Finance Department; Tax and License Division

SPECIAL EVENT LIQUOR PERMIT FOR NON-PROFITS APPLICATION
CHECKLIST OF REQUIRED DOCUMENTS

FOR NON-PROFITS ONLY AND ONLY IF COMPLETE APPLICATION IS SUBMITTED IN A PRE-SCHEDULED IN-PERSON MEETING AT LEAST 30 DAYS PRIOR TO EVENT DATE. IF AN APPLICATION IS DROPPED OFF ON THE DEADLINE DATE WITHOUT AN IN-PERSON APPOINTMENT, APPLICATION WILL NOT BE DEEMED ACCEPTED UNTIL FULL REVIEW BY LICENSING MANAGER, AS NEEDED, CAN BE COMPLETED:

[ ] Application for a Special Event Permit (State form- DR8439) - In most cases, a special event liquor permit cannot be issued on an already liquor licensed premise (no double licensing). Special event liquor permits are only available to non-profits that are:

- **properly formulated with the Colorado Secretary of State's Office** as non-profit corporation,
- **meets one of the 11 permissible types listed on the state form** of non-profit designations,
- **has required state sales tax or tax exemption number from CO Department of Revenue** for non-profits, (this is different than FEIN number for a 501(C) 3), and
- **AT LEAST 30 DAYS PRIOR TO EVENT DATE** files the state and city applications and fees with the City's Licensing Office ahead of the event (more time is better and there are no exceptions) so that the legal notice poster can be prepared for the event space.

Non-profits must have sandwiches and light snacks available for duration of their alcohol permitted event.

[ ] Certificate of Good Standing from the Colorado Secretary of State's website listing in text "**non-profit corporation"** in the text of the applicable non-profit's certificate.

[ ] Dimensioned event diagram indicating square footage of entire event space with food and bar locations, exits/entrances of event space, and perimeter of alcohol service area & tables marked.

[ ] Lease, Deed, or Letter of Permission from event space property owner which provide possession of the space to the non-profit as indicated by reference to non-profit's legal name for calendar date and time duration of the proposed event.

[ ] City Special Event Liquor Permit Application - three page form with answers to questions 1 to 13 attached describing number of people expected and general characteristics of event. Again note that some food, at least sandwiches and light snacks per state code, must be available at event so that people can moderate alcohol consumption.

[ ] Copy of your City Exempt Business License or a City of Boulder Exempt Business application form for an exempt entity (form attached) accompanied with a copy of your 501 (c) 3 letter issued by the IRS and a $25 license fee. Please call 303-441-3051 for questions or to confirm licensure.

[ ] If event involves temporary outdoor entertainment space, then permit application should be undertaken by calling Project Specialists at 303-441-1880, or www.bouldercolorado.gov , then pick "City A-Z", "Planning and Development Services", "Planning & Zoning", "Development Review" and "Administrative Review" for "Temporary Outdoor Entertainment Site Access".

[ ] Other city requirements, such as off-duty police officer or service area fencing, may apply depending on the scope of the event, whether event is on city property, or based on the previous enforcement activities required at prior non-profit events.

[ ] Fees:
{ } $50 city check for each event day payable to "City of Boulder" for 250 people or less.
{ } $100 city check for each event day payable to "City of Boulder" for 251 people or more.

[ ] Application Process: Licensing will:

i) special event liquor permit applications, including both state form, city form, required attachments, and necessary fees can only be submitted in-person via a prescheduled 30 minute meeting with Licensing staff.

ii) At submittal meeting, proper public notice poster will be prepared by city to include non-profit's legal name, event location address, event day of week, event date, and event time duration, non-profit mailing address and non-profit event coordinator contact person's name, and 10 day posting end day of week and date. Non-profit representative must know the date that the poster will be put up, that is will be a conspicuous posting within public view, and that the poster will remain up for a 10 day period at the event location.

iii) Licensing staff will add to yearly permit tally list, add event details to yearly special event list, e-route event application to city special event committee members, and add calendar tickler for end of 10 day posting period.

iv) When 10 day posting period has ended, licensing staff must receive a completed affidavit of posting from non-profit indicating completion of legal posting.

v) If no negative public comment is received during the 10 day public period which would trigger a Beverage Licensing Authority (BLA) hearing, then Licensing staff will add a status to yearly special event list indicating application mailing to state, check the state events list on the state website, and locally approve the state and city permit application. If neighborhood or enforcement comment is received that indicates a BLA hearing, then non-profit must be notified in writing, application hearing must be added to BLA hearing agenda, and event location must be posted for a 10 day period for the public hearing.

