST AND KEEP AT ALL TIMES VISIBLE TO THE PUBLIC, IN A CONSPICUOUS PLACE ON THE PREMISES, THE CITY TAX RECEIPT SHOWING THE NAME OF THE LICENSEE, DATE OF PAYMENT OF THE TAX, THE PERIOD FOR WHICH THE TAX WAS PAID, AND THE ADDRESS OF THE LICENSED PREMISES.**

(h) Section 5-8-40. **Hotel and Restaurant and wine and beer licenses; distance restrictions to schools.** is renumbered to be section 5-8-80. **Hotel and Restaurant and wine and beer licenses; distance restrictions to schools.**

(i) A new Part B. **Tastings.** of Article 5-8. **Alcohol Beverages.** is adopted and sections 5-8-50 through and including 5-8-110 of the Brighton Municipal Code are renumbered as follows:

**PART B. TASTINGS**

**5-8-50 100 Alcohol beverage tastings; authority.**

**5-8-60 110 Application.**

**5-8-70 120 Renewal.**

5-8-80	130	Application fee.
5-8-90	140	Decision on application.
5-8-100	150	Permit posting.
5-8-110	160	Regulations.
5-8-120	170	Violations and penalties.

(j) A new Part C. **Special Events.** of Article 5-8. **Alcoholic Beverages.** is adopted to read as follows:

**Part C. SPECIAL EVENTS**

**5-8-200 SPECIAL EVENTS PERMITS; AUTHORITY.**

(1) PURSUANT TO TITLE 12, ARTICLE 48 OF THE COLORADO REVISED STATUTES, QUALIFIED ORGANIZATIONS AS DEFINED IN C.R.S. § 12-48-102, AS AMENDED, MAY APPLY TO THE 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.

(2) AS PROVIDED IN C.R.S. §12-48-107(5)(a), THE APPLICATION FOR A SPECIAL EVENTS PERMIT SHALL BE REVIEWED BY THE 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 ADDRESS(ES) OF THE PERMITTED LOCATION, AND THE PERMITTED DATES OF THE PERMITTED SPECIAL EVENT.

(3) THE AUTHORITY SHALL ESTABLISH THE PROCEDURES FOR OBTAINING A SPECIAL EVENT PERMIT, WHICH PROCEDURES SHALL INCLUDE, WITHOUT LIMITATION, THE CIRCUMSTANCES WHICH MAY REQUIRE A PUBLIC HEARING BEFORE THE AUTHORITY, AT WHICH HEARING THE APPLICANT MUST ESTABLISH THAT THE APPLICANT IS ABLE TO CONDUCT THE SPECIAL EVENT WITHOUT VIOLATING THE PROVISIONS OF STATE OR LOCAL LAW, THIS ARTICLE AND OTHER RULES AND REGULATIONS RELATED TO ALCOHOL BEVERAGES.

(4) CERTAIN QUALIFIED ORGANIZATIONS SHALL BE EXEMPT FROM THE PROVISIONS OF THIS ARTICLE AND SHALL BE DEEMED TO BE DISPENSING GRATUITOUSLY AND NOT TO BE SELLING FERMENTED MALT BEVERAGES; OR MALT, VINOUS, AND SPIRITUOUS LIQUORS WHEN IT SERVES, BY THE DRINK, TO ITS MEMBERS AND THEIR GUESTS AT A PRIVATE FUNCTION HELD BY SUCH ORGANIZATION ON UNLICENSED PREMISES SO LONG AS ANY ADMISSION OR OTHER CHARGE, IF ANY, REQUIRED TO BE PAID OR GIVEN BY ANY SUCH MEMBER AS A CONDITION TO ENTRY OR PARTICIPATION IN THE EVENT IS UNIFORM AS TO ALL WITHOUT REGARD TO WHETHER OR NOT A MEMBER OR SUCH MEMBER'S GUEST CONSUMES SUCH BEVERAGES OR LIQUORS.

