



TOWN OF NEDERLAND LIQUOR LICENSE APPLICATION AND PROCESS

INTRODUCTION

Under state law, it is a privilege, not a right, to hold a liquor license in the Town of Nederland and the State of Colorado. The Colorado Legislature has determined that the issuance and supervision of liquor licenses shall be closely regulated. In Colorado, liquor licenses must be reviewed and issued by both the State and the municipality. No one can obtain a liquor license without review by both jurisdictions.

The Board of Trustees of the Town of Nederland, Colorado, is the "Local Licensing Authority" for all licenses issued within the Town of Nederland, and is thus charged with carrying out these State-delegated duties. The liquor licensing procedures are designed to promote the efficient, prompt and responsible performance of these important duties by the Board of Trustees. General information and forms may also be obtained from the Colorado Division of Liquor Enforcement at www.revenue.state.co.us/liquor_dir.

The information contained in this packet is intended to serve as an outline for applicants applying for a liquor license in the Town of Nederland, Colorado. It is not intended to be a complete listing or outline of all laws in the Town of Nederland or State of Colorado related to liquor licensing.

For answers to questions not contained in this packet, please contact the Town Clerk, Michele Martin, at 303.258.3266, ext. 23, or at the Nederland Town Hall, 45 West First St.

I. NEW LICENSE or TRANSFER OF OWNERSHIP

Obtaining a new liquor license will typically take three to four months. The steps to obtaining your liquor license are outlined below. Nearly all of these rules are set by state law and regulation. Attachment A is a short checklist of the following process.

Step One: Completion of Application Form

The State has prescribed certain forms to be used for different aspects of a liquor license application and for different types of applications. There are many different types of licenses; Attachment B lists the various types.

The Town Clerk distributes such forms upon request and will provide a checklist and routine information concerning the requirements. **The Clerk may not accept incomplete applications.** The Clerk cannot provide legal advice; therefore, an applicant should consult a private attorney for any legal questions concerning the application.

The State of Colorado application serves as the application for both the State and the Town review process. A copy of this application is contained in this packet and is also available at www.revenue.state.co.us. The application lists the specific documentation that should accompany it. The applicant should read it, fill it out carefully, and tender to the Town Clerk in one packet all information required, together with all fees in the appropriate amounts. **The applicant must complete and submit all pages of the application, including the page titled “Application Documents Checklist and Worksheet.”** An application will not be considered “received” until ALL required application forms, necessary information and applicable fees are received by the Town Clerk’s Office. Delay in the receipt of an application can cause a delay in the entire process and thus delay the decisions of the liquor licensing authorities.

After completing the application, the applicant must make an appointment with the Town Clerk to review the application for completeness. To arrange this appointment, contact Michele Martin at 303.258.3266, ext. 23, or stop by Town Hall at 45 W. First St. When the Town Clerk agrees that the application is complete, the applicant must submit the original, plus one copy, to the Town Clerk for processing.

The contents of a “complete application” will vary depending on the type of license sought:

Application: Applicants seeking a new Retail Liquor License shall apply on one of the following State of Colorado prescribed forms:

- [DR8403](#) *Colorado Fermented Malt Beverages (3.2% beer) license application.*
- [DR8404](#) *Colorado Liquor Retail License Application.*

These applications can be obtained from either the Town Clerk’s Office, by visiting the internet links above, or by visiting the State of Colorado Liquor Licensing Division website at www.revenue.state.co.us.

Fees: Every application must be accompanied by three different kinds of fees: *application fee, license fees, and occupational taxes.* Application fees are set by the local liquor licensing authority and are meant to cover the actual and necessary expenses associated with the processing and review of licensing actions. Application fees are non-refundable. License fees and occupational taxes are set by state statute, are uniform statewide, and are usually lumped together under the umbrella of “license fees.” License fees are recurring fees and are due when an initial application is made. License fees are also due each year at renewal of the license. License fees may be refunded only if an application is withdrawn or no license will be issued. A current fee schedule should be consulted to determine the appropriate amounts that are due at the time of application. Attachment C outlines the current fee structure, and it may be obtained at www.revenue.state.co.us. The fees are to be paid either in cash or in the form of two separate checks or certified funds, one payable to the State of Colorado Department of Revenue and the other payable to the Town of Nederland.

Concurrent Review: While the local review of a license application typically precedes the state review, concurrent application review can be requested by the applicant. There is an additional fee that applies and the applicant must submit a letter expressly stating the request for concurrent review at the time of initial application. The Town Clerk’s Office will forward all elements of the application to the state liquor authority prior to local consideration and the state authority will review the application while the local process is in progress. This may result in quicker receipt of a liquor license.

Fingerprints: At the time that an application for a new license or transfer of ownership is submitted, the applicant(s), all corporate officers, directors and stockholders with more

than 10% interest, partners and managers are required to be fingerprinted. Fingerprint cards can be obtained from the Town Clerk's Office. Fingerprinting can be done at Nederland Police Department between the hours of 8:00 and 4:00 p.m., Monday through Friday. The fee for fingerprinting is \$5.00 for residents and must be paid to the police department at the time of fingerprinting. Each person submitting fingerprint cards is required to submit certified funds (in the form of a certified check, cashier's check, or money order) in the amount of \$38.50 made payable to the Colorado Bureau of Investigation (C.B.I.) along with their completed fingerprint cards. Personal or business checks WILL NOT be accepted by CBI for fingerprints.

