



# **APPLICATION FOR RETAIL LIQUOR LICENSE**

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# **APPLICATION FOR FERMENTED MALT BEVERAGE (BEER) LICENSE**

City Clerk's Office  
30 South Nevada Avenue, Suite 101 Colorado  
Springs, CO

Phone: (719) 385-5901, Option 2



**Liquor and Beer Licensing** in Colorado is a highly regulated industry with dual-jurisdictional licensing authority. Sales and service of alcohol beverages in Colorado requires location-specific liquor licensing at both the local (City of Colorado Springs) and state (Colorado Department of Revenue Liquor Enforcement Division) jurisdictional levels. There is no public consumption of alcohol beverages allowed except in a duly liquor licensed establishment. All matters related to Liquor and Beer licensing must be directed to the City of Colorado Springs City Clerk's Office, including applications, licenses, changes, and renewals. The Hearing Officer for the Local Licensing Authority has jurisdiction and conducts hearings on alcohol beverage (liquor or beer) license applications and disciplinary actions (suspension or revocation). See the 22 available license/permit types listed below. As a privileged class license, the statutory burden is on the applicant to "prove their case," and the City Clerk's Office is not able to provide any legal or business advice.

Liquor and Beer License Application Packets may be downloaded at <https://coloradosprings.gov/city-clerk/page/liquor-and-beer-licensing>. The new application packet includes the Colorado Springs City Code and Rules governing Liquor and Beer Business Licensing in Colorado Springs, as well as general information and an application checklist. These laws and rules are supplementary to the main governing laws and rules as outlined in Colorado Revised Statutes §44-3, §44-4, and §44-5 as well as Colorado Code of Regulations 1 C.C.R. 203-2. These governing laws and rules may be viewed and downloaded using this link: <http://colorado.gov/revenue/liquor>.

Completed applications with the applicable State and City fees must be submitted to the City Clerk's Office only (do not send to the State). The City Clerk's Office is located at 30 S. Nevada Avenue, Suite 101, Colorado Springs, CO 80903.

#### **Application process and timeline (approximately 3-5 months):**

- City Clerk's Office receives COMPLETE application (on single-sided 8.5"x11" white paper).
  - City Clerk's Office issues fingerprint authorization for all officers, members, owners, and managers.
- City Clerk's Office reviews and verifies all required City and State forms data, supplemental documentation, background information, and correct fees, to include:
  - Issue applicable temporary permit (transfer applications only) within 5-7 business days of receipt of completed application.
  - Send application to State Liquor Enforcement Division (LED) for concurrent review (new applications only).
  - Application departmental reviews (Sales Tax, Land Use, Fire, and Health).
  - Background checks and application investigation, including financial and premises possession components.
  - Establish defined neighborhood boundary area and issue map (new, change of location, and modification of premises applications).
- Once all reviews are complete, the City Clerk's Office sets a hearing date before the Hearing Officer, but not less than 30 days from receipt of completed application (new, change of location, and major modification applications).
- Applicant receives notice of hearing and results of investigations approximately 2-3 weeks prior to the scheduled hearing date. These application hearings require proof of the defined neighborhood's needs and desires.
  - Applicant posts the required Public Notice poster at least 10 days prior to hearing.
  - Applicant provides any surveys/petitions by noon on the Tuesday prior to the hearing date (new, change of location, and major modification applications).
- Local Licensing Authority Hearing (3<sup>rd</sup> Friday of each month).
- Upon Hearing Officer approval, application is processed by the City Clerk's Office and local approval is forwarded to the State LED to be acted on by LED policies and timeline (and/or backlog).
  - Applicant is contacted for any further information or documentation required by the State LED.
- City Clerk's Office receives State LED license and/or approval.
  - City Clerk's Office notifies the applicant of LED action.
  - Applicant pays pro-rated annual Occupational Tax on Liquor payment (new applications only).
  - Applicant provides proof of current building and fire code compliance (with applicable inspections – contact Office of the Fire Marshal at (719-385-5978), City and State Sales Tax licenses, and Health Department license and/or inspection approval (new, change of location, and modification applications)).
- City Clerk's Office inspects premises as applicable (new, change of location, and most modifications), issues applicable licenses/permits, and reviews renewal and annual Occupational Tax process with licensee.