vi) Licensing staff will issue city permit confirmation form in the temporary license database, including event duration as the issued date and the expiration date, the day of week, date and time duration of the event, and the event coordinator's name and contact cell phone number at the event.

vii) Licensing staff will update yearly special event list indicating that the date that the permit is final issued.

viii) Licensing staff will make a copy of the following and prepare window envelope including the originals of: city confirmation, MJC requirements letter, and minor warning sign on regular office paper. These 3 items should be posted behind the main bar at the event location by the non-profit.

ix) If there is sufficient time for mailing, then licensing staff will mail the window envelop and call or email non-profit event coordinator to let them know that packet will arrive in the mail. If there is insufficient time for mailing before event date then Licensing staff will put the event coordinator's name on the envelope and put envelope at front desk for pick up.

x) Licensing staff will then submit for deposit the city permit fee and attach the permit application packet, including city permit confirm, state application copy, city application original, all city special event committee emails on application from e-routing, and affidavit of posting.

DR 8439 (06/28/06)
COLORADO DEPARTMENT OF REVENUE
LIQUOR ENFORCEMENT DIVISION
1375 SHERMAN STREET
DENVER CO 80261
(303) 205-2300

APPLICATION FOR A SPECIAL EVENTS PERMIT

Department Use Only

IN ORDER TO QUALIFY FOR A SPECIAL EVENTS PERMIT, YOU **MUST BE NONPROFIT AND ONE OF THE FOLLOWING** ***(See back for details.)***

- ☐ SOCIAL
- ☐ FRATERNAL
- ☐ PATRIOTIC
- ☐ POLITICAL
- ☐ ATHLETIC
- ☐ CHARTERED BRANCH, LODGE OR CHAPTER
- ☐ OF A NATIONAL ORGANIZATION OR SOCIETY
- ☐ RELIGIOUS INSTITUTION
- ☐ PHILANTHROPIC INSTITUTION
- ☐ POLITICAL CANDIDATE
- ☐ MUNICIPALITY OWNING ARTS FACILITIES

LIAB	TYPE OF SPECIAL EVENT APPLICANT IS APPLYING FOR:	
2110 ☐	MALT, VINOUS AND SPIRITUOUS LIQUOR	$25.00 PER DAY
2170 ☐	FERMENTED MALT BEVERAGE (3.2 Beer)	$10.00 PER DAY

DO NOT WRITE IN THIS SPACE

LIQUOR PERMIT NUMBER

1. NAME OF APPLICANT ORGANIZATION OR POLITICAL CANDIDATE

State Sales Tax Number (Required)

2. MAILING ADDRESS OF ORGANIZATION OR POLITICAL CANDIDATE (include street, city/town and ZIP)

3. ADDRESS OF PLACE TO HAVE SPECIAL EVENT (include street, city/town and ZIP)

	NAME	DATE OF BIRTH	HOME ADDRESS (Street, City, State, ZIP)	PHONE NUMBER
4.	PRES./SEC'Y OF ORG. or POLITICAL CANDIDATE			
5.	EVENT MANAGER			

6. HAS APPLICANT ORGANIZATION OR POLITICAL CANDIDATE BEEN ISSUED A SPECIAL EVENT PERMIT THIS CALENDAR YEAR?
☐ NO ☐ YES HOW MANY DAYS? _____

7. IS PREMISES NOW LICENSED UNDER STATE LIQUOR OR BEER CODE?
☐ NO ☐ YES TO WHOM? _____

8. DOES THE APPLICANT HAVE POSSESSION OR WRITTEN PERMISSION FOR THE USE OF THE PREMISES TO BE LICENSED? ☐ Yes ☐ No

LIST BELOW THE EXACT DATE(S) FOR WHICH APPLICATION IS BEING MADE FOR PERMIT

Date	Date	Date	Date	Date
Hours From .m.	Hours From .m.	Hours From .m.	Hours From .m.	Hours From .m.
To .m.	To .m.	To .m.	To .m.	To .m.

OATH OF APPLICANT

I declare under penalty of perjury in the second degree that I have read the foregoing application and all attachments thereto, and that all information therein is true, correct, and complete to the best of my knowledge.

SIGNATURE	TITLE	DATE

REPORT AND APPROVAL OF LOCAL LICENSING AUTHORITY (CITY OR COUNTY)

The foregoing application has been examined and the premises, business conducted and character of the applicant is satisfactory, and we do report that such permit, if granted, will comply with the provisions of Title 12, Article 48, C.R.S., as amended.

THEREFORE, THIS APPLICATION IS APPROVED.