The Town Clerk's Office will mail the fingerprint cards and C.B.I. processing fees to C.B.I. upon receipt. Note that it takes C.B.I. approximately six weeks to process the fingerprint cards and provide a report to the local liquor licensing authority

Individual History Form: At the time that an application for a new license or transfer of ownership is submitted, the applicant(s), all corporate officers, directors and stockholders with more than 10% interest, partners and managers are required to submit form [DR8404-I](#) *Individual History Record*. The information provided on this form will be kept on file and used to conduct a background investigation.

Consent to Release Form: At the time that an application for a new license, renewal or transfer of ownership is submitted, the applicant(s), all corporate officers, directors and stockholders with more than 10% interest, partners and managers are required to submit the Town of Nederland Consent to Release Information Form.

Manager Registration: If the manager of the establishment will be someone other than the owner, that person is required to file form [DR8404-I](#), *Individual History Record* and a \$75.00 fee is required. If a management agreement has been made, a copy of the document is also required.

Master file: An applicant seeking licenses for five or more locations may file one Individual History Form and set of fingerprints with the state licensing authority, which then approves or denies the application for inclusion on the master file list. If the applicant is approved to have a master file held with the state licensing authority, then Individual History Forms and fingerprint cards will not be required by the local licensing authority. However, the local licensing authority may still conduct a background investigation based on the information in the master file and may request verification of information provided on the master file form.

Plans and Specifications: At the time that an application for a new license or transfer of ownership is submitted, the applicant is required to file a diagram of the premises proposed for licensure. All plans, specifications and drawings shall be 8 ½" x 11" in size with the proposed area outlined in red. The diagram shall include dimensions, entrances, exits, windows, drive-thru windows, bar location, storage, seating and kitchen areas.

Proof of Possession of Premises: Each application for a new license, transfer of ownership, change of location or request for modification of premises shall be accompanied by a deed, lease or other documentation supporting the applicant's right to occupy the premises where the license will be exercised. The document shall be in effect for the entire liquor licensed period.

Purchase Agreement, Stock Transfer Agreement and/ or Authorization to Transfer License: Each application for transfer of ownership shall be accompanied by a

purchase agreement, stock transfer agreement and/ or authorization to transfer the liquor license.

List of All Notes and Loans: At the time that an application for a new license or transfer of ownership is submitted, the applicant is required to file a list of all notes and loans pertaining to the operation of the business.

Copy of Certificate From Boulder County Health Department: A copy of the inspection certificate from Boulder County Department of Health shall be filed by applicants for any class of license which requires the service of meals or snacks.

Corporate Applicants: Corporate applicants are also required to file the following documents:

- Articles of Incorporation (date stamped by Colorado Secretary of State)
- Certificate of Good Corporate Standing (State of Colorado)
- List of all officers, directors & stockholders of parent corporation (with at least 10% financial interest)

Partnership Applicants: Partnership applicants are also required to file the following documents:

- Partnership Agreement
- Management Agreement if other than a member of partnership

L.L.C. Applicants: Limited liability applicants are also required to file the following documents:

- Articles of Incorporation (date stamped by Colorado Secretary of State)
- Acknowledgement from Secretary of State
- Operating Agreement
- Certificate of Authority (if foreign country)

Step Two: Inspections and Background Checks Conducted

Inspections will be conducted to determine that the premises proposed for licensure are ready for occupancy and comply with all zoning, building and fire codes. The detailed diagram provided by the applicant will also be considered for accuracy. If the premises are under construction at the time of consideration, a license may be issued contingent upon successful inspections when construction is complete.

The Nederland Police Department, C.B.I. and F.B.I. will conduct a background investigation and provide the Town Clerk's Office with information pertinent to the applicant's moral character. The existence of a criminal history does not preclude one from holding a liquor license; however, more information may be required for consideration by the state and local liquor licensing authorities.

The Town Clerk's Office will notify the applicant of the preliminary findings not less than five (5) days prior to the public hearing. If the applicant needs to remedy concerns raised by the background check reports, the Clerk can postpone the hearing.

Step Three: Public Hearing Date Set and Publication of Notice

Once the background investigation is complete, the public hearing date will be set to occur during a regular meeting of the Town Board of Trustees, scheduled for 7 p.m. on the 1st and 3rd Tuesdays of the month at the Nederland Community Center. State law mandates that the hearing date cannot be set less than 30 days from the date that a *complete* application is received by the Town Clerk's Office.

The Town Clerk's Office will publish the Notice of Public Hearing and will post a Legal Notice of Public Hearing at the location of proposed licensure not less than 10 days prior to hearing date.

Step Four: Determination of Neighborhood Needs and Desires

For the purposes of liquor licensing, the Board of Trustees has set the neighborhood boundary as the entire Town. Under state law, the applicant has the burden of proof to demonstrate the needs and desires of the adult inhabitants of the neighborhood and may provide evidence of that through petitions, remonstrance letters, or other means. Although the law does not require that an applicant petition the neighborhood, it is the most common form of evidence presented. Attachment D provides a form that may be used for petitioning; applicants may photocopy this form. Signatures obtained from petitioning should be from residents of the neighborhood and/or owners/managers of businesses within the designated neighborhood boundaries. All petition signers must be at least 21 years of age.