**5-8-210 APPLICATIONS.**

**(1) A QUALIFIED ORGANIZATION DESIRING TO CONDUCT A SPECIAL EVENT MUST SUBMIT AN APPLICATION TO THE CITY CLERK ON THE PRESCRIBED FORMS. THE FORMS SHALL BE ACCOMPANIED BY ALL THE REQUIRED FEES AND SUCH ADDITIONAL MATERIALS AS 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 SPECIAL EVENT PERMITS, 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 NOT LESS THAN THIRTY DAYS PRIOR TO THE DATE OF THE SPECIAL EVENT. THE AUTHORITY MAY WAIVE THE THIRTY DAY TIME REQUIREMENT SET FORTH HEREIN FOR GOOD CAUSE.**

**(2) AT A MINIMUM, THE APPLICATION MUST INCLUDE THE FOLLOWING INFORMATION:**

**a. THE NAME OF THE APPLICANT AND LOCATION OF THE PREMISES AT WHICH THE SPECIAL EVENT IS PROPOSED TO BE HELD.**

**b. A WRITTEN PLAN TO ESTABLISH HOW THE APPLICANT WILL CONDUCT THE SPECIAL EVENT IN COMPLIANCE WITH THE PROVISIONS OF THE STATUTES OF THE STATE AND THIS ARTICLE, AND WITHOUT CREATING A RISK TO THE PUBLIC WELFARE AND SAFETY, WHICH, IF REQUESTED BY THE AUTHORITY, SUCH PLAN SHALL INCLUDE DIAGRAMS OF THE PREMISES AS MAY BE APPLICABLE TO THE EVENT AND SPECIFICS REGARDING SECURITY FOR THE EVENT, INCLUDING THE NUMBER, DUTIES AND QUALIFICATIONS OF SECURITY PERSONNEL.**

**c. A SCHEDULE OF THE SPECIAL EVENT PROVIDED THAT SUCH SCHEDULE SHALL CONFORM TO ALL REQUIREMENTS IMPOSED BY SECTION 5-8-250, BELOW.**

**d. WRITTEN VERIFICATION EXECUTED BY A DULY AUTHORIZED REPRESENTATIVE OF THE BRIGHTON POLICE DEPARTMENT 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 THE CITY OF BRIGHTON POLICE DEPARTMENT SERVER TRAINING PROGRAM FOR ALCOHOL BEVERAGE THAT MEETS THE STANDARDS REQUIRED BY CITY AND STATE LAW.**

**e. ANY OTHER INFORMATION REQUESTED BY THE AUTHORITY OR THE CITY CLERK REASONABLY NECESSARY TO ENSURE COMPLIANCE**

WITH THE REQUIREMENTS OF THIS ARTICLE, STATE LAW OR OTHER ORDINANCES AND REGULATIONS OF THE CITY.

**5-8-220 APPLICATION FEE.**

ACCOMPANYING THE APPLICATION SHALL BE THE CITY APPLICATION FEE FOR A SPECIAL EVENTS PERMIT IN AN AMOUNT DETERMINED IN THE CITY'S ANNUAL FEE RESOLUTION.

**5-8-230 DECISION ON APPLICATION.**

(1) A PUBLIC HEARING ON THE APPLICATION FOR A SPECIAL EVENT PERMIT IS NOT REQUIRED BUT MAY BE REQUIRED IN THE SOLE DISCRETION OF THE AUTHORITY IF, AFTER INVESTIGATION AND REVIEW OF THE CONTENTS OF ANY PROTEST, SUFFICIENT GROUNDS APPEAR TO EXIST FOR DENIAL OF THE APPLICATION. WRITTEN NOTICE OF THE HEARING SHALL BE PROVIDED TO THE APPLICANT AND ANY PERSON WHO HAS FILED A PROTEST.

(2) THE AUTHORITY MAY DENY THE ISSUANCE OF A SPECIAL EVENT PERMIT UPON THE GROUNDS THAT THE ISSUANCE WOULD BE INJURIOUS TO THE PUBLIC WELFARE AND SAFETY BECAUSE OF THE NATURE OF THE SPECIAL EVENT, ITS LOCATION WITHIN THE COMMUNITY, FAILURE OF THE APPLICANT TO PROVIDE SUFFICIENT INFORMATION TO ADDRESS POTENTIAL PUBLIC WELFARE AND SAFETY CONCERNS, OR THE FAILURE OF THE APPLICANT IN A PAST SPECIAL EVENT TO CONDUCT THE EVENT IN COMPLIANCE WITH APPLICABLE LAWS.

