



TOWN OF NEDERLAND SPECIAL EVENT LIQUOR LICENSE INFORMATION

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.

A Special Event Liquor 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.

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.

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