LOCAL LICENSING AUTHORITY (CITY OR COUNTY) ☐ **CITY** ☐ **COUNTY**

TELEPHONE NUMBER OF CITY/COUNTY CLERK

SIGNATURE	TITLE	DATE

DO NOT WRITE IN THIS SPACE - FOR DEPARTMENT OF REVENUE USE ONLY

LIABILITY INFORMATION

License Account Number	Liability Date	State	TOTAL
		-750 (999)	$.

(Instructions on Reverse Size)

APPLICATION INFORMATION AND CHECKLIST

THE FOLLOWING SUPPORTING DOCUMENTS MUST BE ATTACHED TO THIS APPLICATION FOR A PERMIT TO BE ISSUED:

- ☐ Appropriate fee.
- ☐ Diagram of the area to be licensed (not larger that 8 1/2" X 11" reflecting bars, walls, partitions, ingress, egress and dimensions.

  Note: If the event is to be held outside, please submit evidence of intended control, i.e., fencing, ropes, barriers, etc.
- ☐ Copy of deed, lease, or written permission of owner for use of the premises.
- ☐ Certificate of good corporate standing (NONPROFIT) issued by Secretary of State within last two years; **or**
- ☐ If not incorporated, a NONPROFIT charter; **or**
- ☐ If a political Candidate, attach copies of reports and statements that were filed with the Secretary of State.

- ☐ **APPLICATION MUST FIRST BE SUBMITTED TO THE LOCAL LICENSING AUTHORITY (CITY OR COUNTY) AT LEAST THIRTY (30) DAYS PRIOR TO THE EVENT.**
- ☐ **THE PREMISES TO BE LICENSED MUST BE POSTED AT LEAST TEN (10) DAYS BEFORE A HEARING CAN BE HELD. (12-48-106 C.R.S.)**
- ☐ **AN APPROVED APPLICATION MUST BE RECEIVED BY THE LIQUOR ENFORCEMENT DIVISION *AT LEAST TEN (10) DAYS PRIOR* TO THE EVENT.**
- ☐ **CHECK PAYABLE TO THE COLORADO DEPARTMENT OF REVENUE**

(12-48-102 C.R.S.)

A Special Event Permit issued under this article may be issued to an organization, whether or not presently licensed under Articles 46 and 47 of this title, which has been incorporated under the laws of this state for the purpose of a social, fraternal, patriotic, political or athletic nature, and not for pecuniary gain or which is a regularly chartered branch, lodge or chapter of a national organization or society organized for such purposes and being non profit in nature, or which is a regularly established religious or philanthropic institution, and to any political candidate who has filed the necessary reports and statements with the Secretary of State pursuant to Article 45 of Title 1, C.R.S. A Special Event permit may be issued to any municipality owning arts facilities at which productions or performances of an artistic or cultural nature are presented for use at such facilities.

If an event is cancelled, the application fees and the day(s) are forfeited.

APPLICATION FOR EXEMPT INSTITUTION LICENSE

CITY OF BOULDER, DEPARTMENT OF FINANCE
P.O. BOX 791
BOULDER, CO 80306
303/441-3050

License Fee $25.00, Make Check Payable to the City of Boulder.

Name of Business _____

Address _____

City, State & Zip Code _____

Mailing Address if different _____

City, State & Zip Code _____

Phone Number _____ Contact Person _____

Form of business _____ Date of IRS 501(c)(3) Letter _____

For Office Use Only:

Approved ○ Denied ⊙ Account Number _____ Date _____

"I declare, under penalty of perjury, that this application has been examined by me and the statements made herein are made in good faith pursuant to the City of Boulder tax laws and regulations and to the best of my knowledge and belief are true, correct and complete."

Applicant's Signature _____

Title _____ Date _____

Please note that a copy of the exempt entity's IRS 501(c)(3) letter must be remitted with this application. Remit the application, IRS letter and a $25.00 check, for the one time application fee, to the above address.

Select to Clear This Form

Select to Print This Form

ZONING CONFIRMATION FORM ATTACHMENT FOR MMB AND RMB LICENSE APPLICATIONS

ZONING REVIEW QUESTIONS (please complete the below zoning questions section only if your physical business location is INSIDE THE CITY OF BOULDER CITY LIMITS):

Existing Use of Property: _____
Size of Business (in square feet): _____
Days & Hours of Operation: _____
Use Category (if known): _____

For Home Based Businesses: Is this business located in your personal residence? ☐ Yes ☐ No
If yes, the conditions in Boulder Revised Code (BRC) Chapter 9-6-3(e) Home Occupations must be met and abided by. Please review page 3 regarding BRC Chapter 9-6-3(e) and please confirm with your initials:
I agree to the terms in BRC Chapter 9-6-3 (e) _____ *(applicant's initials)*

For Restaurant businesses: No. of Interior Seats: ____ Outdoor Patio Size (sq. ft.) ____ No. of Patio Seats: ____
Location: i.e. "The Hill", "Pearl Street Mall" _____
For any encroachments into the public right of way, a revocable lease or permit from the city will be required.

