

Greenwood Village

BEER AND LIQUOR REGULATIONS—2015



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TABLE OF CONTENTS

<u>I. COLORADO BEER CODE AND LIQUOR CODE</u>	<u>PAGE</u>
§1. Local licensing authority - general provisions	4
§2. Definitions	5
§3. New License Application	8
§4. Investigation	9
§5. Public Notice	10
§6. Public Hearing	10
§7. Decision	12
§8. Change in Class of License	13
§9. License Renewals	13
§10. Inactive Licenses	15
§11. Change of Location of a License	15
§12. Changing, Altering or Modifying Licensed Premises	15
§13. Transfer of Ownership and Temporary Permits	15
§14. Change of Corporate Structure	17
§15. Change of Trade Name	17
§16. Managers	17
§17. Suspension and Revocation of Licenses	18
§18. Duplicate License	19
<u>II. SPECIAL EVENTS PERMITS</u>	
§1. General Provisions	20
§2. Qualification of Organizations for Special Events Permit	20
§3. Application and Fees	20
§4. Action by Authority	21
§5. Grounds for Denial of Special Events Permit	21
§6. Posting of Special Events Permit	21
§7. Location and Transferability	21
§8. Exemptions	21
§9. Miscellaneous	22

	<u>PAGE</u>
III. <u>MISCELLANEOUS PROVISIONS</u>	
§1. Effective Date.	22
§2. Duty of Police Officers of Greenwood Village	22
§3. Judicial Review	22
§4. Petitions	22
§5. Bed and Breakfast Permits	23
§6. Optional Premises License	23
§7. Tastings	23
IV. <u>FEE SCHEDULE</u>	
Application and License Fee Schedule	24
V. <u>MINIMUM PENALTIES OF VIOLATIONS</u>	
§1. Licensed Retail Liquor Store	25
§2. All other licensed premises	25
§3. Prohibiting reduction or waiver of mandatory minimum penalties	25
§4. Assessing fines in addition to mandatory minimum penalties	25
§5. Illegal Possession and Consumption by an Underage Person	25
§6. Fines	25

LOCAL LICENSING AUTHORITY

CITY OF GREENWOOD VILLAGE, COLORADO

BEER AND LIQUOR REGULATIONS - 2014

I. COLORADO BEER CODE AND COLORADO LIQUOR CODE

Except where State laws and regulations take precedence, the following regulations are intended to govern all proceedings before the Local Licensing Authority of the City of Greenwood Village, Colorado and all matters arising under Article 46 - Colorado Beer Code, Article 47 - Colorado Liquor Code, and Article 48 - Liquors, Special Event Permits, Title 12, C.R.S.

§1. Local Licensing Authority - General Provisions

- A. The beer and liquor licensing authority of the City of Greenwood Village, Colorado, shall be the City Council or its designee and shall be known as the Local Licensing Authority, herein sometimes referred to as "Authority."
- B. The Authority shall regulate the sale of fermented malt beverages, vinous and spirituous liquors and conduct all public hearings on new applications for 3.2% beer and liquor licenses, and on all hearings for suspension or revocation of licenses. An applicant shall be afforded a hearing prior to any denial of a change.
- C. Licenses shall be posted in a conspicuous place on the licensed premises.
- D. At all times the licensee shall possess and maintain possession of the premises for which the license is issued by ownership, lease, rental, or other arrangement for possession.
- E. These regulations do not apply to the sale or distribution of sacramental wines used for religious purposes.
- F. In computing any period of time prescribed by these regulations, the day of the act or event from which the designated period of time begins shall not be included. Saturdays, Sundays, and legal holidays shall be counted as any other day.
- G. The City Clerk, acting on behalf of the City Council as the local licensing authority pursuant to the Colorado Liquor Code and the Colorado Beer Code is authorized to grant temporary liquor permits, approve renewals of liquor licenses, transfers of ownership, changes of corporations or corporate status, Art Gallery Permits Special Event Liquor Permits, Retail Warehouse Storage Permits, Tasting Permits, changes of trade names, modifications or alterations to premises, off site and manager registrations as applicable during the preceding year if there is no derogatory information that would support a recommendation of denial of the licensee, its partners, officers, directors, managers or shareholders.
- H. The City Clerk will keep an approved list of vendors that provide a courses regarding sale and service of alcoholic beverages. All applications before the Greenwood Village Local Liquor Licensing Authority shall provide a statement of training of such training.

§2. Definitions

Definitions shall be those definitions set forth in Articles 46 47 and 48, Title 12, C.R.S.

- A. Adult means a person lawfully permitted to purchase alcoholic or fermented malt beverages.
- B. Alcohol beverage means fermented malt beverage or malt, vinous, or spirituous liquors; except that "alcohol beverage" shall not include confectionery containing alcohol within the limits prescribed by section 25-5-410 (1)(i)(II), C.R.S.
- C. Art Gallery means an establishment whose primary purpose is to exhibit and offer for sale works of fine art as defined in section 6-15-101, C.R.S, or precious or semiprecious metals or stones as defined in section 18-16-102, C.R.S.
- D. Brew Pub means a retail establishment that manufactures not more than one million eight hundred sixty thousand gallons of malt liquor on its premises each year.
- E. City Clerk means the duly appointed City Clerk of the City of Greenwood Village, Colorado. The City Clerk is hereby designated as the "designee" of the Local Licensing Authority.
- F. Club means a corporation that:
 - 1) has been incorporated but not less than three years; and
 - 2) has a membership that has paid dues for a period of at least three years; and
 - 3) has a membership that for three years had been the owner, lessee or occupant of an establishment operated solely for objects of a national, social, fraternal, patriotic, political, or athletic nature but not for pecuniary gain and t the property as well as the advantages of the which belong to the members;
- G. Fermented Malt Beverage means any beverage obtained by the fermentation of any infusion or decoction of barley, malt, hops, or any similar product or any combination thereof in water containing not less than one-half of one percent alcohol by volume and not more than three and two-tenths percent alcohol by weight or four percent alcohol by volume; except that "Fermented malt beverage" shall not include confectionery containing alcohol within the limits prescribed by section 25-5-410 (1)(i)(II), C.R.S.
- H. Good Cause for the purpose of refusing or denying a license renewal or initial license issuance, means: (a) the licensee or applicant has violated, does not meet, or has failed to comply with any of the terms, conditions, or provisions of the Colorado Beer, Liquor and Special Event Codes or any rules and regulations; (b) the licensee or applicant has failed to comply with any special terms or conditions that were placed on its license in prior disciplinary proceedings or arose in the context of potential disciplinary proceedings; (c) in the case of a new license, the applicant has not established the reasonable requirements of the neighborhood or the desires of its adult inhabitants as provided in section 12-47-301(2); or (d) evidence that the licensed premises have been operated in a manner that adversely affects the public health, welfare, or safety of the immediate neighborhood in which the establishment is located, which evidence must include a continuing pattern of fights, violent activity or disorderly conduct. For

