

CHAPTER 3. ALCOHOLIC BEVERAGES.

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¹ Chapter 3 is amended by the addition of Section 3-21 (Optional premises standards) (Ord. 1638 - eff. 8-11-00);

² Chapter 3 Section 3-19 repealed and re-enacted by Ord. 1835, eff. 7-27-07;

³ Chapter 3, Section 3-22 enacted by Ord. 1911, 1-28-11

CHAPTER 3. ALCOHOLIC BEVERAGES.

Section 3-1. License required.

It shall be unlawful for any person to sell, or offer to sell, to dispense or offer to dispense, any malt, vinous or spirituous liquors, as such liquors are defined by laws of the State, without having procured a license or licenses required by the State. (Code 1958, Sec 3-1.)

Section 3-2. Application for new license - Contents.

An application for a new alcoholic liquor or fermented malt beverage license shall be filed with the City Clerk, in duplicate, on forms made available by the State Liquor Licensing Authority. One (1) copy is to be retained by the City Clerk and one (1) copy is to be forwarded to the State Licensing Authority upon completion of action taken by the City Council. The application shall be complete in every material detail and shall be accompanied by the following:

- (1) A floor plan of the premises not to exceed eight and one half inches (8 ½") by fourteen inches (14").
- (2) A copy of its articles of incorporation, if the applicant is a corporation, and in addition, the names and addresses of all persons holding over ten percent (10%) of the outstanding and issued capital stock, and if a foreign corporation, evidence of its qualification to do business in this State.
- (3) Three (3) character reference letters for each applicant or individual partner, or, in the case of a business association of two (2) or more persons, for each of the principals.
- (4) Information concerning the financial and management interests of any person connected with the business and copies of documents governing the terms and conditions of ownership or right to possession of the premises proposed to be licensed, consisting of a deed, title insurance policy or lease. (Ord. 1269, Sec. 1, 7/2/85.)

Section 3-3. Notice of hearing - Posting and publication.

- (1) The Council shall cause to be posted and published notice of the hearing to be held on the application.
- (2) The sign used for posting shall be of cardboard material, not less than twenty two inches (22") wide and twenty six inches (26") high, composed of letters not less than one inch (1") in height and stating the type of license applied for, the date of the application, the date of hearing, the name and address of the applicant and such other information as may be required to fully apprise the public of the nature of the application. If the applicant is a partnership, the sign shall contain the names and addresses of all partners, and if the applicant is a corporation, association, or other organization, the sign shall contain the manager or other managing officers.

The sign shall be posted for at least ten (10) continuous days, the first day to be not later than fifteen (15) days preceding the date of hearing.

(3) The published notice shall contain the same information as that required for signs, and shall be composed of 8-point bold faced type set so as to be not less than one (1) column in width and not less than six inches (6") in length. Publication is to be accomplished by one (1) publication in a newspaper of general circulation in the County in which the premises are located and the notice is to be published not later than the fifth (5th) day preceding the date of hearing on the application.

(4) Public notice by posting and publication is required for all hearings on licenses for malt, vinous and spirituous liquors. However, for hearings on licenses for fermented malt beverages, at the discretion of the Council, public notice may be given by posting or publication or both.

(5) Where the building for which the license is sought is in existence at the time of the application, the sign shall be placed on the premises so as to be conspicuous and plainly visible to the general public from the exterior of the building. If the building is not in existence at the time of the application, the sign shall be posted upon the premises which the building is to be constructed in such a manner that it shall be conspicuous and plainly visible to the general public.

(6) The Clerk shall make all arrangements for posting and publication, shall attach to the application evidence of such posting and publication. Said evidence shall consist of a photograph of the posted sign in place and proof of publication as provided for in Colorado Revised Statutes 24-70-105, 1973, and a certificate of the Clerk that the required public notice has been given according to the statutes. (Ord. #973, Sec. 3.5.)

Section 3-4. Applicant's initial appearance before Council.

(1) The City Clerk shall cause the application to be placed on the agenda of the Council meeting to be held no less than four (4) nor more than thirty (30) days after the Clerk has received the application.

(2) The applicant shall be in attendance at the Council meeting at which his/her application is presented to the Council. This date of presentation to the Council shall be deemed the date of filing of the application for the purposes set forth in the statutes.

