

ORDINANCE NO. 4

Series 2009

AN ORDINANCE REPEALING AND READOPTING WITH CHANGES SECTION 6-3F-10 OF THE BRECKENRIDGE TOWN CODE CONCERNING THE DUTY OF A LIQUOR LICENSEE TO REPORT CRIMES

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF BRECKENRIDGE, COLORADO:

Section 1. Section 6-3F-10 of the Breckenridge Town Code is hereby amended so as to read in its entirety as follows:

6-3F-10: DUTY TO REPORT

A. If a licensee, any owner of a licensee, or any of the licensee's managers, servants, agents, or employees knows or should have known that an illegal or violent act has been committed or is about to be committed on, about, or outside of the licensed premises, it shall be unlawful and a misdemeanor offense for such person to fail to immediately report the same to the police department of the town.

B. As used in this section:

1. the term "owner of a licensee" means the sole proprietor of any licensee that is a sole proprietorship; any partner of a licensee that is a general partnership; any general partners of a licensee that is a limited partnership; any member or manager of a licensee that is a limited liability company; any person owning ten percent (10%) or more of the issued and outstanding stock of a licensee that is a corporation; and any person having a ten percent (10%) or more ownership interest in a licensee that is any other form of business entity .

2. the term "knows or should have know" means actual knowledge, or knowledge that a person exercising reasonable diligence should have. In determining whether a person "should have known" certain information, the court shall apply an objectively reasonable person standard.

C. The failure of a licensee to comply with the penal requirements of this section may be considered by the licensing authority in any action relating to revocation, suspension or renewal of a license. Proof of the licensee's failure to comply with the requirements of this section on three (3) or more occasions within the licensing period shall constitute prima facie grounds for the suspension, revocation or denial of renewal of a license.

Section 2. Except as specifically amended hereby, the Breckenridge Town Code, and the various secondary codes adopted by reference therein, shall continue in full force and effect.

Section 3. The Town Council hereby finds, determines and declares that this ordinance is necessary and proper to provide for the safety, preserve the health, promote the prosperity, and improve the order, comfort and convenience of the Town of Breckenridge and the inhabitants thereof.


Section 4. The Town Council hereby finds, determines and declares that it has the power to adopt this ordinance pursuant to the authority granted to home rule municipalities by Article XX of the Colorado Constitution and the powers contained in the Breckenridge Town Charter.


Section 5. This ordinance shall be published and become effective as provided by Section 5.9 of the Breckenridge Town Charter.

INTRODUCED, READ ON FIRST READING, APPROVED AND ORDERED PUBLISHED IN FULL this 13<sup>th</sup> day of January, 2009. A Public Hearing shall be held at the regular meeting of the Town Council of the Town of Breckenridge, Colorado on the 27<sup>th</sup> day of January, 2009, at 7:30 P.M., or as soon thereafter as possible in the Municipal Building of the Town.

ATTEST:

TOWN OF BRECKENRIDGE

  
Mary Jean Loufek, CMC, Town Clerk

  
John G. Warner, Mayor


The public hearing on this ordinance was held on January 27, 2009.

READ, ADOPTED ON SECOND READING AND ORDERED PUBLISHED BY TITLE ONLY, this 27<sup>th</sup> day of January, 2009. This ordinance is available for inspection in the office of the Town Clerk.

ATTEST:

TOWN OF BRECKENRIDGE

  
Mary Jean Loufek, CMC, Town Clerk

  
John G. Warner, Mayor

APPROVED IN FORM

  
Town Attorney

1/27/09  
Date

This ordinance was published by title only in the Summit County Journal, a newspaper of general circulation within the Town of Breckenridge on February 6, 2009.