purposes of this paragraph (d), "disorderly conduct" has the meaning as provided for in section 18-9-106, C.R.S.

- I. Hotel means any establishment with sleeping rooms for the accommodation of guests and having restaurant facilities.
- J. Inhabitant means an individual who resides within a given neighborhood or community for more than six months each year.
- K. License means a grant to a licensee to manufacture or sell fermented malt beverages, malt, vinous or spirituous liquors.
- L. Licensed premises means the premises specified in an application for a license which are owned or in possession of the licensee and within which such licensee is authorized to sell, dispense, or serve fermented malt beverages or malt, vinous, or spirituous liquors.
- M. Limited Winery means any establishment manufacturing not more than one hundred thousand gallons, or the metric equivalent thereof, of vinous liquors annually within Colorado.
- N. Local licensing authority means the City Council of the City of Greenwood Village, Colorado, or its designee.
- O. Location means a particular parcel of land that may be identified by an address or by other descriptive means.
- P. Malt liquors includes beer and shall be construed to mean any beverage obtained by the alcoholic fermentation of any infusion or decoction of barley, malt, hops, or any other similar product, or any combination thereof, in water containing more than three and two-tenths percent of alcohol by weight or four percent alcohol by volume.
- Q. Meal means a quantity of food of such nature as is ordinarily consumed by an individual at regular intervals for the purpose of sustenance.
- R. Party in Interest means any of the following:
 - 1) Applicant
 - 2) An adult resident of the neighborhood under consideration
 - 3) The owner or manager of a business located in the neighborhood under consideration.
 - 4) A principal or representative of any school located within five hundred feet of the premises for which a malt, vinous, or spirituous liquor license is under consideration.
 - 5) A representative of an organized neighborhood group who resides in such neighborhood but said representative shall not be permitted to cross-examine witnesses or seek judicial review of the licensing authority's decisions.
- S. Person means a natural person, partnership, association, company, corporation, or organization or a manager, agent, servant, officer, or employee thereof.
- T. Personal consumer means an individual who is at least twenty-one years of age, does not

hold an alcohol beverage license issued in this state, and intends to use wine purchased under section 12-47-104 for personal consumption only and not for resale or other commercial purposes.

- U. Premises means a distinct and definite location, which may include a building, a part of a building, a room, or any other definite contiguous area.
- V. Restaurant means an establishment, which is not a hotel as defined in this section, provided with special space, sanitary kitchen and dining room equipment, and persons to prepare, cook, and serve meals, where, in consideration of payment, meals, drinks, tobaccos, and candies are furnished to guests and in which nothing is sold excepting food, drinks, tobaccos, and candies and items of souvenir merchandise depicting the theme of the restaurant or the geographical or historic subjects of the nearby area. Any establishment connected with any business wherein any business is conducted, excepting hotel business or the sale of food, drinks, tobaccos, candies, or such items of souvenir merchandise is declared not to be a restaurant. Nothing in this section shall be construed to prohibit the use in a restaurant of orchestras, singers, floor shows, coin-operated music machines, and amusement devices that pay nothing of value and cannot by adjustment be made to pay anything of value or other forms of entertainment commonly provided in restaurants.
- W. Retail Liquor Store means an establishment engaged only in the sale of malt, vinous and spirituous liquors and soft drinks and mixers, all in sealed containers for consumption off the premises, and in the sale of tobaccos, tobacco products, smokers' supplies, nonfood items related to the consumption of such beverages; and liquor-filled candy and food items approved by the State Licensing Authority which are prepackaged, labeled, and directly related to the consumption of such beverages, and are sold solely for the purpose of cocktail garnish in containers up to 16 oz. No sale of food items, which could constitute a snack, a meal or portion of a meal, shall be sold.
- X. School means a public, parochial, or nonpublic school that provides a basic academic education in compliance with school attendance laws for students in grades one to twelve. "Basic academic education" has the same meaning as set forth in section 22-33-104 (2) (b), C.R.S.
- Y. Sealed Containers means any container or receptacle used for holding an alcohol beverage, which is corked or sealed with any stub, stopper, or cap.
- Z. Sell or sale means any of the following: To exchange, barter, or traffic in: to solicit or receive an order for except through a licensee licensed under C.R.S articles 46, 47 or 48; to keep or expose for sale; to serve with meals; to deliver for value or in any way other than gratuitously; to peddle or to possess with intent to sell; to possess or transport in contravention of the C.R.S; to traffic in for any consideration promised or obtained, directly or indirectly.
- AA. Spirituous liquors means any alcohol beverage obtained by distillation, mixed with water and other substances in solution, and includes among other things brandy, rum, whiskey, gin, and every liquid or solid, patented or not, containing at least one-half of one percent alcohol by volume and which is fit for use for beverage purposes. Any liquor or solid containing beer or wine in combination with any other liquor shall not be construed to be

fermented malt or malt or vinous liquor but shall be construed to be spirituous liquor.