(3) The Council shall tentatively set the boundaries of the neighborhood considered affected by the proposed location. Until the Council sets the tentative boundaries, the neighborhood shall be deemed to be that area within a radius of one half (1/2) mile in all directions from the proposed outlet.

(4) The applicant shall be instructed to, and shall cause to be prepared and shall furnish the Clerk at least fifteen (15) days prior to the public hearing an official area map showing the location of the proposed outlet and the location and nature of all other licensed premises located therein.

(5) The Council shall also set a date for public hearing which date shall not be less than thirty (30) days from the date of the Council meeting at which the application is presented.

Section 3-5. Investigation; report.

(1) After the initial appearance of the applicant before the Council, the Clerk shall commence the investigation of the applicant and the premises. Such investigation shall include the following:

(a) Obtaining from the appropriate law enforcement agencies a criminal record on the applicant, including all partners, principals or stockholders holding over ten percent (10%) of the outstanding and issued capital stock, if applicable.

(b) Letters of reference shall be verified with the person or persons signing the letters, if the references are local. If the references are not local, a letter from the Clerk shall be sent to the person or persons signing the reference letters requesting verification.

(c) A report shall be prepared by the City Building Inspector identifying satisfaction of City Building Codes at the proposed licensed location or a recitation of any deficiencies and the steps required to correct such deficiencies.

(d) The maps and information submitted concerning the general character of the neighborhood and of the residents and working population of the neighborhood shall be verified.

(e) The premises proposed for a license shall be inspected to ensure that the plans and specifications submitted with the application are true representations of the premises.

(2) All departments and administrative officials of the City shall cooperate fully with the Clerk in his/her investigation. These departments and officials shall include, but are not limited to, the Planning and Zoning Department, the Fire Department, the Building Inspector, the Police Department, the City Attorney, and all other City departments and officials.

(3) Any reports of the results of this investigation shall be delivered by the respective departments or officials to the City Clerk at least ten (10) days prior to the date of hearing on the application.

(4) Not less than five (5) days prior to the date of hearing on the application, the Clerk shall make known the findings based on the investigation in a written report to the applicant or principals of the organization applying for the license, and upon request to other interested parties, by mailing a copy thereof by certified mail. (Ord. 1269, Sec. 2, 7/2/85.)

Section 3-6. Decision of Council.

(1) The decision of the City Council shall be rendered not more than thirty (30) days following the conclusion of the hearing.

(2) In formulating a decision, the City Council shall consider all of the facts and evidence adduced as a result of the investigation and hearing, including the reasonable requirements and desires of the inhabitants of the neighborhood affected; the number, type and availability of outlets located in or near the neighborhood under consideration; all other restrictions applicable to the area under

consideration; whether the City, State or Federal Building Codes, Fire Codes or Electrical Codes are being satisfied at the proposed licensed location; and any other pertinent matters affecting the qualifications of the applicant to conduct the type of business proposed. (Ord. 1316, Sec. 1, 4/7/87.)

Section 3-7. License renewal procedure.

(1) A renewal application for a liquor or fermented malt beverage license shall be filed with the City Clerk, in duplicate, on a form provided by the State Liquor Licensing Authority, no later than forty five (45) days before expiration of the existing license, together with the required fees.

(2) All licenses shall expire on the date specified on the license.

(3) In addition to the renewal application, the applicant shall furnish copies of any approvals or permits required by local and state health officials, as well as the annual inspection report prepared by such officials, for their licensed facilities to the City Clerk.

(4) The application shall be accompanied by a written explanation by the applicant for tardiness in submission of the renewal application, where such application has been submitted less than forty five (45) days prior to the expiration of the license.

(5) The City Clerk shall cause the renewal application to be placed on the agenda of the Council meeting to be held no less than four (4) nor more than thirty (30) days after the Clerk has received the application.

(6) The applicant shall be in attendance at the Council meeting at which his/her renewal application is presented to the Council.

(7) At the time of presentation of the renewal application, the Council shall be furnished with the following:

(a) A summary report submitted by the Police Department of the City of Trinidad identifying all calls responded to by the Police Department to the licensed location. Such summary report shall be accompanied by necessary subordinate information to provide a clear explanation of calls identified within the report.