There is no set number of required signatures you must obtain on a petition, but you must provide the authority with sufficient evidence to support its findings that: 1) the reasonable requirements of the neighborhood establish a need for the issuance of the requested license; and 2) that the desires of the inhabitants dictate the issuance of the license. The authority will also be looking to assure that a good sampling of the designated neighborhood was taken.

Each petition must contain a signed Affidavit of Circulator indicating that he/she personally witnessed each signature appearing on the petition and that, to the best of his/her knowledge, each signature is the signature of the person whose name it purports to be and that the address given opposite the person's name is the true business or residence address of the person signing the petition. Failure to affix a completed Affidavit of Circulator, including notarization, may cause the petition(s) to be invalidated. A sample Affidavit of Circulator is also attached with the petition.

If the petitioning method is used for proving neighborhood needs and desires, your petition packet must be submitted to the Town Clerk's Office no later than seven (7) days prior to the scheduled public hearing date.

Proximity to Schools and Other Liquor Licensed Establishments: Applications shall not be received or acted upon for the sale of malt, vinous and spirituous liquors within 500 feet of any public or parochial school or the principal campus of any college, university or seminary. The 500 foot distance limitation is calculated by reference to a "route of direct pedestrian access" from one location to another.

Similarly, applications shall not be received or acted upon if within the two-year period immediately preceding the date of the application, the state or local licensing authority has denied an application for the same class of license at the same location or within 500 feet of

that location on the basis that the reasonable requirements of the neighborhood and the desires of the adult inhabitants were satisfied by the existing licensed establishments.

Preliminary Findings: The Town Clerk's Office will notify the applicant of the preliminary findings not less than five (5) days prior to the public hearing.

Step Five: Public Hearing Held

A public hearing will be held before the Local Liquor Licensing Authority. At that time, the Nederland Board of Trustees, acting as the Local Liquor Licensing Authority, will hear testimony and vote to approve or deny the application. The applicant is required to attend the public hearing. The local licensing authority has the power to administer oaths and issue subpoenas to require the presence of persons and the production of papers, books and records necessary to make a determination of liquor licensing action. The hearing is a quasi-judicial proceeding and the local authority must allow any "party in interest," as defined in § 12-47-311(5)(A), to present evidence and to cross-examine witnesses. The authority has the right to limit the presentation of evidence tending to be repetitious, irrelevant, speculative or conjectural. Once the public hearing is closed, the local liquor licensing authority may vote on the application or may table the issue until a future meeting. A decision shall be made within 30 days of the public hearing. In formulating a decision, the authority shall consider all facts and evidence presented as a result of the investigation and hearing including:

- The reasonable requirements and desires of the adult inhabitants of the neighborhood affected.
- The qualifications of the applicant to hold a liquor license.
- The number and type of liquor outlets located in or near the neighborhood under consideration.
- Any other pertinent matters affecting the qualifications of the applicant for the conduct of the type of business proposed.

Attached below is a detailed description of the public hearing procedures. This explains the applicant's burden of proof regarding needs of the neighborhood to be affected and desires of the adult inhabitants of that neighborhood. Please read this carefully and contact the Town Clerk if you have any questions, then **sign the advisement and return the signed page to the Town Clerk.**

Step Six: Findings of Fact Report Issued

Once a decision is made by the local liquor licensing authority, the Findings of Fact Report is issued. This is the report that states outcome of the Board's decision and supplies reasons for any denial or conditions. A copy of the Findings of Fact Report will be mailed to the applicant in one to five business days.

Step Seven: Application Forwarded to the State for Consideration

If the license is approved, the Mayor and Town Clerk will sign the application and forward it to the State Department of Revenue for review. It may take **up to 6 weeks** for that department to review and issue the license. Upon approval, the State returns the license information to the Town of Nederland. The applicant may not purchase, sell or serve alcohol until the State has approved the license and issued a license number.

The state licensing authority may request more information from the local authority or the applicant in order to process the application. The applicant is encouraged to provide the requested information as promptly as possible. Upon approval, the state liquor authority will mail the state license to the local authority. The Town Clerk's office will then issue both the State of Colorado Liquor License and the Town of Nederland Liquor License to the applicant. Licensees must have currently valid state and local liquor or beer licenses, sales tax and food service licenses posted conspicuously on the licensed premises so that the general public may see them.

II. LICENSE RENEWAL PROCESS

All applications for renewal of liquor licenses are required to be on forms mailed to the licensee by the state licensing authority. Applications for renewal shall be submitted to the Town Clerk's Office no later than forty-five (45) days prior to the license expiration date with the appropriate fees. Once the completed application is received by the Town Clerk's Office, the expiration date of the license will be extended until the state completes its processing of the application. The Town Clerk's Office will request that the Nederland Police Department provide police records pertaining to the establishment. The fire department, health department, and zoning department will also provide a note of recommendation regarding the renewal of the liquor license. Upon approval, the state and local liquor licenses will be mailed to the applicant. Licensees must have currently valid state and local liquor or beer licenses, sales tax and food service licenses posted conspicuously on the licensed premises so that the general public may see them.