- BB. State licensing authority means the executive director of the department of revenue or designees.
- CC. Tastings means the sampling of malt, vinous or spirituous liquors that may occur on the premises of a retail liquor store licensee or liquor licensed drugstore licensee by adult patrons of the licensee pursuant to the provisions of C.R.S. 12-47-301 (10)
- DD. Tavern means an establishment serving malt, vinous and spirituous liquors in which the principal business is the sale of such beverages at retail for consumption on the premises and where sandwiches and light snacks are available for consumption on the premises.
- EE. Vinous liquors means wine and fortified wines that contain not less than one-half of one percent and not more than twenty-one percent alcohol by volume and shall be construed to mean an alcohol beverage obtained by the fermentation of the natural sugar contents of fruits or other agricultural products containing sugar.
- FF. Vintner's restaurant means a retail establishment that sells food for consumption on the premises and that manufactures not more than two hundred fifty thousand gallons of wine on its premises each year.
- GG. Winery means any establishment where vinous liquors are manufactured; except that the term does not include a vintner's restaurant licensed pursuant to C.R.S. 12-47-420

§3. New License Application

All applications for new licenses to sell fermented malt (3.2% beer) beverages or malt, vinous or spirituous liquors shall be filed with the City Clerk of the City of Greenwood Village, Colorado on forms prepared and furnished by the state licensing authority.

In investigating the fitness of the applicant or a licensee, the authority may have access to criminal history record information furnished by a criminal justice agency subject to any restrictions imposed by such agency.

- A. Each officer, director and stockholder holding over ten percent of the outstanding and issued capital stock of a corporation; each partner of a partnership; each member of a limited liability Company and each manager of the proposed establishment shall be fingerprinted and submit to a background investigation by Colorado Bureau of Investigation.
- B. If the applicant has applied to the State Liquor Enforcement Division for creation of a master file, the City of Greenwood Village will accept a letter from the Liquor Enforcement Division of acknowledgment of such master file. In such case, the City will not require additional fingerprints of the individual but will accept a copy of the individual history record.
- C. The manager and other persons having direct involvement with the sale or service of alcoholic beverages shall complete a course regarding sale of alcoholic beverages approved by the City Clerk.

- D. Following receipt of the application and all required attachments and fees, the submitted application will receive preliminary review by the City's Planning, Finance and Police Departments and South Metro Fire District or Littleton Fire Protection.
- E. Upon receipt of the above reports and the background investigation report from Colorado Bureau of Investigation, the application will be presented to the City Attorney office for review.
- F. The Local Licensing Authority or its designee shall set a date for public hearing which shall be not less than thirty (30) days from the date the complete application was presented to the City Clerk. No application shall go forward until all documents and related materials are complete in every detail.
- G. The Local Licensing Authority or its designee shall set the boundaries of the neighborhood considered affected by the proposed location. The neighborhood shall be deemed to be that area within a radius of one mile from the proposed outlet for all applications except "fermented malt (3.2% beer) beverages". The boundaries of the neighborhood for a fermented malt (3.2% beer) beverage license shall be deemed to be that area within a radius of one and one half miles from the proposed outlet.

§4. Investigation

- A. After the date for the public hearing and boundaries of the neighborhood have been set, the City Clerk shall commence an investigation of the applicant and the premises. Such investigation shall include:
 - 1) a map prepared by the City Clerk at least fifteen days prior to the public hearing, showing the location of the proposed outlet and the location and type of all other licensed premises located within the neighborhood boundaries;
 - 2) whether the licensing authority has denied an application within the last two years, at the same location, for the reason that the reasonable requirements of the neighborhood and the desires of the inhabitants were satisfied by the existing outlets. In the case of a fermented malt (3.2% beer) beverage License, the time period is one year;
 - 3) whether the applicant has legal possession of the premises;
 - 4) that the sale of alcoholic beverages or fermented malt (3.2% beer) beverages at the premises sought to be licensed is not in violation of the zoning, fire, building and other applicable laws of the City of Greenwood Village;
 - 5) that the building in which the malt, vinous, or spirituous liquor is to be sold is not located within 500 feet of any public or parochial school or the principal campus of any college, university, or seminary. This also applies to fermented malt (3.2% beer) beverages. The distance referred to in this paragraph is to be computed by direct measurement from the nearest property line of the land used for school purposes to the nearest portion of the building in which liquor is to be sold, using a route of direct pedestrian access.

- 6) a criminal report from the Colorado Bureau of Investigation on the manager and each officer, director and stockholder holding over ten percent of the outstanding and issued capital stock of a corporation; each partner of a partnership; each member of a limited liability company, as applicable.
- B. All petitions and summaries relating to the needs and desires of the neighborhood shall be submitted to the City Clerk at least 20 days prior to the date of hearing.
 - C. Not less than five days prior to the Public Hearing on the application, the City Clerk shall mail a copy of the Preliminary Findings and Report to the applicant by First Class Mail and/or email, outlining the investigation results.

§5. Public Notice

- A. Upon receipt of a completed application for a new license, the City shall schedule a public hearing not less than thirty days from the date of the application and shall post and publish the public notice thereof not less than ten days prior to such hearing. Public notice shall be given by the posting of a sign in a conspicuous place on the premises for which application has been made and by publication in a newspaper of general circulation in the county in which the premises are located.
 - 1) The sign used for posting shall be not less than twenty-two inches wide and twenty-six inches high, composed of letters not less than one inch in height and stating the type of license applied for, the date of the application, the date of the hearing, and 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 names and addresses of the president, vice-president, secretary, and manager or other managing officers.
 - 2) Notice given by publication shall contain the same information as that required for signs. The notice is to be published not less than ten days prior to the date of hearing.
 - 3) If the building in which the alcohol beverage is to be sold 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. If the building is not in existence at the time of the application, the sign shall be posted upon the premises upon which the building is to be constructed in such a manner that it shall be conspicuous and plainly visible to the general public.
- B. Evidence of such posting and publication shall consist of a photograph of the posted sign in place, together with an affidavit of posting and publishers' affidavit of proof of publication.