(3) UPON FILING INFORMATION SATISFACTORY TO THE AUTHORITY, AN APPLICANT MAY OBTAIN A SINGLE PERMIT WITH DUPLICATE COPIES FOR THE EVENT IF SUCH EVENT IS TO BE CONDUCTED IN MORE THAN ONE PRIVATE HOME, PROVIDED SUCH HOMES ARE IN THE SAME NEIGHBORHOOD AND THE APPLICATION CONTAINS THE SPECIFIC DESCRIPTION AND ADDRESS OF THE PREMISES TO BE UTILIZED.

(4) THE AUTHORITY MAY ASSIGN ALL OR ANY PORTION OF ITS FUNCTIONS UNDER THIS ARTICLE AND C.R.S. §§12-48-101, *ET SEQ.* RELATED TO SPECIAL EVENT PERMITS TO THE CITY CLERK OR ANOTHER TO ACT AS A HEARING OFFICER.

**5-8-240 PERMIT POSTING.**

AT LEAST TEN DAYS BEFORE APPROVAL OF THE PERMIT BY THE AUTHORITY, THE APPLICANT SHALL CONSPICUOUSLY POST AT THE PROPOSED LOCATION(S) OF THE SPECIAL EVENT PUBLIC NOTICE OF THE PROPOSED EVENT AND THE PROCEDURE FOR PROTESTING ISSUANCE OF THE PERMIT.

**5-8-250 REGULATIONS.**

- (1) THE SPECIAL EVENT PERMIT FOR A LOCATION OR LOCATIONS PROPERLY DESCRIBED IN THE APPLICATION IS NON TRANSFERABLE AS TO ANY OTHER LOCATION OR TO ANOTHER ORGANIZATION.
- (2) PERMITTED SPECIAL EVENTS SHALL BE CONDUCTED ONLY DURING THE FOLLOWING HOURS:
  - A. BETWEEN THE HOURS OF 5:00 A.M. OF THE DAY SPECIFIED IN A MALT BEVERAGE PERMIT AND UNTIL TWELVE MIDNIGHT ON THE SAME DAY;
  - B. BETWEEN THE HOURS OF 7:00 A.M. OF THE DAY SPECIFIED IN A MALT, VINOUS AND SPIRITUOUS LIQUOR PERMIT AND UNTIL 2:00 A.M. OF THE IMMEDIATELY FOLLOWING DAY,
- (3) THE AUTHORITY SHALL NOT ISSUE A SPECIAL EVENT PERMIT TO ANY ORGANIZATION FOR MORE THAN A TOTAL OF FIFTEEN (15) DAYS IN ONE CALENDAR YEAR.
- (4) SANDWICHES OR OTHER FOOD SNACKS SHALL BE AVAILABLE DURING ALL HOURS OF SERVICE OF MALT, SPIRITUOUS OR VINOUS LIQUORS AT A SPECIAL EVENT.
- (5) ADEQUATE SECURITY PERSONNEL SHALL BE PROVIDED BY THE APPLICANT FOR ALL SPECIAL EVENTS AND SHALL BE MORE SPECIFICALLY DEFINED IN THE PLAN REFERENCED IN SECTION 5-8-210(2)b. ABOVE. THE AUTHORITY SHALL DETERMINE THE NUMBER OF SECURITY PERSONNEL REQUIRED FOR EACH SPECIAL EVENT AFTER CONSIDERING THE LOCATION, SIZE, NUMBER OF PARTICIPANTS, EXPERIENCE OF THE SERVERS, TYPE, DURATION AND HOURS OF THE EVENT, THE VARIETY OF ALCOHOL TO BE SERVED, AND OTHER FACTORS DEEMED PERTINENT TO THE PARTICULAR PERMIT REQUESTED. NOTHING HEREIN SHALL PRE-EMPT OR ABROGATE ANY REGULATIONS ADDRESSING THE PROVISION OF SECURITY PERSONNEL FOR ALCOHOL RELATED EVENTS AT CITY-OWNED FACILITIES.