Will you allow the consumption of alcohol on your business premise? ☐ Yes ☐ No

If yes, you must obtain a liquor license from the state and city for alcohol service prior to the sale/service of alcohol.
See: https://bouldercolorado.gov/tax-license/liquor-licensing

For Marijuana businesses:

☐ New License or ☐ Existing Premise Modification ☐ Medical or ☐ Recreational Number of Rooms: _____

Use Category (please check one): ☐ Marijuana business, personal service ☐ Marijuana business, Manufacturing

☐ Marijuana business, Greenhouse/Nursery ☐ Marijuana business, Testing
You must obtain a separate marijuana business license prior to starting operations in the City of Boulder.
See: https://bouldercolorado.gov/finance/marijuana-businesses

PLEASE NOTE: IT MAY TAKE UP TO 4 WEEKS FOR GENERAL BUSINESS LICENSING. REGULATORY LICENSURE MAY TAKE A LONGER PERIOD. Pearl Street Mall Permits, Contractor licenses or separate additional Regulatory Licenses may be required in addition to this city business license to lawfully operate. Additional licenses are required for the following business types: Auction, Circus & Carnival, Itinerant Merchant for Door-to-Door Sales, Alcohol Sales or Service, Marijuana businesses, Mobile Food Vehicles, and Secondhand Dealer/Pawnbroker. See: https://bouldercolorado.gov/tax-license

OATH FOR ALL APPLICANTS: I declare under penalty of perjury, that this application has been examined by me and that the statements made herein are to the best of my knowledge and belief, true, correct and complete. I also understand that there may be additional reviews required to complete the planning and zoning review process.

Signature: _____ Title: _____ Date: _____

For Home Based Businesses legal requirements:
Boulder Revised Code 9-6-3 Specific Use Standards - Residential Uses.
(e) Home Occupations:
(1) Standards: A home occupation is a permitted accessory use if the following conditions are met:
(A) Such use is conducted entirely within a principal or accessory building and is not carried on by any person other than the inhabitants living there.
(B) Such use is clearly incidental and secondary to the residential use of the dwelling and does not change the residential character thereof.
(C) The total area used for such purposes does not exceed one-half the first floor area of the user's dwelling unit.
(D) There is no change in the outside appearance of the dwelling unit or lot indicating the conduct of such home occupation, including, without limitation, advertising signs or displays.
(E) There is no on-site sale of materials or supplies except incidental retail sales.
(F) There is no exterior storage of material or equipment used as a part of the home occupation.
(G) No equipment or process is used in such home occupation that creates any glare, fumes, odors or other objectionable condition detectable to the normal senses at the boundary of the lot if the occupation is conducted in a detached dwelling unit, or outside the dwelling unit if conducted in an attached dwelling unit.
(H) No traffic is generated by such home occupation in a volume that would create a need for parking greater than that which can be accommodated on the site or which is inconsistent with the normal parking usage of the district.
(2) Prohibitions: No person shall engage in a home occupation except in conformance with all of the requirements of paragraph (e)(1) of this section.

CITY OF BOULDER
SPECIAL EVENT
LIQUOR LICENSE APPLICATION

This application must be filed in duplicate with the Office of the City Clerk, City of Boulder, 1777 Broadway, P. O. Box 791, Boulder, Colorado 80306. ALL INFORMATION MUST BE PRINTED LEGIBLY IN INK OR TYPEWRITTEN.

Name of Applicant(s):_____
(This must be a non-profit organization on file with Colorado Secretary of State; Non-profit's phone number: _____)

Mailing address: _____

Name of Special Event: _____

Date of Special Event: _____

Location of Special Event: _____

Property Owner: _____ Phone Number (local): _____

Event Organizer Contact Person: _____ Phone No: _____

Event Organizer Contact Person's Email: _____

Alcohol Service Manager: _____ Cell Phone No: _____
(This person must be on-site at alcohol area and cell phone number must be operating for the duration of the event)

The applicant(s) hereby applies to the City of Boulder Beverages Licensing Authority for the following local license and tenders the following fees:

Type of Application (fee) (Make Checks payable to the City of Boulder):

[ ] Fermented Malt Beverage (3.2%) { } $50 a day application fee (250 people or less)

{ } $100 a day application fee (251 people or more)