Late Renewal / Expired License: A licensee may submit a late renewal application and remain in operation while the renewal is pending. The licensee must submit the late renewal application ***no later than ninety (90) days after the license has expired*** and must pay a ***non-refundable late-renewal fee of \$500*** to the local authority. If the licensee fails to submit an application for renewal within the ninety (90) day late renewal period, then the license is deemed expired and the licensee must cease operations and apply for a new license.

III. CHANGE OF LOCATION LICENSE UPDATE

The local authority may grant permission for a licensee to permanently transfer the establishment's location to another place within the municipality. The licensee is required to submit [DR8442 - Permit Application & Report of Changes](#), along with proof of possession of the property that covers the entire period of proposed licensure, a diagram of the area to be licensed and the appropriate fees. The same inspection, public hearing, posting and noticing requirements apply to a change of location as that of an application for a new liquor license. The local authority will consider the new location with regard to the reasonable requirements of the neighborhood, proximity to schools and other licensed establishments in the area. Again, the applicant will be asked to provide evidence of the needs and desires of the adult inhabitants of the newly designated neighborhood. If approved by the local authority, the application and other relevant information will be forwarded to the state authority for consideration. Upon approval, new licenses will be sent to the licensee and must be posted conspicuously on the licensed premises so that the general public may see them.

IV. CHANGE OF OWNERSHIP LICENSE UPDATE

If a license has been issued to a husband and wife, or to general or limited partners, the death of one spouse or partner does not require the surviving spouse or partner(s) to procure a new license for the balance of the license period.

For most other transfers of ownership, applicants must obtain a new license. Applicants are required to submit the following:

- Form [DR8404](#) Colorado Liquor Retail License Application
- Form [DR8404-I](#) Individual History Record
- Consent to Release Form
- Fingerprints and C.B.I. Processing Fee
- Affidavit of Lawful Presence
- Proof of Possession of the Premises
- Purchase Agreement, Stock Transfer Agreement and/ or Authorization to Transfer License
- List of All Notes and Loans
- Fees

A background investigation will be conducted. Upon receipt of background investigation letters from the Nederland Police Department and C.B.I., the local liquor authority will determine if the applicant is of sufficient character to receive a liquor license.

The same posting and noticing requirements apply to a change of ownership as that of an application for a new liquor license. The local authority will consider the new ownership with consideration to the applicant's age and moral character. If approved by the local authority, the application and relevant information will be forwarded to the state authority for consideration. Upon approval, new licenses will be sent to the licensee and must be posted conspicuously on the licensed premises so that the general public may see them.

The local liquor licensing authority may issue a temporary permit to transfer any retail class of liquor license. With a temporary permit, the transferee may continue selling alcoholic beverages under their transferor's license pending approval of the transfer of ownership. The transferee must meet the following criteria:

- The premises were validly licensed by the state and local licensing authorities at the time of application for ownership transfer;
- The transferee filed a complete application and supplemental information for transfer of the liquor license with the local authority;
- The transferee filed a temporary permit application within thirty (30) days of filing the transfer of ownership application along with the appropriate fees; and
- The transferee provided a copy of the statement made to the state authority that demonstrates that all accounts for alcohol beverages sold are paid.

If granted, the local authority must issue the temporary permit within five (5) business days of receipt of the temporary permit application. The permit shall be valid for one hundred and twenty (120) days or until the transfer of ownership is granted or denied, whichever is less.

If the state or local authority determines that there is probable cause to believe that the transferee has violated the Liquor Code, violated the rules or regulations, or was not

truthful on the application forms, the local authority may cancel, revoke or summarily suspend the temporary permit.

V. MODIFICATIONS OF PREMISES or CHANGE IN USAGE

Without obtaining prior written approval of the state and local liquor licensing authorities, a licensee shall not make any “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.”

A licensee wishing to modify the premises or change the usage of a licensed establishment shall file a written request with the Town Clerk’s Office. The request shall be detailed and shall be accompanied by plans, specifications and drawings of the licensed premises before and after the proposed change. Some minor and non-controversial alterations may not necessitate a public hearing and may be approved administratively. However, upon receipt of a proposal for significant modification, the Town Clerk’s Office will schedule a public hearing for the matter to be considered by the local liquor licensing authority. The same posting and noticing requirements apply to a modification of premises or change in usage request as that for an application for a new liquor license.

Upon approval, the Town Clerk will forward the information to the state licensing authority for review. The applicant shall not make such modifications until written permission is received from the Town Clerk’s Office.

If the local authority denies the request, written notice of the grounds for denial will be sent to the licensee. The licensee shall not, therefore, make any modification or change in usage of the licensed premises. The liquor license shall remain in effect as originally approved.

VI. CHANGES IN TRADE NAME AND CORPORATE OR LIMITED LIABILITY COMPANY NAME

A licensee may not change the name or trade name of the licensed premises without providing written notice to the local and state licensing authorities at least ten (10) days prior to the change, as required by state liquor regulations. The licensee must file form [DR8442 - Permit Application & Report of Changes](#) and pay a \$50.00 state fee (no local fee).

VII. MANAGER REGISTRATION/ CHANGES

For changes in management for a Tavern or Hotel/ Restaurant class of liquor license, the licensee shall file form [DR8442 - Permit Application & Report of Changes](#) and pay a state fee of \$75.00 (no local fee) to report the change. Form [DR8404-I - Individual History Record](#), a completed fingerprint card, CBI processing fees of \$38.50, an Affidavit of Lawful Presence and Consent to Release form is also required.