(b) Copies of all incident reports of police responses to incidents which are identified as having originated at or within the licensed establishment during the previous license period.

(c) A report prepared by the City Building Inspector identifying satisfaction of City Building Codes or a recitation of deficiencies and the steps required to correct such deficiencies.

(8) At the time the renewal application is presented to the City Council, the Council may approve the renewal application or postpone action on the application to a later date. In the event of a postponement, the Council shall not be required to hold a hearing on the application, except that no renewal application may be denied unless a renewal hearing has been held.

(9) The motion to set a hearing on the application must set forth the reason or reasons for holding a hearing. Notice of the hearing shall be posted in a conspicuous place on the licensed premises for a period of ten (10) days, and notice of the hearing shall be provided to the applicant at least ten (10) days prior to the hearing. Notice shall be by mail or personal service.

(10) The renewal hearing shall be conducted in the manner provided for hearings on applications for new liquor and fermented malt beverage licenses. At the hearing, evidence shall be taken to determine whether good cause exists to refuse to approve the renewal application. At the close of the hearing, the City Council may vote to approve or deny the renewal application, or may adjourn the hearing to a later date before rendering its decision. Where timely application for renewal has been made, the decision must be rendered prior to the date of expiration of the existing license, and in no event shall the hearing be adjourned for a period exceeding thirty (30) days. (Ord. 1269, Sec. 4, 7/2/85)

(11) The City Council may refuse to renew a license for any of the following reasons: Failure to comply with City, State or Federal Building Codes, Fire Codes or Electrical Codes; any other reasons set forth under State law; and any other good cause reasons. (Ord. 1316, Sec. 2, 4/7/87)

Section 3-8. Changes in ownership of outlet - Application.

(1) All applicants for the issuance of a license by reason of transfer of possession of the licensing premises by operation of law or by the purchase and sale of the premises shall file an application on forms provided by the State Licensing Authority in duplicate with the City Clerk.

(2) All such applications shall be subject to the provisions of this Chapter.

(3) Notwithstanding Subsection (2) of this Section, the Council shall consider only the character of the applicant, and the applicant shall not be required to submit any other information except as it concerns his/her character and ability to conduct the business according to law. (Ord. 973, Sec. 3.8 (c).)

(4) All applications for change of ownership shall be set for hearing. Notice of the hearing must be conspicuously posted on the licensed premises for a period of ten (10) days, and notice must be provided to the applicant at least ten (10) days prior to the hearing. The applicant shall be required to be in attendance at the hearing. (Ord. 1269, Sec. 9, 7/2/85.)

(5) Where the licensee is a corporation any transfer of ten (10%) percent or more of the capital stock of the corporation shall be reported to the City Clerk on forms provided by the State Licensing Authority not less than ten (10) days prior to such transfer. (Ord. 973, Sec. 3.8(c).)

Section 3-9. Transfer of location of license - Application.

(1) Before the location of a license is changed, the licensee shall submit an application on forms provided by the State Licensing Authority in duplicate to the City Clerk for such change. (Ord. 973, Sec. 3-8. (b).)

(2) All applications for a change in the location of a license shall be filed with the Clerk and shall be subject to the provisions of this Chapter. (Ord. 973, Sec. 3-8. (b).)

(3) Notwithstanding Subsection (2) of this Section, the Council, when considering an application for a change in location of a license, shall only consider the reasonable requirements of the neighborhood to which the applicant seeks to change his/her location, and the desire of the adult inhabitants as evidenced by petitions, remonstrances or otherwise. (Ord. 1269, Sec. 10, 7/2/85)

(4) Notwithstanding Subsection (2) of this Section, all applications for change of location of a license shall be set for hearing. The public hearing and notice requirements are the same as for a new license application. The applicant shall be required to be in attendance at the hearing. (Ord. 1269, Sec. 10, 7/2/85.)

(5) The City Council shall not transfer such license in less than twenty (20) days after the application has been made and then only after no less than ten (10) days notice of the hearing has been given. (Ord. #973, Sec. 3-8.(b).)