[ ] Beer, Wine & Liquor { } $50 a day application fee (250 people or less)

{ }$100 a day application fee (251 people or more)

City Questions

On a separate sheet of paper please answer all of the following questions:

1) Describe the event and the target market.
2) What are the proposed dates and hours for this event?
3) How many people are you expecting per day?
4) Will you be selling alcoholic beverages?
5) Will you purchase the alcohol or will it be donated?
6) What type of alcoholic beverages are you planning on selling/serving?
7) Will you be selling/serving food items?
8) What type of food items will be sold/served?
9) Will you have tents/awnings, or will you be cooking food and if cooking food, will you use propane?
10) Will you have inside or outside amplified sound or live music?
11) What are your security plans for this event?
12) What type of training will the security personnel and alcohol servers have prior to the event?
13) How will you insure compliance with beer/liquor laws, such as: No service to minors, no service to visibly intoxicated persons, no alcohol outside of designated premises, no service before or after hours designated for the event, etc.
14) Do you have an emergency plan for the event? If yes, please describe in detail.

OATH OF APPLICANT

Please initial each of the following statements:

_____ I understand that as the promoter of the event, that both the non-profit and the server can be charged criminally for alcohol violations under permit. I also understand that the non-profit can be held responsible for any tax liabilities generated by the alcohol permitted event.

_____ I understand that I must allow open access to all city personnel (i.e., Police, Fire, Bldg., etc.) at this event, even if it is deemed a private function. Further, due to health and safety concerns, I understand that other city departments, as a result of circulation of this city application, may have additional requirements resulting in other costs for my special event.

_____ I understand that if this permit is denied, the City of Boulder assumes no liability for expenses incurred by the applicant.

_____ I understand that if during the course of the event, the city determines there is a public safety hazard or if there is a violation of any permit condition, the event will be terminated immediately. The City of Boulder is not responsible for any expenses incurred by the permit holder. Failure to meet the requirements of this permit may provide basis for denial of future permits for a given event, event manager, or sponsor.

_____ I understand that only Non-profit entities that are properly formulated with the State of Colorado may apply for special event liquor permits, and they may only apply if both city and state permit applications and all attachments are filed at least 30 days before the event per state law. In addition, non-profits are required to have: i) state sales tax number from Colorado Department of Revenue, ii) Certificate of Good Standing for their non-profit from Colorado Secretary of State's office, and iii) City of Boulder business license and city sales tax number from Sales Tax area of City's Finance Department.

I declare under penalty of perjury in the second degree that this application and all attachments are true, correct, and complete to the best of my knowledge. I also acknowledge that it is my responsibility and the responsibility of my agents and employees to comply with the provisions of the Colorado Liquor and Beer Code and Regulations and all City of Boulder rules, regulations, ordinances and codes which affect my license.

_____

Authorized Signature Date

_____

Print Name & Title

Date on which City will review Application for approval/denial and proper posting:_____

Special Event Permits

Colorado Department of Revenue

Liquor Enforcement Division

1881 Pierce Street, Room 108A

Lakewood, Colorado

Phone: 303-205-2300

Website:

www.colorado.gov/revenue/liquor

E-mail: dor_led@state.co.us

January 2014

What is a Special Event Permit?

Special Event Permits issued by the Colorado Department of Revenue, Liquor Enforcement Division, and/or a local liquor licensing authority, allow qualified non-profit entities or political candidates to sell, serve, or distribute alcohol beverages in connection with fund raising events. Because of their temporary nature, needs and desires (reasonable requirements of the neighborhood) are not considered by the local licensing authority as a condition of issuance. Application for a Special Event Permit is made directly with the local licensing authority (city/county/state Officials) having jurisdiction over the place of the event.

Who can qualify for a permit? (12-48-102, C.R.S.)

A special event permit may be issued to an organization, whether or not presently licensed under articles 46 and/or 47 of title 12:

- which has been incorporated under the laws of this state for purposes of social, fraternal, patriotic, political, or athletic nature, and not for pecuniary gain, OR
- which is a regularly chartered branch, lodge, or chapter of a national organization or society organized for such purposes and being nonprofit in nature, OR
- which is a regularly established religious or philanthropic institution, OR
- which is a state institution of higher education (includes each principal campus of a state system of higher education)
- to any political candidate who has filed the necessary reports and statements with the secretary of state pursuant to article 45 of title 1, C.R.S.

A special event permit may also be issued to any municipality owning arts facilities at which productions or performances of an artistic or cultural nature are presented for use at such facilities.

How many Special Event Permits can a qualified non-profit organization obtain?

Fifteen (15) days per calendar year.