For all other classes of license, the change may be indicated on the renewal application. None of the supplemental information is required (DR8408-I, fingerprints, etc).

VIII. SUSPENSION OR REVOCATION OF LICENSE

The local licensing authority may suspend or revoke a liquor license whenever a licensee (or an agent, servant or employee of a licensee) violates any provision of the Liquor Code or violates any term, condition, or provision of the license issued by the local authority. The local licensing authority must investigate the charge(s) and hold a public hearing. The local authority must issue and serve a written notice to the licensee at the address contained on the license. The Notice of Public Hearing must contain the date, time and location of the public hearing and an Order to Show Cause why the license should not be suspended or revoked. The Notice must also describe the charges against the licensee. The Town Clerk's Office will publish the Notice of Public Hearing in the local newspaper and will post a Legal Notice of Public Hearing at the licensed premises not less than ten (10) days prior to hearing date. At their discretion, the Town Board of Trustees, in its capacity as the local liquor licensing authority, may appoint the municipal judge as the local liquor licensing authority to preside over a public hearing in a suspension and revocation matter. The local licensing authority has the power to administer oaths and issue subpoenas to require the presence of persons and the production of papers, books and records necessary to make a determination of the validity of charge(s). The hearing is a quasi-judicial proceeding and the local authority must allow the licensee or counsel to present evidence and to cross-examine witnesses. If, at the end of the hearing, the local authority decides that no violation occurred, it will dismiss the charge(s) against the licensee. The license then remains in effect for the remainder of the term of the license. If, however, the local authority does find that a violation has occurred, it may suspend or revoke the license. Whenever the local licensing authority decides to impose a suspension of fourteen (14) days or less, the licensee may petition the authority to impose a fine in lieu of the suspension for all or part of the suspension period. To qualify for a fine in lieu of suspension, the licensee must not have had its license suspended or revoked or paid a fine in lieu of suspension within the prior two (2) year period. The local authority must also determine that allowing a fine to be paid will not endanger the public and it will constitute an adequate punishment. If the petition for a fine in lieu of suspension is approved by the local licensing authority, the fine imposed must be equivalent to twenty percent (20%) of the licensee's expected loss of gross income from sales of alcohol beverages during the time of the proposed suspension but not less than \$200 nor more than \$5000.

Under certain circumstances, a liquor license may be summarily suspended by the local licensing authority *without notice*, pending a prosecution, investigation or public hearing, "for a temporary period of not more than fifteen (15) days". In order to issue a summary suspension, the local authority must have probable cause to believe that the licensee is guilty of a *willful and deliberate violation* of any applicable law or regulation or that the *public health, welfare and safety imperatively requires emergency action*. The local authority will then immediately cause a public hearing.

IX. SPECIAL EVENT PERMITS

A Special Event Permit authorizes the sale of alcohol beverages by the drink to the public. There are two types of Special Event Permits; one allows sale of malt, vinous, and spirituous liquor, the other allows only the sale of 3.2% beer.

Those who qualify for Special Event Permits may not currently have a liquor license and must be one of the following:

- Organizations that are not-for-profit and have been incorporated pursuant to Colorado law for purposes of a social, fraternal, patriotic, political, or athletic nature.

- A regularly chartered branch, lodge or chapter of a national organization or society organized for such purposes, which is non-profit.
- An organization that is a regularly established religious or philanthropic institution.
- A political candidate who has filed the necessary reports with the Colorado Secretary of State or local election official.
- A municipality owning arts facilities at which productions of an artistic or cultural nature are held.

A special event may be conducted on the licensed premises of a Club or Arts liquor licensed establishment, or other non-licensed locations.

The applicant must submit the following documents to the Town Clerk's Office at least 45 days prior to the event:

- Form [DR8439](#) - *Application for a Special Event permit Special Event application.*
- The appropriate document proving eligibility to conduct an event.
- A property or rental agreement which provides that the location may be used for event purposes.
- A diagram of the proposed area, specifying dimensions and the method which will be used to control access.
- Appropriate fees.

The event must be held on the date, time, and location specified in the application and may not be changed. Ten (10) event days are allowed per calendar year and may be held separately or in any combination. If an event is canceled, the application fees and the day(s) are forfeited. Sales may occur between the hours of 5 a.m. and midnight of the day specified for a 3.2% beer permit; and between the hours of 7 a.m., of the day specified, and 2 a.m. of the following day for malt, vinous and spirituous permits.

The Special Event Permit and an appropriate Minor Warning Sign must be conspicuously displayed during the event.

Events Exempt from Special Events Permit Requirements: There are situations where alcoholic beverages may be served without holding a Special Events Permit. In order to qualify, **all** of the following criteria must be met:

- The host entity must qualify to hold a Special Events Permit. Criteria are listed in the Special Events Permit section of this document. The host should be prepared to provide documentation to prove eligibility upon request by any law enforcement official.
- Attendance to the event must be limited to members of the host entity and its guests only. Any host should know, in advance of the event, individual persons who are invited to attend. Most host entities will have regular membership lists. Some hosts, such as a political candidate, may not have such a list. Regardless of the source, invitations to the event must be pre-determined and available in writing if requested by law enforcement officials. The number of guests must be reasonable and may not be unlimited. Please see the Private Party section below for more discussion on qualifications for invited guests.
- The event must be on private property not accessible by the public. There must not be a liquor license on this property. Areas normally open to the public, such as parks or city facilities, may qualify as private through an appropriate legal

document giving the sponsor exclusive use of the area for the duration of the event. Adequate control must be demonstrated to ensure access only to those eligible to attend. Please consider that civil liability may exist even when alcohol is served in a legal manner.

