

ORDINANCE NO. 49
(Series of 1992)

AN ORDINANCE AMENDING CHAPTER 4, ARTICLE 3 OF THE MUNICIPAL CODE OF THE CITY OF ASPEN TO REQUIRE SEVENTY-FIVE PERCENT OF ALL EMPLOYEES OF LICENSED LIQUOR ESTABLISHMENTS EMPLOYED TO DISPENSE MALT, VINOUS, AND SPIRITUOUS LIQUORS TO ATTEND A SEMINAR ON COLORADO LIQUOR AND BEER CODES EVERY EIGHTEEN MONTHS.

WHEREAS, the City of Aspen is a resort community with a high number of licensed liquor establishments per capita; and

WHEREAS, the resort nature of the community fosters the employment of significant numbers of people who are unfamiliar with the Colorado Liquor and Beer Regulations and their implications; and

WHEREAS, the community desires to promote responsible consumption of malt, vinous and spirituous liquors by both residents and guests; and

WHEREAS, the Aspen Police Department continues to experience a significant number of violations of the Colorado Liquor and Beer Code Regulations, particularly in regards to the serving of minors; and

WHEREAS, the City Council of the City of Aspen has determined that education on the awareness of Colorado Beer and Liquor Code Regulations by those persons actively involved in the dispensing of malt, vinous and spirituous liquors to both residents and guests will promote responsible consumption practices within the community, and reduce many of the problems of alcohol abuse, including drinking and driving; and

WHEREAS, the City Council of the City of Aspen has previously adopted Ordinance No. 23 (Series of 1990) which requires managers and owner/operators currently registered with the State of Colorado and the Aspen Liquor Licensing Authority to enroll in an educational liquor seminar every three (3) years; and

WHEREAS, the City Council of the City of Aspen has determined that Ordinance No. 23 (Series of 1990) has successfully accomplished its goal of educating managers and owner/operators on the Colorado Beer and Liquor Code and Regulations and now desires to extend that education requirement to include, at a minimum, seventy-five percent (75%) of all persons actively engaged in the dispensing of malt, vinous and spirituous liquors in licensed premises.

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

Section 1

That Sections 4-29.1 and 4-29.2 of the Municipal Code of the City of Aspen, Colorado, are hereby amended to read as follows:

Section 4-29.1. Definitions. As used in this Chapter, unless the context otherwise requires:

- (a) "Manager or Owner/Operator" means any person who manages or is the owner/operator preparing, serving, selling or otherwise providing alcoholic beverages pursuant to licenses issued therefor. The manager or owner/operator shall not include persons who sell, serve or dispense alcoholic beverages in the capacity of volunteer, or persons employed as a clerk or checkout person in an establishment licensed as a retail liquor store.
- (b) "Licensee" means a natural, legal person selling malt, vinous and spirituous beverages pursuant to and authorized by a license issued pursuant to Section 12-46-101, et seq., C.R.S. (Colorado Beer Code) or 12-47-101, et seq., C.R.S. (Colorado Liquor Code) or 12-48-101, et seq., C.R.S. (Special Events Permits) by the City of Aspen and the State of Colorado.

- (c) "Server" means any person who is employed by a licensee to prepare, serve, sell or otherwise provide alcoholic beverages pursuant to licensee's license. Server shall not include persons who sell, serve or dispense alcoholic beverages in the capacity of volunteer, or persons employed as a clerk or checkout person in an establishment licensed as a retail liquor store.

Section 4-29.2. Education requirements.

- (a) All managers or owner/operators registered with the State of Colorado and the local licensing authority shall have a valid certificate evidencing successful completion of an educational liquor seminar approved by the local liquor licensing authority. The certificate received by persons who successfully complete the educational liquor seminar shall be valid for a period of three (3) years
- (b) After the effective date of this ordinance, persons who become new managers or owner/operators registered with the State of Colorado and the local licensing authority are required to attend a liquor seminar approved by the local licensing authority within two (2) months of registration and receive a certificate of completion.
- (c) Every licensee shall ensure that, at a minimum, seventy-five percent (75%) of all servers currently employed by it shall have successfully completed within six (6) months of the effective date of this ordinance, and at all times thereafter, an educational liquor seminar approved by the local liquor licensing authority. The certificate received by servers who successfully complete the educational liquor seminar shall be valid for a period of eighteen (18) months.
- (d) Every agency offering a course of instruction approved by the local licensing authority shall issue a certificate to those enrollees who successfully complete the liquor educational seminar. The certificate shall indicate the date of the completion of the training and the date of the certificate expiration and shall be evidence at a minimum that the person has been in actual attendance the required minimum number of hours at the course and has achieved a reasonable mastery of the subject matter presented. No agency approved by the City Council to provide manager or owner/operator training shall issue a certificate unless the person has actually attended and achieved a reasonable mastery of the materials.
- (e) The local licensing authority shall establish by resolution the general criteria for courses and qualifications of instructors which shall satisfy the liquor educational requirements of this section. These requirements shall be available in the office of the City Clerk. Any qualified person may submit to the local licensing authority a request that a particular seminar be deemed to meet the educational requirements. The licensing authority or its designee may make such determination. A file of all course requirements shall be available in the office of the City Clerk.

- (f) At the time a licensee files an application to renew or transfer a liquor license, or to change the location of the licensed premises, or to change the corporate structure, the licensee shall submit to the City Clerk information to prove that the requisite percentage of servers, managers, and/or owner/operators required to be certified under this chapter have certificates in full force and effect. All licensees shall maintain a file of current certificates for all servers, managers and owners/operators employed by said licensee and shall exhibit copies of said certificates when requested to do so by the City Clerk, the Chief of Police, his employees, or other appropriate officials of the City of Aspen. Failure to comply with this section shall be considered a violation of the conditions of the issuance of a license in addition to a violation of the municipal code and may be punished accordingly.

Section 2

If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional in a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and shall not affect the validity of the remaining portions thereof.

Section 3

Nothing in this ordinance shall be construed to affect any right, duty or liability under any ordinances in effect prior to the effective date of this ordinance, and the same shall be continued and concluded under such prior ordinances.

Section 4

A public hearing on the ordinance shall be held on the 10 day of August, 1992, in the City Council Chambers, Aspen City Hall, Aspen, Colorado.

INTRODUCED, READ AND ORDERED PUBLISHED as provided by law by the City Council of the City of Aspen on the 27 day of July, 1992.

John S. Bennett
John S. Bennett, Mayor

ATTEST:

Kathryn S. Koch
Kathryn S. Koch, City Clerk

FINALLY adopted, passed and approved this 10 day of August, 1992.

John S. Bennett
John S. Bennett, Mayor

ATTEST:

Kathryn S. Koch
Kathryn S. Koch, City Clerk