§6. Public Hearing.

- A. On the date set, a public hearing shall be held on the application, at which time an electronic recording shall be taken of the proceedings. Any party in interest may present evidence and cross-examine witnesses at such hearing. If a steno graphic recording is

requested for the proceedings, the requesting party shall be responsible for the financial costs. If an interpreter is requested for the proceedings, the applicant is responsible for the financial costs.

- B. All hearings before the Authority shall be public and shall be conducted in accordance with the Colorado Liquor Code and/or the Colorado Beer Code.
- C. In addition to introducing its evidence in accordance with the Colorado Liquor Code and/or the Colorado Beer Code, the applicant may present written affidavits of all proposed witnesses, including the applicant's own representative, setting forth the facts and opinions to which the witnesses would testify.

If the evidence presented in the application meets the requirements of the Colorado Liquor Code and/or the Colorado Beer Code, the Authority may approve the applications without the need for oral testimony.

- D. In the event the authority takes into consideration information concerning the applicant's criminal history record, the authority shall also consider any information provided by the applicant regarding such criminal history record, including but not limited to evidence of rehabilitation, character references, and educational achievements, especially those items pertaining to the period of time between the applicants last criminal conviction and the consideration of the application for a license.
- E. The licensing authority shall not be prohibited from verifying any of the information required to be submitted by an applicant. An applicant shall be required to submit additional information beyond that required in this subsection (3) if the licensing authority has determined any of the following:
 - 1) The applicant has misrepresented a material fact:
 - 2) The applicant has an established criminal history record:
 - 3) A prior criminal or administrative proceeding determined that the applicant violated alcohol beverage laws;
 - 4) The information submitted by an applicant is incomplete; or
 - 5) The character, record, or reputation of the applicant, his or her agent, or his or her principal is such that a potential violation of the Colorado Beer and Liquor Code may occur if a license is issued to the applicant.

F. The Rules and Procedures to conduct a Public Hearing is as follows:

- 1) The licensing authority's designee may administer oaths and issue subpoenas to require the presence of persons and the production of papers, books, and records necessary to the determination of any hearing that the licensing authority is authorized to conduct.
- 2) The licensing authority is not bound by the Colorado Rules of Evidence. However, the Chair of the licensing authority may apply the Rules of Evidence where appropriate, e.g., to exclude evidence or limit testimony which is deemed redundant or immaterial. Likewise, evidence may be excluded or testimony

limited if its probative value is substantially outweighed by the danger of unfair prejudice, confusion of the issues, or by considerations of undue delay or needless presentation of cumulative evidence.

- 3) The Chair of the licensing authority may permit the parties to introduce rebuttal witnesses and evidence and testimony to the extent that it does not constitute needless presentation of cumulative evidence.
- 4) The Chair of the licensing authority may regulate the course of the hearing, set the time and place for continued hearings, and direct the parties to confer to consider the simplification of the admissions of fact or of documents to avoid unnecessary proof, and limit the number of witnesses.

§7. Decision.

Before granting any license, the authority shall consider the reasonable requirements of the neighborhood, the desires of the adult inhabitants as evidenced by petitions, remonstrances, or otherwise, and all other reasonable restrictions that may be placed upon the neighborhood by the local licensing authority.

At the conclusion of the presentation of all evidence the Authority may:

- A. Postpone the matter until the next meeting of the Authority to enable the local authority to consider the facts and evidence for the purpose of formulating a decision;
- B. Adopt a resolution approving the application if the evidence supports the finding that the reasonable requirements of the neighborhood for the type of license for which the application has been made are not currently being met and that the adult inhabitants of the neighborhood desire that this license be issued.
- C. Adopt a resolution denying the application if the evidence does not support the finding that the reasonable requirements of the neighborhood for the type of license for which the application has been made are not currently being met and that the adult inhabitants of the neighborhood not desire that this license be issued; or
- D. Recess the hearing to a date certain for the purpose of receiving additional evidence.
- E. Recess the hearing to executive session for the purpose of receiving legal advice. However, no decision shall be reached in executive session.
- F. Any decision of the local licensing authority approving or denying an application shall be in writing stating the reasons therefore, within thirty days after the date of the public hearing. A copy of such decision shall be sent by certified mail, first class mail or email as requested by the applicant.
- G. After approval of any application, the local licensing authority shall notify the state licensing authority of such approval, who shall investigate and either approve or disapprove such application.
- H. No license shall be issued by the local licensing authority after approval of an

application until the building in which the business is to be conducted has been issued an certificate of occupancy and all conditions addressed in the preliminary report have been met.

- I. The original license shall be posted in a conspicuous place on the licensed premises.

§8. Change in Class of License.

A request for a change in the class of license from that presently held by a licensee shall be considered as an application for a new license.

§9. License Renewals.

- A. All renewal applications for malt, vinous and spirituous liquor licenses, and for fermented malt (3.2% beer) beverage licenses shall be on forms provided by the state licensing authority and must be submitted to the City Clerk not less than forty-five (45) days and to the state licensing authority not less than thirty (30) days prior to the date of expiration, together with the required license fees and renewal application fee.
- B. Ninety (90) days prior to the expiration date of an existing license the City Clerk may notify the licensee by first class mail of such expiration date. It is the obligation of the licensee to submit a timely renewal application notwithstanding a failure of the state or the City Clerk to give timely notice of the expiration date of the license.
- C. If a renewal form has not been received from the State by applicant, the renewal may be submitted on the application form with the notation "Renewal".
- D. In addition to the required forms, attachments and fees required by the state, the following documents should be submitted with the renewal application:
 - 1) Certificate of good standing issued by Secretary of State for corporations.
 - 2) Current lease encompassing at least the period of the renewal.
 - 3) Notarized copy of Statement of Training.
- E. Any violation of law that may have occurred during the previous year may be considered for the renewal of the license.
- F. All licenses shall be valid for a period of one year from the date of issuance, unless previously revoked or suspended.
- G. Upon receipt of the renewal application, the City Clerk shall review the materials submitted for completeness and forward the documentation to the City Attorney for his/her review and recommendation if there is any derogatory information or concerns with the application..
- H. All taxes due the City must be current before a license renewal will be considered for approval of renewal. The City Clerk will request a verification of this from the Finance Department. The City Clerk will request verification from the Police Department as to any problems encountered at the establishment. Both of these factors will be taken into

consideration when making a recommendation to the Authority.