Section 3-10. 500-foot requirement for hotel and restaurant licenses eliminated.

Pursuant to Section 12-47-138 (1) (d) (IV), Colorado Revised Statutes, the distance restriction imposed by Section 12-47-138 (1) (d) (I), Colorado Revised Statutes is eliminated for hotel and restaurant licenses only. (Ord. 1383, 08/07/90.)

Section 3-11. Sale to certain persons prohibited.

It shall be unlawful for any person to sell or offer to sell, to dispense or offer to dispense, or to deliver or offer to deliver, any malt, vinous spirituous liquors to any person who is an habitual drunkard, or to any person who is under twenty-one (21) years of age or to an intoxicated person. (Code 1958, Sec. 3-9.)

Section 3-12. Minors on licensed premises prohibited.

(1) It shall be unlawful for any person under twenty-one (21) years of age to be in, or remain on any premises for which either a tavern license or a 3.2% beer on premises license has been issued, during those hours in which alcoholic beverages or 3.2% beer is sold or served, except in those areas of the licensed premises in which the serving of alcoholic beverages or 3.2% beer is merely incidental to the serving of food, or other regular business of the establishment.

(2) Any person who violates Subsection (1) of this Section shall be guilty of a misdemeanor and, upon conviction, shall be subject to a fine of not more than Three Hundred Dollars (\$300.00).

(3) It shall be unlawful for any licensee, his/her agents, or employees to permit any person under the age of twenty-one (21) years to be in or remain on any premises for which either a tavern license or a 3.2% beer on premises license has been issued, during those hours in which alcoholic beverages or 3.2% beer is sold or served, except in those areas in which the serving of alcoholic beverages or

3.2% beer is merely incidental to the serving of food, or other regular business of the establishment.

(4) Any person who violates Subsection (3) of this Section shall be guilty of a misdemeanor and, upon conviction, shall be subject to imprisonment of not more than ninety (90) days, or a fine of not more than Three Hundred Dollars (\$300.00), or both.

Section 3-13. Sale during certain hours prohibited; manufacturer's license; Sunday deliveries.

It shall be unlawful for any person to sell, serve or distribute malt liquors containing not more than 3.2 percent alcohol by weight, by the drink for consumption on the premises on week days between the hours of 12:00 Midnight and 8:00 A.M., or on Sundays or Christmas prior to 8:00 A.M. and after 8:00 P.M., or to sell, serve or distribute any such liquors or beverages in sealed containers between the hours of 12:00 Midnight and 8:00 A.M. of the following day; to manufacture and sell unless licensed to do so; to buy, except from a licensed person; or to make deliveries on Sundays or holidays. (Code 1958, Sec. 3-12.)

Section 3-14. Unlawful conduct - Licensee.

(1) It shall be unlawful for any licensee having authority to sell alcoholic beverages on his/her premises to permit any disturbances or disorderly acts or conduct to be committed by any person or group of persons on his/her premises.

(2) It shall be unlawful for a licensee having authority to sell alcoholic beverages on his/her premises to in any manner encourage or participate in any disturbance or unlawful or disorderly act or conduct upon his/her premises, provided, however, such licensee may use such lawful means as may be proper to protect his/her person or property from damage or injury.

(3) A licensee having authority to sell alcoholic beverages upon his/her premises shall immediately report to the police department any unlawful or disorderly act or conduct or any disturbance committed on his/her premises.

(4) It shall not be a defense that the licensee was not personally present on his/her premises at the time such unlawful or disorderly act, conduct or disturbance took place. However, an agent, servant or employee of the licensee shall not be liable hereunder when absent from the premises and not on duty.

(5) It shall be unlawful for individuals employed as bartenders to consume alcoholic beverages during those times in which they are actually engaged in the serving of alcoholic beverages to customers on a licensed premises or for such individuals to engage in the serving of alcoholic beverages to customers on the licensed premises while in an intoxicated condition; or for a licensee having authority to sell alcoholic beverages on his/her premises to permit such conduct by his/her bartenders. Nothing in this Section shall be construed to prohibit the consumption of alcoholic beverages on a licensed premises by a licensee, his/her agents or employees during such times in which they are not engaged in the serving of alcoholic beverages.