**SECTION 2.** Article 3-24 **Alcoholic Beverages.** of Chapter 3. **Revenue and Finance** of the Brighton Municipal Code is amended by changing the title of said Article 3-24 to **Alcohol Beverages** and further amended as follows.

(a) Section 3-24-20. **Purpose of classifications.** of Article 3-24. **Alcohol Beverages.** of the Brighton Municipal Code is repealed and reenacted to read as follows:

**3-24-20. CLASSIFICATION AND OCCUPATION FEE.**

(1) **PURPOSE OF CLASSIFICATIONS.**

THE CITY FINDS, DETERMINES AND DECLARES THAT, CONSIDERING THE NATURE OF THE BUSINESS OF SELLING AT RETAIL FERMENTED MALT BEVERAGES, MALT, VINOUS AND SPIRITUOUS LIQUORS AND THE RELATION OF SUCH BUSINESS TO THE MUNICIPAL WELFARE, AS WELL AS THE RELATION THEREOF TO THE EXPENDITURES REQUIRED BY THE CITY AND A PROPER, JUST AND EQUITABLE DISTRIBUTION OF TAX BURDENS WITHIN THE CITY, AND ALL OTHER MATTERS PROPER TO BE CONSIDERED IN RELATION

**THERETO, THE CLASSIFICATION OF SUCH BUSINESS AS A SEPARATE OCCUPATION IS REASONABLE, PROPER, UNIFORM AND NONDISCRIMINATORY AND THE AMOUNT OF TAX IMPOSED BY THIS ARTICLE IS REASONABLE, PROPER, UNIFORM AND NONDISCRIMINATORY AND NECESSARY FOR A JUST AND PROPER DISTRIBUTION OF TAX BURDENS WITHIN THE CITY.**

**(2) OCCUPATION FEE.**

**CONSIDERING THE NATURE OF THE BUSINESS OF SELLING OR OFFERING FOR SALE FERMENTED MALT BEVERAGES AND ALCOHOL BEVERAGES AND THE RELATION OF SUCH BUSINESS TO THE MUNICIPAL WELFARE AS WELL AS THE RELATION THEREOF TO THE EXPENDITURES REQUIRED OF THE CITY AND A PROPER, JUST AND EQUITABLE DISTRIBUTION OF THE FINANCIAL BURDENS WITHIN THE CITY, THE CITY FINDS AND DECLARES THAT THE CLASSIFICATION OF SUCH BUSINESS AS A SEPARATE OCCUPATION IS REASONABLE, PROPER, UNIFORM AND NONDISCRIMINATING AND NECESSARY FOR A JUST AND PROPER DISTRIBUTION OF FINANCIAL BURDENS WITHIN THE CITY. ACCORDINGLY, THE BUSINESS OF SELLING AT RETAIL ANY ALCOHOL BEVERAGES IS HEREBY DEFINED AND SEPARATELY CLASSIFIED AS AN OCCUPATION AS SPECIFIED BELOW.**

**(b) Section 3-24-35. Application fees. of Article 3-24. Alcohol Beverages. of the Brighton Municipal Code is repealed and reenacted to read as follows:**

**3-24-35. Application fees.**

**(1) Each application for a liquor license or a fermented malt beverage license filed with the City shall be accompanied by an application fee in an amount to cover actual and necessary expenses IN THE AMOUNT ESTABLISHED BY THE CITY'S ANNUAL FEE RESOLUTION.**

**(2) ANNUAL STATE AND LOCAL LICENSE FEES SHALL BE PAID TO THE CITY IN THE AMOUNT SPECIFIED BY THE STATE LIQUOR LAWS.**

**(3) ALL FEES FOR APPLICATIONS AND LICENSES SHALL BE PAYABLE AT THE TIME AN APPLICATION OR RENEWAL IS SUBMITTED TO THE CITY CLERK.**

**(4) NO PERSON SHALL OPERATE ANY BUSINESS FOR WHICH A LICENSE IS REQUIRED UNDER ARTICLE 5-8. ALCOHOL BEVERAGES OF THE BRIGHTON MUNICIPAL CODE AS IT MAY BE AMENDED UNLESS AND UNTIL THE APPLICATION AND LICENSE FEES AND TAXES HAVE BEEN PAID. NO LICENSE SHALL BE ISSUED UNTIL AFTER THE PAYMENT OF THE FEES AND TAXES REQUIRED BY STATUTE OR ORDINANCE.**