- Alcohol must be served free of charge. If there is an admission charge to the event, it must be the same for all entrants, whether alcohol is consumed or not.

Exemption for Private Parties - The Liquor Code only specifies how alcoholic beverages may be sold or served to the *public*. Therefore, there is no statutory reference for a private party. A private party is an event that has *specifically identified* and *invited* guests *known by the host* and where food and alcohol are provided *at no charge*.

Consider the following when deciding if an event is a private party:

- Is the event open to the public? The answer must be no. An event is clearly public if it is advertised in any public venue, such as newspaper, radio, television, or flyers/posters in public places. It also qualifies as public if a person not on the original guest list can acquire an invitation through purchase of a membership, ticket, or any other item that gains them admission to the event.
- The guest list must contain names of specific individuals and be limited in number. While this number may be large, the host is still required to know the names on the list, and to ensure that only those invited attend the event.
- If a person who is not on the invited guest list contacts the host and asks to be invited and is granted admission, then the event has just become open to the public.
- Invitations may be directed to a particular individual only, an individual plus a guest, or an individual plus specified guests. An example would be a company holiday party, where employees and their families are invited. The host has an expectation of how many guests an employee may bring.
- There must not be a charge for alcohol in any way. This includes accepting donations or charging for admission.
- The host cannot provide glassware, mixers, or a location for a recurring event.

X. CATERED EVENTS

Liquor licenses are only operational at the location of the permanent business. A caterer may not sell or serve alcohol in any way outside their regular licensed location.

Attachment A:

**NEW LIQUOR LICENSE APPLICATION CHECKLIST
TOWN OF NEDERLAND, COLORADO**

- _____ Obtain Liquor License Application packet/materials at the Town Clerk's Office. (Applicant may wish to schedule an appointment with Town Clerk to review application requirements.)
- _____ Have fingerprints taken by Nederland Police Department and return to Town Clerk.
- _____ Make appointment with Town Clerk to review application for completeness.
- _____ Submit the complete application and copy of the complete application along with appropriate fees to Town Clerk.

Town Clerk sets public hearing date. Town Clerk begins to process memorandums to investigating agencies. (*Tentative* Date of Hearing: _____)

Town Clerk causes Notice of Public Hearing to be published in the Mountain-Ear (legal notice newspaper for the Town of Nederland). Must be published at least 10 days prior to the hearing.

Town Clerk causes Notice of Public Hearing to be posted on property. **Must be posted at least 10 days prior to the Hearing.**

- _____ Applicant to gather evidence in support of license issuance to be presented at Public Hearing. (Applicant may wish to gather petition signature. A Sample Petition is included in this packet of materials.)
- _____ Applicant must attend the Public Hearing to present evidence and give testimony in support of his application.

If approved at the meeting, the Mayor and Town Clerk sign documents and mail to State Department of Revenue along with appropriate State Fees.

Attachment B:

Colorado Retail Liquor and Beer Licenses and Permits

Retail Liquor Store license permits the sale to the public of malt, vinous, and spirituous liquors in sealed containers for consumption off the premises.

Liquor-Licensed Drug Store license permits licensed drugstores to sell malt, vinous, and spirituous liquors to the public in sealed containers for consumption off the premises.

Tavern license permits the sale to the public of malt, vinous, and spirituous liquors for consumption on the premises.

Hotel and Restaurant license permits restaurants, and hotels with restaurant facilities, to sell malt, vinous, and spirituous liquors to the public for consumption within the licensed premises.

Beer and Wine license permits the sale of malt and vinous liquors only to the public for consumption on the licensed premises.

Club license permits qualifying non-profit corporations to sell malt, vinous, or spirituous liquors to members and their guests for consumption on the premises.

Arts license permits qualifying non-profit corporations and municipalities, whose primary purpose is to display and/or sell art, to sell malt, vinous, and spirituous liquors to patrons of artistic and cultural performances for consumption on the premises in connection with such performances.

Bed and Breakfast permit allows complimentary alcohol beverages to be provided only to overnight guests during limited hours for consumption on the premises.

Racetrack license permits racetracks with pari-mutuel wagering to sell malt, vinous, and spirituous liquors to customers for consumption on the premises.

Public Transportation System license permits operators of a public transportation system to sell malt, vinous, and spirituous liquors to the public for consumption on the conveyances, cars, or planes of the system, or in private club rooms in airports or airport concourses.

Optional Premises license permits the sale on a licensed outdoor sports and recreational facility of malt, vinous, and spirituous liquors by the drink to customers for consumption on the premises.

3.2% Beer license permits the sale of fermented malt beverage (3.2% beer) to the public by the drink for consumption on the premises, or in sealed containers for off-premises consumption, or for both on- and off-premises consumption, depending upon the type of license issued.