Grounds for issuance of a Special Event Permit (12-48-103, C.R.S.)

A Special Event Permit for the sale of malt, vinous, and spirituous liquors may not be issued if the proposed licensed location is within 500 feet of any public or parochial school or the principal campus of any college, university or seminary. However, **this restriction does not**

apply to events that are held during those hours in which no school classes are scheduled (See Regulation 47-1006).

Nothing shall be construed to prohibit the sale or dispensing of malt, vinous, or spirituous liquor on any closed street, highway, or public byway for which a special event permit has been issued (See Section 12-48-103(3), C.R.S.).

A special event permit may be issued under this section even though the event is to be held on premises licensed under the provisions of section 12-47-403 (Limited Winery License), 12-47-103.5 (Wine Festival Permit), 12-47-416 (Club License), 12-47-417 (Arts License), or 12-47-422 (Art Gallery Permit). The holder of a special event permit issued pursuant to this section shall be responsible for any violation of Article 47 of Title 12, of the Colorado Revised Statutes (commonly known as the Colorado Liquor Code).

The application process:

Application for a Special Event Permit must be made on forms provided by the Liquor Enforcement Division, Department of Revenue. All permit applications must be verified by oath or affirmation through an officer of the applicant, and submitted to the respective local licensing authority at least 30 days prior to the date of the event and must include the following:

- Proof of qualified non-profit status:

  Certificate of non-profit status and authority to do business in Colorado, as issued by the Colorado Secretary of State, OR

  Copy of the organization's charter

- A diagram of the area for which the permit will be issued (this diagram must reflect the physical structure (i.e., bars, walls, partitions, entrances, exits, etc.) and a narrative of how this area will be controlled, (i.e., fences, ropes, barbed wire, walls, etc.). Applicants must be able to demonstrate that all alcohol beverages will remain within the proposed licensed area and that all other "private" alcohol beverages will NOT be brought onto the licensed area.

- Evidence that the applicant has possession of, or authorization to use, the premises for which the permit is sought (e.g. deed, lease, letter, etc.). The applicant must have possession or written authorization to use the premises for the entire duration for which the permit is issued.

- Even though these permits are issued to non-profit organizations, the retail sale of alcohol beverages to consumers is still subject to state and local sales taxes. Applicants should contact the Department of Revenue at (303) 238-7378 to determine the correct method of remitting the state sales tax.

- A check for the appropriate permit fee.

Filing of the application

The application and required attachments, as noted above, must be filed with the local licensing authority not less than 30 days prior to the date of the special event. The local licensing authority may waive this time frame for good cause shown (Regulation 47-1002(G)).

Can the functions of a local licensing authority concerning special events be assigned to an administrative officer representing that authority?

Yes, the local licensing authority may assign all or any portion of its functions to an administrative officer (See 12-48-107(4), C.R.S.)

After the application is filed, what happens next?

The local licensing authority will prepare a public notice suitable for posting. This notice must be conspicuously posted upon the premises for which the permit is sought. This notice must contain the name and address of the applicant, the procedure for protesting the permit, and the date the permit will be considered by the local licensing authority. This notice must be conspicuously posted at the proposed location for at least 10 days before a hearing may be held (See 12-48-106(2), C.R.S.).

Is a Formal Hearing Required?

The local licensing authority "shall" cause a hearing to be held IF, after investigation and upon review of the contents of any protest filed by affected persons, sufficient grounds appear to exist for denial of a permit. Protests must be filed within 10 days from the date of the posting. Any hearing held shall be held at least 10 days after the initial posting of the notice, AND notice thereof shall be provided to the applicant AND any person who has filed a protest. The requirements for a hearing (record creation, etc.) are the same as for other administrative hearings.

In summary, you do NOT have to hold a hearing if no one has protested the permit or your investigation did NOT disclose other sufficient grounds to deny it. However, it is suggested that upon a determination of no opposition, the applicant be advised of its responsibility to comply with the Colorado Liquor Code. This advisement should include, but may not be limited to issues such as:

- Licenses/permits required and the posting requirements
- Hours and location of the event
- Establishment of control over the areas of storage, service, consumption and possession of alcohol beverages
- Types of alcohol beverages that may be sold or served for ON premises consumption only
- Age requirements
- Visible intoxication prohibitions
- Other local requirements (zoning, local permits required, etc.) (See 12-48-107(3), C.R.S.)

After approval by the local licensing authority, what happens next?

A local authority may elect not to notify the state licensing authority for the purpose of obtaining the state licensing authority's approval or disapproval of an application for special event permit. Any local authority electing not to notify the state licensing authority shall promptly act upon each application for special event permit.