(6) Any licensee, agent, servant or employee of a licensee who shall violate any of the provisions of

this Section shall be subject to the penalty provided for in Section 1-8 of this Code. (Ord. 1269, Sec. 11, 7/2/85.)

Section 3-15. Suspension and revocation proceedings.

- (1) The City Council shall have the power, upon its own motion or upon complaint to:
 - (a) Summarily suspend any license for a period not to exceed fifteen (15) days, or
 - (b) Upon notice to the licensee and hearing to suspend any license for a period not to exceed six (6) months or to revoke such license.
- (2) Suspension and revocation proceedings shall be commenced by the Council by issuing and causing to be served upon the licensee a notice of hearing and an order to show cause why his/her license should not be suspended or revoked whenever it shall appear to the Council that there is probable cause to believe that the licensee has violated any law, any rule or regulation of the State Licensing Authority, or any of the terms, conditions or provisions of the license issued by the Liquor Authority Board.
- (3) A hearing shall be held at a place and time designated by the Council on the day stated in the notice, or upon such other day as may be set for good cause shown. Evidence in support of the charges shall be given first, followed by cross-examination of those testifying thereto. The licensee, in person or by counsel, shall then be permitted to give evidence in defense, and in explanation and shall be allowed to give evidence and statements in mitigation of the charges, followed by cross-examination of those testifying thereto. In the event the licensee is found to have committed the violation charged, or any other violation, evidence and statements in aggravation of the offense shall also be permitted, followed by cross-examination of those testifying thereto.
- (4) If the evidence presented at the hearing does not support the charges stated in the notice and order served upon the licensee, but standing alone establishes the guilt of the licensee of a violation of some other law, rule or regulation, the licensee shall be permitted to give evidence and statements in defense, explanation and mitigation if then prepared to do so. If such evidence is not then available, but can be obtained by the licensee, the licensee shall state the substance thereof and upon his/her request the hearing may be recessed for not more than ten (10) days, and shall then continue under the same procedure as though no recess has occurred.
- (5) In the event the licensee is found not to have violated any law, rule or regulation, the charges against him/her shall be dismissed. If the licensee is found to have violated some law, rule or regulation, his/her license may be suspended or revoked.
- (6) Every licensee whose license has been suspended by the City Council shall, if ordered by the Council, post two (2) notices in conspicuous places, one (1) on the exterior and one (1) on the interior of his/her premises, for the duration of the suspension. The notices shall be twenty-four inches (24") in length and fourteen inches (14") in width, and shall be in the following form:

NOTICE OF SUSPENSION
ALCOHOLIC BEVERAGE LICENSES ISSUED
For These Premises Have Been
Suspended by Order Of The
LOCAL LICENSING AUTHORITY
For Violation Of The
COLORADO BEER CODE - COLORADO LIQUOR CODE

(7) The temporary suspension of a license without notice pending any prosecution, investigation or public hearing as provided for by the provisions of C.R.S. 12-47-110 and 12-46-107, 1973, shall be for a period not to exceed fifteen (15) days. (Ord. 973, Sec. 3.8(d).)

Section 3-16. Fine in lieu of suspension.

(1) (a) Whenever a decision of the City Council suspending a retail license for fourteen days or less becomes final, whether by failure of the retail licensee to appeal the decision or by exhaustion of all appeals and judicial review, the retail licensee may, before the operative date of the suspension, petition the City Council for permission to pay a fine in lieu of having his/her retail license suspended for all or part of the suspension period. Upon receipt of the petition, the City Council may, in its sole discretion, stay the proposed suspension and cause any investigation to be made which it deems desirable and may, in its sole discretion, grant the petition if it is satisfied:

(I) That the public welfare and morals would not be impaired by permitting the retail licensee to operate during the period set for suspension and that payment of the fine will achieve the desired disciplinary purposes;

(II) That the books and records of the retail licensee are kept in such a manner that the loss of sales of malt beverages which the retail licensee would have suffered had the suspension gone into effect can be determined with reasonable accuracy therefrom; and

(III) That the retail licensee has not had his/her license suspended or revoked, nor had any suspension stayed by payment of a fine, during the two years immediately preceding the date of a motion or complaint which has resulted in a final decision to suspend the retail license.