**(5) ALL APPLICATION FEES SHALL BE NON-REFUNDABLE. LICENSE FEES SHALL BE REFUNDED ONLY IF THE LICENSE IS DENIED. IN THE EVENT OF A SUSPENSION OR REVOCATION OF A LICENSE, OR TERMINATION OF BUSINESS FOR ANY REASON WHATSOEVER, NO PORTION OF THE LICENSE FEE SHALL BE REFUNDED.**

**(6) Prior to operation of business under a tavern liquor license or a hotel and restaurant liquor license, a manager shall be registered as required by the state statutes. In addition to the required**

license application fees and taxes, each tavern licensee and hotel and restaurant liquor licensee shall pay to the City a registration fee ~~of seventy-five dollars (\$75)~~ at the time of registration of the manager of such licensed premises IN AN AMOUNT SET IN THE CITY'S ANNUAL FEE RESOLUTION.

(7) IT SHALL BE UNLAWFUL FOR ANY LICENSEE OR REGISTERED MANAGER TO ENGAGE IN THE OCCUPATION OF SELLING AT RETAIL FOR BEVERAGE PURPOSES ANY FERMENTED MALT BEVERAGES, MALT, VINOUS OR SPIRITUOUS LIQUORS IN THE CITY UNTIL PAYMENT IN FULL OF ALL FEES AND TAXES IMPOSED BY THE ORDINANCES OF THE CITY. FOR EACH TWENTY FOUR (24) HOUR PERIOD DURING WHICH THE BUSINESS IS CONDUCTED WITHOUT THE PAYMENT, A SEPARATE OFFENSE IN VIOLATION OF THIS PART SHALL BE DEEMED TO HAVE BEEN COMMITTED.

(c) Section 3-24-40. Operators' rate tax; special events permits. of Article 3-24. Alcohol Beverages. of the Brighton Municipal Code is repealed and reenacted to read as follows:

**3-24-40. OCCUPATION FEE.**

(1) ~~There is levied and assessed for the year 1976 and for each year thereafter an annual occupation tax upon the business of selling fermented malt beverages, also known as 3.2 percent beer, and of selling malt, vinous and spirituous liquors, except medicinal liquors, in the City as said occupation has been herein classified as follows:~~

~~(1) For all Class A operators, the sum of one hundred seventy-five dollars (\$175.00);~~

~~(2) For all Class B operators, the sum of one hundred seventy-five dollars (\$175.00);~~

~~(3) For all Class C operators, the sum of one hundred seventy-five dollars (\$175.00);~~

~~(4) For all Class D operators, the sum of one hundred fifty dollars (\$150.00);~~

~~(5) For all Class E operators, the sum of one hundred fifty dollars (\$150.00);~~

~~(6) For all Class F operators, the sum of fifty dollars (\$50.00);~~

~~(7) For all Class G-1 operators, the sum of one hundred fifty dollars (\$150.00);~~

~~(8) For all Class G-2 operators, the sum of fifty dollars (\$50.00);~~

~~(9) For all Class G-3 operators, the sum of one hundred seventy-five dollars (\$175.00);~~

~~(10) For all special event permits for fermented malt beverages, the sum of ten dollars (\$10.00) per day;~~

~~(11) For all special event permits for malt, spirituous or vinous liquors, the sum of twenty-five dollars (\$25.00) per day.~~

(2) ALL PERSONS ENGAGED IN THE BUSINESS OF SELLING ALCOHOL BEVERAGES WITHIN THE CITY SHALL PAY AN OCCUPATION FEE IN AN AMOUNT SET IN THE CITY'S ANNUAL FEE RESOLUTION. IN SETTING THE FEES, THE CITY COUNCIL IS EXPRESSLY AUTHORIZED TO CONSIDER THE FINANCIAL IMPACT THAT EACH CATEGORY OF LIQUOR LICENSE HAS UPON THE CITY AND TO SET FEES ACCORDING TO LICENSE CLASSIFICATION.