Mini Bar permits allow a hotel and restaurant licensee (owner) who has a separate hotel facility, if located within 1,000 feet of its existing hotel and restaurant license, to establish mini bars in guest rooms at the hotel.

Delivery permit allows the delivery of alcohol beverages to locations off the licensed premises in sealed containers. Permits are only available to off premises retail licensees and to 3.2 beer licensees who hold on/off combination licenses.

Brew Pub license allows sale and consumption on premises of malt, vinous and spirituous liquors, and permits the manufacture of malt liquor on the licensed premises. Malt liquor that is manufactured on licensed premises may be sold for consumption on the premises, sold to an independent wholesaler for distribution to other licensed retailers, or sold to the public in properly labeled sealed containers "to go."

Retail Gaming Tavern license allows sale of malt, vinous and spirituous liquor by the drink for consumption on the premises.

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.

Attachment C:

**TOWN OF NEDERLAND
LIQUOR LICENSE APPLICATION FEES**

STATE FEES:

State fees are indicated on the application form. Fees are dependent on the type of license desired.

Please make the check payable to: Colorado Department of Revenue.

LOCAL FEES:

Your total local fees will be the sum of the application fee, the license fee, and the occupation tax.

Please make the check payable to: Town of Nederland.

Application Fees:

New License	\$1000.00
Transfer of Ownership	750.00
Concurrent Review	1000.00
Change of Location	750.00
H/R Optional Premises (each)	75.00
Resort Complex Permit (each)	75.00
Manager Registration (H/R and Tavern)	75.00
Corp/LLC Change (per person)*	100.00
*May be charged by Town <u>OR</u> State – not both; local fee does not apply to Club Licenses	

License Fees:

Hotel/Restaurant	\$75.00
Hotel/Restaurant w/optional premises	75.00
Tavern	75.00
Racetrack	75.00
Optional Premises	75.00
Arts	41.25
Club	41.25
Drugstore	22.50
Liquor Store	22.50
Beer & Wine	48.75
Brew Pub	75.00
3.2% Beer	3.75

Occupational Tax (these are in addition to the two above):

Beer/Wine License	\$100.00
3.2% Retail License	50.00
Retail Liquor Store License	100.00
Hotel and Restaurant License	\$200.00

Permit Fees:

Special Events Permit (Liquor)	\$100.00
Special Events Permit (3.2% Beer)	100.00
Temporary Permit	100.00
Bed & Breakfast Permit	25.00

Mini Bar Permit

325.00

Worksheet for Determining Total Liquor License Application Fees Due

1. Check made payable to the **Colorado Department of Revenue**:

Application Fee: _____
License Fee: _____
Other (as applicable): _____
TOTAL: _____

2. Check made payable to the **Town of Nederland**:

Application Fee: \$ _____
License Fee: _____
Occupational Tax: _____
Corporate/LLC background fee: _____
Permit _____
Other (i.e., permits, if applicable): _____
TOTAL: _____

Attachment D:

PETITION TO THE TOWN OF NEDERLAND LIQUOR LICENSING AUTHORITY

I, the undersigned, am aware that an application for a _____
liquor license has been filed with the Town of Nederland Liquor Licensing Authority by:
_____ doing business as
_____, and proposed
to be located at: _____.

I am at least 21 years of age and I am a resident or manager of a business located within
the Town of Nederland. I have indicated below whether I consider the granting of the
above mentioned liquor license to be necessary for the reasonable requirements of the
neighborhood.

Name	Address	Age	Date	For	Against

AFFIDAVIT OF PETITION CIRCULATOR

I, _____ do hereby certify
that I was the circulator of the attached petitions and further, that I personally witnessed
each signature appearing on the petitions, to the best of my knowledge, each signature



thereon is the signature of the person whose name it purports to be, each address given opposite each name is the true address of that person that signed, that each person that signed the petition had the opportunity to read, or have read to them, the petition in its entirety and understand its meaning. I also hereby affirm that no promises, threats, or inducements were employed whatsoever in connection with the presentation of this petition and that every signature appearing hereon was completely free and voluntarily given.

Circulator Signature

STATE OF COLORADO)
)ss.
COUNTY OF BOULDER)

Subscribed and sworn to before me this _____ day of _____, 20____.

Notary Public

My Commission Expires

*** Please return this form to the Town Clerk with your completed petitions; one form per circulator is required.

SURVEY PETITION SUMMARY

Dates of Petitioning _____

Breakdown of Contacts:

Not At Home _____

Not Qualified to Sign _____

Refusals to Sign _____

Needs and Desires Met _____

Religious Objections _____

Remained Neutral _____

Usage Objections _____

Other _____

Number of Signatures _____

TOTAL CONTACTS: _____

*** Please return this form to the Town Clerk with your completed petitions.

Attachment D:

Liquor License Applicant's Written Advisement of Public Hearing Procedures

The applicant will appear before the Nederland Board of Trustees, which serves as the Local Liquor Licensing Authority, for a public hearing to determine whether or not your liquor license application should be granted or denied. Colorado Liquor Code stipulates that this hearing must be no sooner than thirty (30) days after acceptance of your application. The applicant will be notified of the hearing date by certified mail. The hearing will take place in the Nederland Community Center at 750 Hwy 72 in the multi-purpose room, and will be conducted according to the laws of the State of Colorado and the ordinances and procedures of the Town of Nederland. **The applicant is required to attend the hearing in order to receive a liquor license.**