- I. Unless there is evidence to the contrary, it will be presumed that the licensed premises, the business conducted, and the character of the applicant is satisfactory, and that such license continues to meet the requirements of the neighborhood and desires of the inhabitants, and complies with the provisions of the Colorado Beer Code or Colorado Liquor Code and these Regulations. In such a case the City Clerk shall approve the renewal application and forward said application and the required fees to the state licensing authority.
- J. If there is evidence of noncompliance with the items contained in subsection G and/or that the presumptions contained in subsection H above do not apply, the City Clerk shall immediately notify the applicant, in writing, of the objections to approving the renewal application. A public hearing may be held to determine if there is cause to refuse to approve the renewal application. The hearing shall be held only after notice of the hearing has been conspicuously posted on the licensed premises for a period of ten days, and notice of the hearing has been provided the applicant at least ten days prior to the hearing. Said hearing shall be conducted in a manner provided for hearings on revocation or suspension of the type of license involved.
- K. If the renewal application is not submitted to the local licensing authority at least forty-five (45) days prior to the date of expiration, the City Clerk may notify the applicant to appear before the Authority on a date certain to give reasons for the failure to file the renewal application on time. If the Authority determines there is good cause demonstrated for the failure to timely file the application, the Authority may waive the time requirements and grant the renewal application.
- L. The Authority may fine an applicant who has submitted a late renewal application a sum, not to exceed \$250.00, to be paid prior to the renewal of said license. (O-92-45)
- M. If the Authority finds the delay in filing was not based on good cause, the license shall automatically terminate on the expiration date, and any hearing held thereon shall be for a new license.
- N. The Authority, for good cause may waive the forty-five or thirty day time requirements set forth above. The Authority may cause a hearing on the application for renewal to be held. No renewal hearing shall be held by the Authority until a notice of hearing has been conspicuously posted on the licensed premises for a period of ten days and notice of the hearing has been provided to the licensee at least ten days prior to the hearing. The licensing Authority may refuse to renew any license for good cause subject to judicial review.
- O. A licensee whose license has expired for not more than ninety days may file a late renewal application upon the payment of a nonrefundable late application fee of five hundred dollars to the local licensing authority. A licensee who files a late renewal application and pays the requisite fee may continue to operate until both state and local licensing authorities have taken final action to approve or deny such licensee's late renewal application.
- O. No late renewal application shall be accepted after ninety days from the expiration date.

- P. Any Licensee whose permanent annual license has been expired for more than ninety days must apply for a new license and shall not sell or possess for sale any alcohol beverage until all required licenses have been obtained.

§10. Inactive licenses.

The local licensing authority, may revoke or elect not to renew a retail license if it determines that the licensed premises has been inactive, without good cause, for at least one year or, in the case of a retail license approved for a facility that has not been constructed, such facility has not been constructed and placed in operation within two years after approval of the license application or construction of the facility has not commenced within one year after such approval.

§11. Change of Location of a License.

A licensee may move his or her permanent location to any other place in the same city for which the license was originally granted but it shall be unlawful to sell any alcohol beverage at such place until permission to do so is granted by all the licensing authorities. In permitting such change of location, the licensing authority shall consider the reasonable requirements of the neighborhood to which the applicant seeks to change his or her location, the desires of the adult inhabitants as evidenced by petitions, remonstrances, or otherwise, and all reasonable restrictions that are or may be placed upon the new district by the licensing authority.

§12. Changing, Altering or Modifying Licensed Premises.

- A. After issuance of a license, the licensee shall make no physical change, alteration or modification of the licensed premises which materially or substantially alters the licensed premises or the usage of the licensed premises from the plans and specifications submitted at the time of obtaining the original license without the prior written consent of the local and state licensing authorities.
- B. Completion of Request to Change, Alter or Modify Premises Form is required in addition to copies of the interior plans and specifications of the licensed premises which show the premises as presently licensed and the premises proposed after the change, and the required State and City Fees.
- C. In making its decision with respect to any proposed changes, alterations or modifications, the licensing authority must consider whether the premises, as changed, altered or modified, will meet all of the pertinent requirements of *Regulation 47-302* of the Colorado Liquor and Beer Code.
- D. If permission to change, alter or modify the licensed premises is denied, the licensing authority shall give notice in writing and shall state grounds upon which the application was denied. The licensee shall be entitled to a hearing on the denial if a request in writing is made to the licensing authority within fifteen days after the date of notice.

§13. Transfer of Ownership and Temporary Permits.

- A. Application shall be filed with the City Clerk of the City of Greenwood Village, Colorado on forms prepared and furnished by the state licensing authority.