(b) The fine shall be equivalent to twenty percent (20%) of the retail licensee's estimated gross revenues from sales of malt, vinous and spirituous liquors or fermented malt beverages during the period of the proposed suspension; except that the fine shall not be less than Two Hundred Dollars (\$200.00) nor more than Five Thousand Dollars (\$5,000.00).

(c) Payment of any fine pursuant to this section shall be in the form of cash or in the form of a certified check or cashier's check payable to the City.

(2) Upon payment of the fine pursuant to this section, the City Council shall enter its further order permanently staying the imposition of the suspension. The City Council shall cause such monies to be paid into the City's general fund.

(3) In connection with any petition pursuant to this Section, the authority of the City Council is limited to the granting of such stays as are necessary for it to complete its investigation and make its findings and if it makes such findings, to the granting of an order permanently staying the imposition of the entire suspension or that portion of the suspension not otherwise conditionally stayed.

(4) If the City Council does not make the findings required in paragraph (a) of Subsection (1) of this section and does not order the suspension permanently stayed, the suspension shall go into effect on the operative date finally set by the City Council. (Ord. 1359, 7/18/89)

Section 3-17. Penalty for violations.

The holder of any license for the sale of malt, vinous or spirituous liquors or 3.2 beer dispensing establishments found guilty of violating any of the ordinances of the City relating to the conduct of his/her place of business shall be subject to the penalty in Section 1-8 of this Code. (Ord. 1269, Sec. 13, 7/2/85.)

Section 3-18. Prohibited acts; penalty.²

(1) Except as otherwise set forth in this section, no person shall carry or have in his/her possession any open bottles or containers containing fermented malt beverages, or malt, vinous or spirituous liquors, nor shall any person drink any fermented malt beverage or malt, vinous or spirituous liquor on any street, sidewalk, parking lot, alley or any public school or public park in the City, or in any automobile or other vehicle on a public way or public parking lot in the City. (Ord. 1678, eff., 12-28-01; Ord. 1385, 08/21/90; Ord. 1634, Eff., 7/15/00)

(2) No person shall carry or have in his/her possession any open bottles or containers containing malt, vinous or spirituous liquors, nor shall any person drink any malt, vinous or spirituous liquor at the Trinidad Municipal Golf Course. Nothing in this Section shall prohibit the consumption of fermented malt beverages at the Trinidad Municipal Golf Course. (Ord. 1678, eff., 12-28-01; Ord. 1083, Secs, 1 and 2, 10/20/75.)

(3) Every person convicted of any violation of this Section shall be punished by a fine of not more than Three Hundred Dollars (\$300.00) or by imprisonment of not more than ninety (90) days, or by both such fine and imprisonment. (Ord. 1678, eff., 12-28-01)

Section 3-19. Liquor license application fees.³

The application fees for license applications to cover actual and necessary expenses shall be as follows:

- (1) New license
 - (a) On or after August 8, 2007, Six Hundred and Twenty-Five Dollars (\$625.00) (Ord. 1835, 7-27-07)
- (2) Transfer of location or ownership
 - (a) On or after August 8, 2007, Six Hundred and Twenty-Five Dollars (\$625.00) (Ord. 1835, 7-27-07)
- (3) Renewal of license
 - (a) On or after August 8, 2007, Seventy-Five Dollars (\$75.00) (Ord. 1835, 7-27-07)
- (4) Renewal of expired license - Five Hundred Dollars (\$500.00) (Ord. 1835, 7-27-07)

Section 3-20. Fees for Special Events Permits.

Special events permit fees for organizations and political candidates qualifying under state law for the sale, by the drink only, of malt beverages or the sale, by the drink only, of malt, spirituous or vinous liquors shall be Twenty-Five Dollars (\$25.00), to cover the expenses of investigation and issuance of the permit. (Ord. 1273, Sec. 2, 8/6/85.)

Section 3-21. Optional premises standards.