(3) THE OCCUPATION FEE SHALL BE IN ADDITION TO THE APPLICATION AND LICENSE FEES REQUIRED BY ARTICLES 5-8 AND 3-24 OF THE BRIGHTON MUNICIPAL CODE RELATED TO FERMENTED MALT BEVERAGE AND ALCOHOL BEVERAGE LICENSES, AND SHALL BE DUE AND PAYABLE TO THE

**CITY PRIOR TO THE ISSUANCE OF THE LICENSE OR THEREAFTER WHEN THE LICENSE IS RENEWED.**

**SECTION 3.** Article 9-24. **Alcoholic Beverages** of Chapter 9. **Public peace, morals and welfare.** of the Brighton Municipal Code is amended by changing the title of said Article 9-24 to **Alcohol Beverages** and further amended to read as follows:

(a) Section 9-24-110. **Conduct on licensed premises.** of Article 9-24. **Alcohol Beverages.** of the Brighton Municipal Code is repealed and reenacted to read as follows.

**9-24-110. Conduct on licensed premises.**

(1) **LICENSEES SHALL COMPLY WITH, AND CONDUCT THEIR BUSINESS IN COMPLIANCE WITH, ALL FEDERAL, STATE AND LOCAL LAWS AND REGULATIONS.**

(2) **LICENSEES SHALL CONDUCT BUSINESS IN A DECENT, ORDERLY AND RESPECTABLE MANNER. THE FOLLOWING IS STRICTLY PROHIBITED FROM OCCURRING ON OR IN THE LICENSED PREMISES OR UPON ANY ADJOINING GROUNDS OR PARKING AREA UNDER THE CONTROL OR MANAGEMENT OF THE LICENSEE: THE LOITERING OF HABITUAL DRUNKARDS OR INTOXICATED PERSONS; LEWD OR INDECENT DISPLAYS; ROWDINESS OR DISORDERLY CONDUCT; UNDUE NOISE; AND ANY OTHER DISTURBANCE OR ACTIVITY OFFENSIVE TO THE SENSITIVITIES OF THE AVERAGE CITIZEN OR THE RESIDENTS OF THE NEIGHBORHOOD IN WHICH THE ESTABLISHMENT IS LOCATED.**

(3) A person commits a violation of this Article if he or she possesses a valid license for the sale of **FERMENTED MALT BEVERAGES OR** alcohol beverages pursuant to the statutes of the State **AND THE CITY** and/or is an employee or agent of such license holder, if he or she fails to conduct the licensed premises in a decent, orderly and respectable manner or permits the serving or loitering of an apparently intoxicated person or habitual drunkard on the licensed premises, or permits profanity offensive to the senses of an average citizen or to the residents of the neighborhood in which the licensed premises are located **OR FAILS TO IMMEDIATELY REPORT TO THE POLICE DEPARTMENT ANY BREACH OF THE PEACE OR UNLAWFUL OR DISORDERLY ACT, CONDUCT, DISTURBANCE, OR ANY ACT OR ACTS THAT CONSTITUTE A VIOLATION OF LAW OF THE CITY OR STATE ("UNLAWFUL CONDUCT") COMMITTED ON THE PREMISES OF THE BUSINESS OR UPON ANY PARKING AREA OR ADJOINING GROUNDS UNDER THE CONTROL OR MANAGEMENT OF SUCH LICENSEE.**

(b) Article 9-24. **Alcohol Beverages.** of the Brighton Municipal Code is amended by the addition of new sections Section 9-24-120. **Cooperation with inspections and compliance operations.** and Section 9-24-130. **Training.** to read as follows.