- B. All taxes due the City must be current before a Transfer of Ownership will be considered for approval. The City Clerk will request a verification of this from the Finance Department.
- C. The local licensing authority shall have discretionary authority to issue a temporary permit to a transferee of any retail class of alcohol beverage license issued by the local licensing authority. Such temporary permit shall authorize a transferee to continue selling alcohol beverages as permitted under the permanent license during the period in which an application to transfer the ownership of the license is pending.
- D. A temporary permit shall authorize a transferee to conduct business and sell alcohol beverages at retail in accordance with the license of the transferor subject to compliance with all the following conditions:
 - 1) The premises where such alcohol beverages are sold have been previously licensed by the state and local licensing authorities, and such license shall have been valid at the time the application for transfer of ownership was filed with the local licensing authority that has jurisdiction to approve an application for a temporary permit.
 - 2) The applicant has filed with the local licensing authority on forms provided by the department of revenue an application for the transfer of the liquor license. Such application shall include, but not be limited to, the following information:
 - I) Name and address of the applicant; if the applicant is a partnership, the names and addresses of all the partners; and if the applicant is a corporation, association, or other organization, the names and addresses of the president, vice-president, secretary and managing officer.
 - II) the applicant's financial interest in the proposed transfer;
 - III) the premises for which the temporary permit is sought; and
 - IV) such other information as the local licensing authority may require.
- E. The application for a temporary permit shall be filed no later than thirty days after the filing of the application for transfer of ownership and shall be accompanied by a temporary permit fee not to exceed one hundred dollars.
- F. A temporary permit, if granted shall be issued within five working days after the receipt of such application. A temporary permit issued pursuant to this section shall be valid until such time as the application to transfer ownership of the license to the applicant is granted or denied or for one hundred twenty days, whichever occurs first; except that, if the application to transfer the license has not been granted or denied within the one-hundred-twenty-day period and the transferee demonstrates good cause, the local licensing authority or the City Clerk may extend in its discretion, the validity of said permit for an additional period not to exceed sixty days.

- G. A temporary permit shall also be authorized in the event of a transfer of possession of the licensed premises by operation of law, a petition in bankruptcy pursuant to federal bankruptcy law, the appointment of a receiver, a foreclosure action by a secured party, or a court order dispossessing the prior licensee of all rights of possession pursuant to article 40 of Title 13, C.R.S.
- H. A temporary permit may be canceled, revoked, or summarily suspended if the local or state licensing authority determines that there is probable cause to believe that the transferee has violated any provision of Article 46 or Article 47 or has violated any rule or regulation adopted by the local or state licensing authority or has failed to truthfully disclose those matters required pursuant to the application forms required by the department of revenue.

§14. Change of Corporate Structure.

A licensee shall report each change of corporate officers and directors to the City Clerk within ten days after the change and all required documentation and fees connected therewith shall be submitted within thirty (30) days after such change. Documentation shall be required for transfers of capital stock of a public corporation, except that a report shall not be required for transfers of such stock totaling less than 10% in any one year, but any transfer of a controlling interest shall be reported, regardless of amount. It is unlawful for a licensee to fail to report a change required by this Section and such failure to report shall be grounds for suspension or revocation of the license.

§15. Change of Trade Name.

No licensee shall change the name or trade name of the licensed premises without submitting written notice to the local and state licensing authorities, not less than ten days prior to the change of name. It is unlawful for a licensee to fail to report a change required by this Section and such failure to report shall be grounds for suspension or revocation of the license.

§16. Managers.

Each licensee shall manage such premises himself or employ a separate and distinct manager on the premises who shall be registered with the state and local licensing authorities except for off premises 3.2% beer in which case they will be registered with the City only. No person shall be a registered manager for more than one hotel and restaurant license.

When a person ceases to be a registered manager, for whatever reason, the licensee shall notify the authority within five days and shall designate a new registered manager within thirty days. It is unlawful for a licensee to fail to report a change required by this Section and such failure to report shall be grounds for suspension or revocation of the license.

The authority may refuse to accept any person as a registered manager unless the person has a satisfactory character, record and reputation. In determining a registered manager's character, record, and reputation, the authority may have access to criminal history record information furnished by a criminal justice agency subject to any restrictions imposed by such agency.

§17. Suspension and Revocation of Licenses.

- A. The Authority shall have the power, upon its own motion, or upon complaint, to
 - 1) summarily suspend any license for a period not to exceed fifteen days, or
 - 2) after investigation; upon notice to the licensee subsequent hearing, suspend any license for a period not to exceed six months or to revoke such license. All suspension and revocation hearings shall adhere to the Colorado Liquor Code and/or the Colorado Beer Code.
- B. In the event the licensee is found to have violated any law, rule or regulation, the Authority may require that the licensee shall pay to the Authority the reasonable costs incurred by the Authority, not to exceed One Thousand Five Hundred and 00/100 Dollars (\$1500.00), in investigating and prosecuting the alleged violation. Such costs shall include the reasonable attorney fees of the special counsel appointed to conduct the investigation and present evidence at the hearing, but shall not include any fees or the City Attorney acting as legal adviser to the Authority. The costs imposed pursuant to this section shall be in addition to any suspension or revocation imposed by the Authority for the violation of any rule, law or regulation.
- C. If any license is suspended or revoked, no part of the fees paid therefore shall be returned to the licensee.
- D. The Greenwood Village Liquor Licensing Authority (“authority”) shall have the power and authority, on its own motion or on complaint, after investigation and public hearing at which the licensee shall be afforded an opportunity to be heard, to suspend or revoke any license or permit issued by such authority for any violation by the licensee or by any of the agents, servants, or employees of such licensee of the Colorado Liquor Code, C.R.S. 12-47-101 *et. Seq.*, or any of the rules or regulations authorized pursuant to the Colorado Liquor Code or of any of the terms, conditions, or provisions of the license or permit issued by such authority.
- E. Notice of suspension or revocation, as well as any required notice of such hearing, shall be given by mailing the same in writing to the licensee at the address contained in such license or permit. No such suspension shall be for a longer period than six months. If any license or permit is suspended or revoked, no part of the fees paid therefore shall be returned to the licensee. Any license or permit may be summarily suspended by the issuing licensing authority without notice pending any prosecution, investigation, or public hearing. Nothing in this section shall prevent the summary suspension of such license or permit for a temporary period of not more than fifteen days.
- F. The Rules and procedures to conduct Show Cause hearings are outlined in Section 6E of the Rules and Regulations (page 11)
- G. Whenever the decision of the authority suspending a license or permit for fourteen days or less becomes final, whether by failure of the licensee to appeal the decision or by exhaustion of all appeals and judicial review, the licensee may, before the operative date of the suspension, petition for permission to pay a fine in lieu of having the license or permit suspended for all or part of the suspension period. Upon the receipt of the petition, the authority 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:

- 1) that the public welfare and morals would not be impaired by permitting the licensee to operate during the period set for suspension and that the payment of the fine will achieve the desired disciplinary purposes;
- 2) that the books and records of the licensee are kept in such a manner that the loss of sales of alcoholic beverages that the licensee would have suffered had the suspension gone into effect can be determined with reasonable accuracy therefrom; and
- 3) that the licensee has not had his or her license or permit suspended or revoked, nor had any suspension stayed by payment of a fine, during the two years immediately preceding the date of the motion or complaint which has resulted in a final decision to suspend the license or permit.

H. The fine accepted shall be the equivalent to twenty (20) percent of the licensee's estimated gross revenues from sales of alcohol beverages during the period of the proposed suspension; except that the fine shall be not less than two hundred dollars (\$200.00) nor more than five thousand dollars (\$5,000.00).

I. Payment of any fine pursuant to the provisions of subsection (c) shall be in the form of cash or in the form of a certified check or cashier's check made payable to authority.

J. Upon payment of the fine pursuant to subsection (c) of this section, the authority shall enter its further order permanently staying the imposition of the suspension. If the fine is paid to the authority, the governing body of the authority shall cause such moneys to be paid into the general fund of the authority.

K. In connection with any petition pursuant to subsection (c) of this section, the power of the authority 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.

L. If the authority does not make the findings required in subsection (c) 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 authority.

§18. Duplicate License.

- A. Should a licensee have need for a duplicate license, one will be issued by the City.
- B. The State will also issue duplicate licenses for a fee.
- C. Both City and State licenses should be clearly and prominently displayed in a conspicuous place on the premises at all times.

II. SPECIAL EVENTS PERMITS

The following regulations shall govern applications for Special Events Permits to the Authority of the City of Greenwood Village, Colorado, acting as local licensing authority pursuant to the provisions of Article 48, Title 12, C.R.S.

§1. General Provisions.

The Authority of the City of Greenwood Village, acting as the local licensing authority, shall receive, process, investigate and approve or deny all applications for special events permits.

§2. Qualifications of Organizations for Special Events Permit.

A special events permit may be issued to certain types of organizations permitting such organizations to sell, by the drink only, 3.2% beer or alcoholic beverages for a limited number of days at a specific location in accordance with Article 48 of Title 12 C.R.S..

- A. To qualify for a special events permit an organization whether or not currently licensed under Articles 46 and 47, Title 12, C.R.S. must be:
 - 1) Incorporated under the laws of the State of Colorado for purposes of a social, fraternal, patriotic, political, or athletic nature and not for pecuniary gain; or
 - 2) A regularly chartered branch, lodge, or chapter of a national nonprofit organization or society organized for social, fraternal, patriotic, political or athletic purposes; or
 - 3) A regularly established religious or philanthropic institution.
 - 4) A 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.
- B. No permits shall be required for those individuals or candidates campaigning or running for public office and who sponsor fund raising activities; provided that such activities are held in a private home and there is no cash bar in operation.
- C. A special events permit may not be issued to any organization for more than fifteen days in one calendar year but the days need not be consecutive.
- D. An application for special events permit shall not be received or acted upon if the premise upon which the liquor is to be sold is located within 500 feet of any public or parochial school or the principal campus of any college, university or seminary. This restriction does not apply however during hours in which no school classes are scheduled.

§3. Application and Fees.

All applications for special events permits shall be filed with the City Clerk of the City of Greenwood Village, Colorado thirty days prior to the event.

- A. The applicant must agree to abide by the requirements of the current Colorado Liquor Code and all City ordinances and these Liquor Regulations.

- B. The application shall be accompanied by a check payable to the City of Greenwood Village.
- C. Incomplete applications will be rejected and returned to the applicant for completion.
- D. There are no refunds under any circumstances.
- E. Special Event Liquor Permits are non-transferrable to any other location, date or entity once issued.

§4. Action by Authority.

The Authority must verify with the State Licensing Authority that the applicant has not been issued a Special Events Permit exceeding fifteen days in one calendar year.

The Authority must post a public notice on the premises for a period of 10 days prior to the approval of the special event. If protests are received, as a result of posting, a hearing will be held before the Local Authority for approval.

Provided no protest has been received, the City Clerk shall process and approve the application and provide an annual report of Special Events issued to the Authority to the State Licensing Authority.

§5. Grounds for Denial of Special Events Permit.

The local licensing authority may deny the issuance of a special events permit upon the grounds that such issuance would be injurious to the public welfare by reason of its location within the community, or the failure of the applicant in a past special event to conduct such event in compliance with applicable laws and regulations.

§6. Posting of Special Events Permit.

The holder of any type of special events permit issued by the local licensing authority shall clearly and prominently display such permit upon the premises covered by such permit and shall produce the permit to any law enforcement agent or state liquor enforcement officer.

During the event age warning signs, supplied by the City's Clerk's office, must be conspicuously displayed.

§7. Location and Transferability.

The special events permit issued by the local licensing authority is for a specific location as described in the application for such permit and is non-transferable and, therefore, not valid for any other location. The special event permit cannot be transferred to any other organization and is valid only for the day or days specifically included in said permit. A special events permit may not be issued to any organization for a total of more than fifteen ~~ten~~ days in one calendar year.

§8. Exemptions.