The following standards for the issuance of optional premises licenses and for optional premises for a hotel and restaurant license are hereby adopted: (Ord. 1638, eff. 8-11-00)

- (1) The standards adopted herein shall be considered in addition to all other standards applicable to the issuance of licenses under the Colorado Liquor Code for an optional premises license and for optional premises for a hotel and restaurant license. These two types of licenses for optional premises shall be collectively referred to as “optional premises” in these standards unless otherwise provided. (Ord. 1638, eff. 8-11-00)
- (2) Outdoor sports and recreational facility shall mean a golf course. (Ord. 1638, eff. 8-11-00)
- (3) An optional premises may only be approved when that premises is located on or adjacent to an outdoor sports and recreational facility. (Ord. 1638, eff. 8-11-00)
- (4) When submitting a request for the approval of an optional premises an applicant shall submit the following information in addition to information required by the State licensing authority and this

³ Chapter 3, Section 3-19(1,2,3 and 4) is repealed and reenacted. (Ord 1835, eff. 7-27-07)
Rev. 1/01

Chapter of this Code: (Ord. 1638, eff. 8-11-00)

(a) A detailed diagram of the outdoor sports and recreational facility showing: (Ord. 1638, eff. 8-11-00)

- (I) The location of the outdoor sports and recreational facility; (Ord. 1638, eff. 8-11-00)
- (II) The location of all proposed optional premises; (Ord. 1638, eff. 8-11-00)
- (III) The proposed locations of any permanent, temporary or movable structure or vehicle located on an optional premises and used to dispense alcoholic beverages; (Ord. 1638, eff. 8-11-00)
- (IV) The seating, if any; (Ord. 1638, eff. 8-11-00)
- (V) Restroom facilities, if any; (Ord. 1638, eff. 8-11-00)
- (VI) Restrictions, if any, to access to the optional premises; (Ord. 1638, eff. 8-11-00)
- (VII) Location of secured area or areas for use in storing malt, vinous and spirituous liquors for future use on the optional premises. (Ord. 1638, eff. 8-11-00)

(b) A written statement setting forth what will be done to secure the optional premises and storage area or areas and the reason why the license should be granted; and (Ord. 1638, eff. 8-11-00)

(c) Such other information as reasonably may be required to satisfy the City that control of the optional premises will be assured, and that the health, safety and welfare of the neighborhood and outdoor sports and recreational users will not be adversely affected should the license be issued. (Ord. 1638, eff. 8-11-00)

(5) If the applicant does not own the proposed optional premises, he/she shall submit to the City Clerk a written statement by the owner of the premises approving the application sought. (Ord. 1638, eff. 8-11-00)

(6) The applicant shall provide the City Clerk with evidence that the State Licensing Authority has approved the location proposed to be optional premises, as required by the Colorado Liquor Code. (Ord. 1638, eff. 8-11-00)

(7) An application for a new hotel and restaurant license with optional premises shall be processed in the same manner as any other hotel and restaurant license application. If an application to use optional premises is filed in connection with an existing hotel and restaurant license, then the application shall be processed in the same manner as an application to modify or expand licensed premises. No fee shall be required in connection with an application for an optional premises relating to an existing hotel and restaurant license. (Ord. 1638, eff. 8-11-00)

(8) No one licensee shall have more than four (4) optional premises within an outdoor sports and recreational facility. (Ord. 1638, eff. 8-11-00)

(9) No alcoholic beverages may be served on the optional premises until the licensee has provided notice to State and Local Liquor Licensing Authorities forty-eight (48) hours prior to serving alcoholic beverages on the optional premises. Such notice must contain the specific day and hours on which the optional premises are to be used. In this regard, there is no limitations on the number of days which a licensee may specify in each notice. However, no notice may specify any date of use which is more than 180 days from the notice date. (Ord. 1638, eff. 8-11-00)

Section 13-22.Liquor Tasting Permits. (Ord. 1911, Eff. 1-28-11)

(1) Authorization. The City Council is authorized to issue permits for alcoholic beverage tastings, as defined by the Colorado Liquor Code, § 12-47-101 *et seq.*, C.R.S., to a retail liquor store licensee or liquor-licensed drugstore licensee, subject to the provisions of the Colorado Liquor Code and this Section. (Ord. 1911, Eff. 1-28-11)

(2) Permit required. It shall be unlawful for any person to conduct a tasting without first having obtained a valid tastings permit as provided in this Section. (Ord. 1911, Eff. 1-28-11)