- The local licensing authority acting as the sole reviewer of the application shall report to the Liquor Enforcement Division, within ten (10) days from issuance of a permit, the name of the permitted organization, the address of the permitted location, and the permitted dates of alcohol beverage service.

- The Liquor Enforcement Division shall maintain on its public website the statewide permitting activity, which the local authority shall review prior to its approval and issuance of permits in order to ensure compliance with section 12-48-105(3), C.R.S. regarding the maximum number of permits that may be issued to an organization each calendar year.

- If a local licensing authority elects to notify the state licensing authority for the purpose of obtaining the state licensing authority's approval or disapproval of an application for special event permit, the permit application shall be accompanied by the applicable state permit fees and shall be submitted to the state licensing authority not less than ten (10) days prior to the date of the event.

- The holder of any type of special event permit issued by either licensing authority, shall post such permit upon the premises covered by such permit and any authorized non-contiguous storage areas, and it shall produce evidence of the permit to any law enforcement officer.

Denial, Suspension, or Revocation of a Special Events Permit

Whenever a written complaint is filed with the state or local licensing authority or shall otherwise come to the attention of the licensing authority, that a violation of the provisions of article 48 occurred, and the special event permittee, its agents, employees, or its members, violated the provisions of articles 46, 47, or 48, of title 12, C.R.S., upon proper investigation of such charges the licensing authority may upon notice and hearing, suspend or revoke such special event permit and may further order the denial of future applications for another special event permit to be submitted by the same organization.

On rare occasions, the Division will recommend denial of the special event application and request that the state licensing authority issue a Notice of Proposed Denial. Recommendations for denial will be made when the applicant:

- has not met statutory requirements, or
- when violations of the Colorado Liquor/Beer/Special Events Codes are likely to result if a permit is issued, or
- when the applicant's principals have been shown to be of character or record that is unsuitable to the state licensing authority.

What can a Special Event Permit holder sell?

Depending on which permit the organization applies for, a Special Event Permit holder is authorized to sell EITHER 3.2% beer (fermented malt beverages) OR malt, vinous and spirituous liquors. Beverages are sold by the drink, for consumption ON the premises only (See Section 12-48-101, C.R.S.).

The Colorado Liquor Code does not prohibit Special Event Permit holders from selling other lawful items of commerce in connection with a Special Event Permit. However, permit holders may NOT sell alcohol beverages in sealed containers and/or allow removal of the beverages from the licensed area.

Food Requirements for a Special Event Permit

Special Event Permit holders must have sandwiches or other food snacks available during all hours of service of malt, spirituous, or vinous liquors, but prepared meals need not be served; however, full meals are not required (See Section 12-48-105(5), C.R.S.).

When can Special Event Permit holder sell, serve, or distribute alcohol beverages?

3.2% beer (fermented malt beverage) permits: 5:00 a.m. until 12 midnight on the same day of the event.

Malt, vinous and spirituous liquor permits: 7:00 a.m., the day of the event, until 2:00 a.m., the day immediately following the date of the event (See Section 12-48-105, C.R.S.).

What are the age requirements for employees or volunteers of the Special Event Permit holder?

Persons at least 18 years of age, but not 21 years of age, may sell, serve, dispense or distribute alcohol beverages as long as they are under the supervision of a person at least 21 years of age (See Reg. 47-1012).

What is the age required to purchase alcohol beverages from a Special Event Permit holder?

Persons must be at least 21 years of age to purchase, possess, and consume alcohol beverages in Colorado (See Section 12-47-901(1)(a), C.R.S.).

Where can a Special Event Permit holder purchase the alcohol beverages they are authorized to sell?

Alcohol beverages sold in connection with a Special Event Permit may be purchased from a Colorado-licensed wholesaler, brew pub, vintner's restaurant, limited winery, retail liquor store, or liquor-licensed drugstore (Regulation 47-1016).

Are multiple locations on the same day permitted under a single permit?

No, the permit is issued for a specific location and is not valid at any other location (See

Section 12-48-105(1), C.R.S.).

Events at multiple locations on the same day require separate permits, except when the event is being held in a series of private homes within the same neighborhood, in which case copies may be made for each home. The applicant must identify the additional private residences upon initial application (See Regulation 47-1008).

When is a Special Event Permit NOT required, even though alcohol beverages are going to be sold or served?

Section 12-48-108, C.R.S. contains an exemption for a qualified organization when it serves alcohol beverages to members of the organization and their guests, **ONLY**, at a private function held by the organization on unlicensed premises and not sold by the drink. Any admission or other charge required to be paid, or given, as a condition of entry or participation in the event must be uniform to all, regardless of whether the member or their guests decide to consume alcohol beverages.