These Regulations apply only to the sale of liquor by the drink, and any organization otherwise qualifying hereunder shall be exempt from the provisions of these Regulations and shall be deemed to be dispensing gratuitously and not to be selling fermented malt (3.2% beer) beverages or malt, spirituous or

vinous liquors when it serves, by the drink, such beverages to its members and their guests at a private function held by such organization on unlicensed premises, so long as any admission or other charge, if any, required to be paid or given by any such member as a condition to entry or participation in the event is uniform as to all without regard to whether or not a member or such member's guests consume or do not consume such beverages.

§9. Miscellaneous.

- A. Nothing in these Regulations shall be construed to prohibit the sale or dispensing of malt, vinous or spirituous liquors on any closed street, highway, or public road for which a special events permit has been issued.
- B. A special events permit may be issued to the City of Greenwood Village for events at which productions, exhibits or performances of an artistic or cultural nature are presented, subject to the provisions of the foregoing Regulations.

III. **MISCELLANEOUS PROVISIONS**

§1. Effective Date.

The effective date of these Regulations shall be the 30th day of January, 2015.

§2. Duty of Police Officers of Greenwood Village.

It is the duty of all police officers of the City of Greenwood Village to enforce the provisions of these Liquor Regulations and to arrest and complain against any person violating any of the provisions of the Colorado Liquor Code, Colorado Beer Code, or these Regulations.

§3. Judicial Review.

Any person seeking review of the Authority's decision regarding any application or any other matter shall apply to the Arapahoe County District Court for review within thirty days after the date of the decision and shall pay to the City of Greenwood Village the cost of preparing a transcript of the proceedings before the Authority whenever such transcript is demanded by the person seeking review or furnished by the City of Greenwood Village pursuant to an order of Court. For this purpose the cost of preparing and certifying the record the cost of preparing a transcript of testimony before the authority shall be charged at the rate ordinarily charged by certified shorthand reporters and the Village's Fee Schedule.

§4. Petitions.

The applicant or any person opposing the issuance of the license or their agents may circulate petitions. Each person signing a petition may sign only his own name and his address. The date when the signature is affixed to the petition shall be placed on the petition by the signing party. Petitions should bear the affidavit of the circulator but the omission of such affidavit shall not preclude its introduction into the record.

§5. Bed and Breakfast Permits

Bed and Breakfast permits shall not be issued in the City of Greenwood Village.

§6. Optional Premises License

Optional Premises Licenses shall not be issued in the City of Greenwood Village.

§7. Tastings.

Tastings, as that term is defined in C.R.S. § 12-47-103(37.5), shall be allowed at licensed retail liquor stores and liquor-licensed drug stores subject to the requirements and limitations contained in C.R.S. § 12-47-301.

IV. FEE SCHEDULE

The following Application and License Fee Schedule is hereby adopted.

APPLICATION AND LICENSE FEE SCHEDULE

<u>Application Fee</u>	<u>City</u>	<u>State</u>
1. New Application	\$750.00	\$600.00
2. Renewal Application	100.00	0.00
3. Late Renewal Application Fee	500.00	0.00
4. Change of Location	750.00	150.00
5. Transfer of Ownership	750.00	1025.00
6. Concurrent Review	750.00	700.00
7. Change of Corporate Structure (per person)	100.00	OR 100.00
8. Manager Registration Fee	75.00	75.00
9. Change of Trade/Corporate Name	0.00	50.00
10. Modification of Premises	0.00	150.00
11. Temporary Permit (Pending Transfer)	100.00	00.00
12. Duplicate license	0.00	50.00

<u>License Fee</u>	<u>City</u>	<u>State</u>	<u>Total</u>
1. Retail Liquor Store License	\$22.50	\$227.50	\$250.00
2. Liquor Licensed Drug Store	22.50	227.50	250.00
3. Beer and Wine License	48.75	351.25	400.00
4. Hotel and Restaurant License	75.00	500.00	575.00
5. Tavern License	75.00	500.00	575.00
6. Club License	41.25	308.75	350.00
7. Arts License	41.25	308.75	350.00
8. Brew Pub	75.00	750.00	825.00
9. Resort Complex License	75.00	500.00	575.00
10. 3.2% Beer License	3.75	96.25	100.00
11. Special Events Permit (Liquor)	100/event	0.00	100.00
12. Special Events Permit (3.2% Beer)	100/event	0.00	100.00
13. Mini Bar Permit	325.00	0.00	325.00
14. Delivery Permit	0.00	0.00	0.00

In addition to the above fees, a separate corporate or certified check, payable to Colorado Bureau of Investigation, in the amount required by that agency for each character investigation, should be submitted with each fingerprint card.

V. VIOLATIONS; PENALTIES

§1. For premises licensed as a retail liquor store the following shall be the mandatory minimum penalties for violations of the Colorado Liquor Code and the Colorado Beer Code:

First offense in 3 years: 6 days suspension, with 2 days to be served and 4 stayed

Second offense in 3 years: 3 days suspension, all of which to be served

Third offense in 3 years: Revocation

§2. For all other licensed premises, the following shall be the mandatory minimum penalties for sales of alcoholic beverages to underage persons in violation of the Colorado Liquor Code and the Colorado Beer Code:

First offense in 3 years: 7 days suspension, with 3 days to be served and 4 stayed

Second offense in 3 years: 5 days suspension, all of which to be served

Third offense in 3 years: Revocation

§3. The penalties are set forth by Ordinance, shall be mandatory minimum penalties, and shall not be reduced or waived by the City for any reason, by agreement or otherwise.

§4. Nothing in these Regulations shall be construed to prohibit the City Council from exceeding these mandatory minimum penalties, or from assessing fines in addition to the mandatory minimum penalties. (Ordinance No. 16-2001)

§5. Violations and penalties regarding Illegal Possession and Consumption by an Underage Person are set forth in the Greenwood Village Code, Section 9-12-125.

§6. In addition to the penalties outlined above, any fines or penalties in Section 9-12-122 apply to such Violations of the State Statutes, State Regulations, or City Regulations.