**9-24-120. COOPERATION WITH INSPECTIONS AND COMPLIANCE OPERATIONS.**

(1) **ALL PREMISES LICENSED UNDER ARTICLE 5-8. ALCOHOL BEVERAGES. OF THE BRIGHTON MUNICIPAL CODE SHALL BE OPEN TO INSPECTION BY THE**



**POLICE DEPARTMENT, THE COUNTY HEALTH DEPARTMENT, THE STATE LICENSING AUTHORITY AND ANY OTHER FEDERAL, STATE, COUNTY OR CITY AGENCY WHICH IS PERMITTED OR REQUIRED BY LAW TO INSPECT LICENSED PREMISES. IT IS UNLAWFUL FOR THE LICENSEE, ITS EMPLOYEES OR AGENTS OR FOR ANY OTHER PERSON TO REFUSE TO PERMIT ANY SUCH INSPECTION OF THE LICENSED PREMISES OR TO OTHERWISE INTERFERE WITH ANY SUCH INSPECTION.**

**(2) NO PERSON SHALL REFUSE ENTRY TO, OR IN ANY MANNER INTERFERE WITH THE INSPECTION OF THE LICENSED PREMISES BY ANY FEDERAL, STATE OR LOCAL INSPECTOR WHO IS EITHER PERMITTED OR REQUIRED TO INSPECT THE LICENSED PREMISES, IF SUCH ENTRY IS ATTEMPTED DURING BUSINESS HOURS OR DURING REASONABLE HOURS AFTER BUSINESS HOURS WHEN THERE ARE EMPLOYEES ON THE PREMISES TO ADMIT THE FEDERAL, STATE OR LOCAL INSPECTOR. ENTRY AND INSPECTION SHALL BE PERMITTED NOT ONLY TO AREAS OPEN TO THE PUBLIC BUT ALSO TO ALL OTHER AREAS WHERE BUSINESS IS CONDUCTED, PROVIDED THAT NO EMPLOYEE SHALL BE REQUIRED TO ACCOMPANY ANY INSPECTOR IN ANY AREA THAT THE EMPLOYEE DEEMS TO BE DANGEROUS, IF THE EMPLOYEE INFORMS THE INSPECTOR OF THE PERCEIVED DANGER.**

**(3) NO LICENSEE, MANAGER AND/OR THOSE AGENTS OR EMPLOYEES OF THE LICENSEE ON DUTY ON THE PREMISES SHALL REFUSE TO COOPERATE OR IN ANY MANNER INTERFERE WITH OPERATIONS, CHECKS OR TESTING CONDUCTED BY THE POLICE DEPARTMENT, THE COUNTY HEALTH DEPARTMENT, THE STATE LICENSING AUTHORITY AND ANY OTHER FEDERAL, STATE, COUNTY OR CITY AGENCY WITH LAW ENFORCEMENT AUTHORITY TO DETERMINE COMPLIANCE WITH THE LAWS AND REGULATIONS RELATED TO THE SALE OF ALCOHOL BEVERAGES, CONDUCT OR THE LICENSED PREMISES AND OTHER RELATED LAW ENFORCEMENT EFFORTS.**

**SECTION 9-24-130. TRAINING.**

**WITHIN 60 DAYS PRIOR TO SUBMISSION OF AN APPLICATION FOR LICENSE, TRANSFER OF LICENSE OR RENEWAL THEREOF, OR WITHIN 60 DAYS OF HIRE, AND ANNUALLY THEREAFTER, EACH APPLICANT, LICENSEE, AND AGENT, SUBCONTRACTOR, SECURITY PERSONNEL, OR EMPLOYEE OF THE LICENSEE SHALL ATTEND AND COMPLETE THE CITY OF BRIGHTON POLICE DEPARTMENT TRAINING PROGRAM FOR SERVICE OF FERMENTED MALT BEVERAGES OR ALCOHOL BEVERAGES THAT MEETS THE STANDARDS REQUIRED BY CITY AND STATE LAW, AND RECEIVE WRITTEN VERIFICATION FROM A DULY AUTHORIZED REPRESENTATIVE OF THE POLICE DEPARTMENT OF THE SATISFACTORY COMPLETION THEREOF.**


**(c) Section 9-24-120. Penalties of Article 9-24. Alcohol Beverages. is renumbered to be Section 9-24-140. Penalties.**

INTRODUCED, PASSED ON FIRST READING, AND ORDERED PUBLISHED THIS 1<sup>st</sup> DAY OF May, 2012.

CITY OF BRIGHTON, COLORADO

  
Richard N. McLean, Mayor

ATTEST:

  
Natalie Hoel, City Clerk

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