Non-profit organizations holding fundraising events at permanently licensed retail premises, with public access, are not required to obtain a Special Events Permit. In this case, authorized alcohol beverage suppliers must invoice all alcohol beverages to the retail licensee, not the non-profit organization.

A Club licensee which only allows access to its members and guests, and an Arts licensee, which only sells or serves alcohol beverages during artistic or cultural performances, are required to obtain a Special Events Permit at the Club or Arts licensed premises **when they hold events that allow public access.** (See Section 12-48-103(2) C.R.S.)

Can I accept donated alcohol beverages to sell or serve with my special event permit?

YES. Alcohol beverages may be donated by Colorado-licensed wholesalers, micro-breweries, brewpubs, vintner's restaurants, retail liquor stores, and in-state wineries, if such beverages are used for hospitality and/or fund raising purposes, and are not resold by the drink. Alcohol beverages received from other non-licensed or private sources may not be sold, served or consumed at a special events permit.

Colorado Suppliers may provide financial support and/or services for public-service or non-profit fund raising activities to those organizations that qualify for a special events permit. However, no support may be conditioned upon the present or future purchase of alcohol beverages or the exclusive sale of a supplier's products at future events. Suppliers may also share in the costs of advertisements, signs, promotional materials and items of a similar nature used in connection with a non-profit special event permit. Suppliers may also rent dispensing equipment to a special event permittee at fair market value and may sell glassware, cups and similar items at a minimum of cost (See Regulations 47-316 and 47-322).

When an event, for which the alcohol donations are solicited, is held at a retail location licensed for on-premises consumption (other than a Limited winery, Wine Festival permit, Club license, Arts license, or Art Gallery permit – see below under "Can a special event permit occur on a licensed premises?") the supplier shall invoice the retailer at no cost for alcohol

beverage products intended for the event, if the retail licensee consents to such an arrangement. Any such donated product which is unused must be returned by the retailer to the wholesaler as soon as practicable after the event. If the unused product is not returned, then the wholesaler must charge the retailer at least the minimum of cost for those products.

Only authorized suppliers can donate alcohol when the event is held at a retail location licensed for on-premises consumption. Therefore, donations from a retailer liquor store or liquor licensed drug store cannot be used.

Can a special event permit occur on a licensed premises?

YES (but only at certain license types). A special event permit can be held at the following licensed premises types: Limited winery pursuant to12-47-403, Wine Festival pursuant to12-47-403.5, Club pursuant to 12-47-416, Arts pursuant to 12-47-417, or Art Gallery permit pursuant to 12-47-422. The holder of a special event permit issued pursuant to this subsection (2) shall be responsible for any violation of article 47 of this title.(C.R.S. 12-48-103(2)(a)).

Can a special events permit be issued in connection with a casino or poker night?

NO. Casino nights (*an event involving the payment or risking of something of value, for a chance to win something*) were determined by the court as illegal gambling. (*See the Central City Opera House v. Dept of Revenue, et al.*). Texas Hold-'Em Tournaments may also constitute illegal gambling. Non-profits should contact the appropriate district attorney as what activities that attorney deems illegal gambling

Raffles, however, may be conducted if the non-profit organization has acquired a Bingo and Raffles license from the Department of State, Licensing and Elections Division.

Where can alcohol for a special event permit be stored?

Permit holders may store alcohol beverage stock in areas outside the designated event area approved by the respective licensing authorities under the following conditions (Regulation 47-1016):

- The application included the address of proposed storage locations and a diagram of said premises.
- The application included evidence of the permit holder's lawful possession of the storage premises by way of deed, lease, rental, or other arrangement and specifying the terms of storage.
- The proposed location is not a location licensed pursuant to articles 46 or 47 of title 12, C.R.S.
- The applicant acknowledges that state and local law enforcement authorities have the right of inspection of each storage area that is used for permitted events.

Posting of Permits and Licenses Required?

All licenses and permits required must be posted in a conspicuous place on the licensed area for the general public to observe. The licenses and permits required include, but are not limited to the following:
Special Event Permit –State (if applicable)
Special Event Permit - City
Minor Warning Sign
State Sales Tax License
Other local licenses as required. (check with the local authority)

Special Event Permit Filing Checklist

- Completed Special Events Application
- Appropriate Permit Fee
- Deed, Lease, or written authorization to use premises
- Diagram of premises with a written narrative describing how the applicant will control the area.
- Certificate of Incorporation, as issued by the Colorado Secretary of State, dated within the last 2 years preceding the date of the application, verifying that the applicant is a qualified non-profit organization and is in good standing within the state of Colorado.