(3) Application Requirements. (Ord. 1911, Eff. 1-28-11)

(a) Application for a tastings permit shall be made to the Office of the City Clerk upon forms provided by the Office of the City Clerk. Applications shall provide a schedule of dates and times that tastings will be held, and such other information as reasonably may be required to satisfy the City Council that tastings will be conducted without violations of the Colorado Liquor Code and without creating a public safety risk to the neighborhood. Tasting schedules shall not exceed one (1) year in duration. (Ord. 1911, Eff. 1-28-11)

(b) An application to conduct a tasting or tastings must be submitted to the Office of the City Clerk no later than thirty (30) days prior to the date of the first tasting included in the permit. At the time of permit application, the Office of the City Clerk shall collect a permit application fee in the amount of Fifty Dollars (\$50.00) to cover expenses associated with investigation and issuance of the permit. (Ord. 1911, Eff. 1-28-11)

(c) Any additions or changes to a schedule submitted with an application must be submitted in writing to the Office of the City Clerk no later than thirty (30) days prior to the date(s) to be added or changed. (Ord. 1911, Eff. 1-28-11)

(d) No application for a tasting permit shall be approved if the licensee has had his or her license suspended or revoked, or had any suspension held in abeyance or stayed by payment of fine, during the six (6) month period immediately preceding the date of the application. (Ord. 1911, Eff. 1-28-11)

(e) Any of the disciplinary actions detailed in paragraph (d) of this subsection shall result in the cancellation of any scheduled tasting dates pending the City Council's approval of a new application. (Ord. 1911, Eff. 1-28-11)

(4) Limitations on Tastings. (Ord. 1911, Eff. 1-28-11)

(a) Tastings shall be conducted only by a person who has completed a server training program that meets the standards established by the liquor enforcement division of the Colorado Department of Revenue and who is either a retail liquor store licensee or a liquor-licensed drugstore licensee, or an employee of a licensee, and only on a licensee's licensed premises. (Ord. 1911, Eff. 1-28-11)

(b) The alcohol used in tastings shall be purchased through a licensed wholesaler, licensed brew pub, or winery licensed pursuant to § 12-47-403, C.R.S., at a cost that is not less than the laid-in cost of such alcohol. (Ord. 1911, Eff. 1-28-11)

(c) The size of an alcohol sample shall not exceed one (1) ounce of malt or vinous liquor. Licensees shall provide and use a measuring device to accurately control the amount of individual alcohol samples. Samples of spirituous liquor are prohibited. (Ord. 1911, Eff. 1-28-11)

(d) Tastings shall not exceed a total of five (5) hours in duration per day, which hours need not be consecutive. (Ord. 1911, Eff. 1-28-11)

(e) Tastings shall be conducted only during the operating hours in which the licensee on whose premises the tastings occur is permitted to sell alcoholic beverages, and in no case earlier than 11:00 a.m. or later than 7:00 p.m. (Ord. 1911, Eff. 1-28-11)

(f) The licensee shall prohibit patrons from leaving the licensed premises with an unconsumed sample. (Ord. 1911, Eff. 1-28-11)

(g) The licensee shall promptly remove all open and unconsumed alcoholic beverage samples from the licensed premises or shall destroy the samples immediately following the completion of the tasting. (Ord. 1911, Eff. 1-28-11)

(h) The licensee shall not serve a person who is under twenty-one years of age or who is visibly intoxicated. (Ord. 1911, Eff. 1-28-11)

(i) The licensee shall not serve more than four (4) individual samples to a patron during a tasting day. (Ord. 1911, Eff. 1-28-11)

(j) Alcohol samples shall be in open containers and shall be provided to a patron free of charge. (Ord. 1911, Eff. 1-28-11)

(k) Tastings may occur on no more than four (4) of the six (6) days from a Monday to the following Saturday, not to exceed one hundred four (104) days per year. (Ord. 1911, Eff. 1-28-11)

(l) No manufacturer of vinous liquors shall induce a licensee through free goods or financial or in-kind assistance to favor the manufacturer's products being sampled at a tasting. The licensee shall bear the financial and all other responsibility for a tasting. (Ord. 1911, Eff. 1-28-11)