The purpose of the hearing is to receive information, data, and testimony by interested parties, in order to enable the Board to make findings and reach the conclusions required by state law as to whether the application should be approved or denied. The statutory criteria that the Board will be concerned with throughout the hearing are the reasonable requirements of the neighborhood and the desires of the adult inhabitants of that neighborhood with respect to the business proposed. The Board of Trustees has designated a presumptive neighborhood as the Town limits. The applicant may either accept the presumptive neighborhood, or provide evidence that the neighborhood boundaries are something other than the presumptive neighborhood. Those persons who will be heard during the hearing are *parties in interest*, who are defined by the Colorado Liquor Code as being the applicant, adult residents of the neighborhood, and owners/managers of businesses located in the defined neighborhood.

If the results of the background investigation produce items that give the Board cause to question the moral character of the applicant, the applicant will be notified in accordance with state law, and will have the opportunity to present evidence and respond to questions from the Board during the hearing regarding these issues.

The hearing sequence is summarized below.

The Local Liquor Licensing Authority will:

1. Call the hearing to order.
2. Ask the applicant or their representative to introduce themselves, their business and their request for a liquor license.
3. Ask the applicant to produce any exhibits demonstrating the "needs and desires of the adult inhabitants of the neighborhood" (e.g. petitions). The applicant may also wish to discuss or demonstrate their intended control of the premises, food service and food availability, hours of service/operation during various seasons (i.e. summer vs. winter), future plans for expansion or relocation, training plans for employees, or other pertinent information in support of their application.
4. Allow members of the public who wish to speak in favor of the application.
5. Allow members of the public who wish to speak in opposition to the application.
6. Allow the applicant to rebut any points made by witnesses opposed to approval of the license.

7. Allow the applicant may make closing comments to The Board, regardless of whether or not opposition is presented.
8. Allow Licensing Authority members to ask questions, clarify statements, or speak in favor of, or opposition to, the application.
9. The Licensing Authority is required, within 30 days of the hearing, to formally approve or deny the application based on:
 - a) The reasonable requirements of the *neighborhood* (NOTE: The Local Licensing Authority has previously defined the "neighborhood" as the town limits of the Town of Nederland; however, they have taken into consideration comments from the larger 'community' of Nederland in public matters)
 - b) The desires of the adult inhabitants of the neighborhood.
 - c) The number, type and availability of liquor outlets located in the neighborhood.

Oftentimes, the Local Licensing Authority will reach a decision on the application that same evening.

This is not a trial, and is not subject to courtroom rules of procedure. However, a verbatim record is kept to allow the opportunity to have the record examined by District Court to verify that there was sufficient evidence to support the findings. Anyone who testifies must come to the microphone, identify themselves, and be sworn in. There are no formal rules of evidence, but the hearing officer has the duty to ensure that everyone gets a full, fair, and impartial hearing. The hearing officer reserves the right to limit testimony that is repetitive, inapplicable, or given by someone who is not a party in interest.

* * * * *

Attachment E:

Acknowledgment of Receipt of Written Advisement of Public Hearing Procedures

I verify that I received and reviewed a copy of this written advisement regarding the public hearing procedures before the Nederland Local Liquor Licensing Authority.

Applicant Signature _____

Printed Name _____

Business Name _____

Date _____

*** Please return this page to the Town Clerk prior to the hearing date.

Attachment F:

CONSENT AND AUTHORIZATION FOR RELEASE OF INFORMATION

CONCERNING THE APPLICATION OF: _____

I hereby authorize the release of all information and records concerning myself to any agent of the Nederland Town Clerk's Office.

The intent of this authorization is to give my consent for complete disclosure of information regarding my background, reputation and character. This includes, but is not limited to: records of educational institutions; military records; employment and pre-employment records; training records; financial or credit records; complaints or grievances filed by or against me; records of investigation, complaint, arrest, trial and/or convictions for alleged or actual violations of law; the results of polygraph examinations; records of civil complaints made by or against me; and verbal or written statements by any person; however personal or confidential they may appear to be. I respectfully request and direct you to release all such information upon the request of any representative of the Town of Nederland, regardless of any agreement to the contrary I may have previously made with you.

I understand that the above information is for use by the Town of Nederland in conducting a background investigation to determine my suitability for receipt of a business or liquor license, and will be kept confidential. I understand that all materials obtained become the property of the Town of Nederland and will not be released to me. In the event my application is disapproved, the specific reason therefore cannot be revealed to me.

I understand that I have rights guaranteed by law to privacy with regards to the disclosure and access of records or information concerning me, and I voluntarily, knowingly, and willingly waive those rights with the understanding that information furnished will be used by the Town of Nederland in conjunction with licensure procedures.

For and in consideration of the acceptance and processing of my application for a liquor or business license, I agree to hold the Town of Nederland, its agents, and employees harmless from any and all claims and liability associated with my application for such a license or in any way connected with the decision whether or not to grant me such a license.

I agree to indemnify and hold harmless any person or organization, and their agents and employees, to whom this request is presented, from and against all claims, damages, losses and expenses, including reasonable attorney's fees, arising out of or by reason of complying with request.

A photocopy or fax of this release form will be valid as an original hereof, even though said photocopy does not contain my original signature.