## **Available Liquor and Beer License Types**

### **Beer Licenses:**

- Fermented Malt Beverage and Wine – Off Premises License
- Fermented Malt Beverage – On Premises License

### **Liquor Licenses:**

- Arts Liquor License (non-profit only)
- Beer and Wine License
- Brew Pub Liquor License
- Club Liquor License (private member, non-profit only)
- Distillery Pub Liquor License
- Liquor-Licensed Drugstore
- Hotel and Restaurant Liquor License (includes Resort and Campus Complex)
- Hotel and Restaurant with Optional Premises Liquor License
- Lodging and Entertainment Liquor License
- Optional Premises Liquor License
- Racetrack Liquor License
- Retail Liquor Store License
- Tavern Liquor License
- Vintner's Restaurant Liquor License

### **Liquor Permits and Certifications (limited on days/hours allowed) - These liquor permit or certification applications are separate and are not included in this packet:**

- Retail Establishment Liquor Permit
- Bed & Breakfast Liquor Permit
- Special Event Beer Permit (non-profit organizations only; Fermented Malt Beverage (Beer) only)
- Special Event Liquor Permit (non-profit organizations only)
- Tastings Permit (Retail Liquor Store and Liquor-Licensed Drugstore only)
- Promotional Association certification with Common Consumption Area authorization (in Council-approved Entertainment District)

**For information on Promotional Association certification process and application, please contact the City Clerk's Office at (719) 385-5901, Option 2.**

# CITY OF COLORADO SPRINGS

## NOTICE

### LIQUOR LICENSE INFORMATION AND GUIDELINES

THE FOLLOWING INFORMATION IS INTENDED TO PROVIDE GENERAL INFORMATION/GUIDELINES AND SHOULD NOT BE CONSTRUED AS LEGAL ADVICE OR AS A SUBSTITUTE FOR LEGAL COUNSEL.

- Alcohol beverage licenses are issued by "dual" licensing authorities and obtaining a liquor license is a privilege, not a right.
- Colorado Revised Statutes (Colorado Liquor and Beer Code) and Regulations, the Code of the City of Colorado Springs, 2001 as amended, and the City's Liquor and Beer Rules and Regulations, regulate alcohol beverage licenses. The City of Colorado Springs Liquor Code and Rules are attached, and the current State Statute and Regulations are available at <http://www.colorado.gov/revenue/liquor>.
- Applications must be submitted to the Colorado Springs City Clerk's Office and approved by the local authority before it is forwarded to the Colorado Department of Revenue/Liquor Enforcement Division for approval and issuance.
- The application/licensing process takes approximately 3 to 5 months from the filing and acceptance of a completed application. For that reason, you must communicate with the City Clerk's Office well in advance of your opening date. Failure to file applications in a timely manner may result in a delay.
- All forms must be **typed or legibly printed**, accurate, complete in all aspects, and properly executed.
- **Incomplete applications will be rejected.** A checklist is provided in the packet for your assistance.
- **APPLICATIONS AND REQUIRED ATTACHMENTS/DOCUMENTATION MUST BE SUBMITTED SINGLE-SIDED ON 8.5"x11" WHITE PAPER (ORIGINAL COPY) TO THE CITY CLERK'S OFFICE WITH THE APPROPRIATE CITY AND STATE FEES.**
- Applications will be reviewed by the City Clerk's Office within 5 to 7 business days.
- An incomplete application will be rejected in its entirety. If an application is then resubmitted, the application will again be reviewed within 5 to 7 business days.
- The City Clerk's Office must authorize the required fingerprinting based on completed Applicant Interview Form(s). Fingerprinting must be accomplished at the Colorado Springs Police Operations Center, located at 705 S. Nevada Avenue, Monday through Friday, 8:00 am to 5:00 pm, and the verified Applicant Interview Form(s) must be returned to the City Clerk's Office within ten (10) days of fingerprint authorization.
- If an existing license is being transferred to a new owner, the premises **MUST** remain as currently licensed or a separate application for Modification of the Premises must be filed by the new owner.
- Applicants for a new alcohol beverage license, transfer of an existing alcohol beverage license, or change of location of an existing alcohol beverage license may be subject to additional fees and/or licenses and inspections required prior to operation which may include, but are not limited to:

- Occupational Tax on Liquor (Annual Tax)
  - Retail Food Establishment License (Health Department: 719-578-3199)
  - City and State Sales Tax Licenses (must be submitted with application)
  - Fire Department inspection (Office of the Fire Marshal: 719-385-5978)
- A new alcohol beverage license will not be issued until a Certificate of Occupancy has been obtained, if applicable (Regional Building Department: 719-327-2880).
  - **No Liquor or Beer license will be issued until all applicable fees have been paid and all required licenses and inspections have been obtained.**

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# APPLICATION HEARINGS BEFORE THE LOCAL LICENSING AUTHORITY

## FOR NEW ALCOHOL BEVERAGE LIQUOR LICENSE, MAJOR MODIFICATION OF PREMISES, OR CHANGE OF LOCATION APPLICATIONS ONLY

**This information is provided as a courtesy. It is not intended to be legal advice. If you choose to represent yourself, you are presumed to have knowledge of the applicable statutes and rules and must be prepared to accept the consequences of any mistaken understanding, even if the case is not litigated. Also, you will be bound by the same rules of procedure and evidence as attorneys who are licensed to practice law.**

Upon filing and acceptance of a complete application for a new license, major modification of the premises, or change of location, and with applicable department approvals, a hearing date before the Hearing Office for the Local Licensing Authority will be scheduled. **State law prohibits a public hearing from being held less than 30 days from the date of completed application, however, due to the background investigation, the hearing may not be scheduled until approximately 90 days from the completed application submittal.** Transfer of ownership applications are processed administratively, and do not require Liquor License application hearings.

Applications for a new license, major modification of the premises or a change of location require proof of the reasonable requirements (needs) of the neighborhood and the desires of the adult inhabitants within the neighborhood boundaries designated by the City Clerk's Office.

The neighborhood boundaries are established by the City Clerk's Office pursuant to the Liquor and Beer Rules and Regulations for the City of Colorado Springs. If you, the applicant, are not satisfied with the boundaries established, you may appeal the boundaries set by the City Clerk's Office to the Hearing Officer. The appeal will be scheduled for the next available meeting date. Note: the hearing of the new license, modification or change of location may be delayed upon appeal.

At the licensing application public hearing, you must be prepared to present evidence of the needs and desires of the inhabitants/neighborhood. Petition surveys may be conducted by the applicant or by petition/survey companies (a list of survey companies are in the application packet and also available upon request in the City Clerk's Office). Pre-approved survey/petition forms are available in the City Clerk's Office. A format different from the City Clerk's Office petition form may be used provided it has been pre-approved by the Local Licensing Authority.

Additionally, the Hearing Officer may ask questions deemed appropriate to the application/issue. Should you fail to prove to the Hearing Officer there is a need and desire for a license at the proposed location, and the application is denied, a new application may not be submitted for a similar license at that location or within 500 feet of that location for a period of two (2) years; one (1) year for a Fermented Malt Beverage (Beer) license.

You have the right to bring a foreign-language interpreter with you to the hearing, but you are responsible to provide a qualified interpreter solely at your expense. An interpreter must be able to interpret whatever any person expresses in that hearing, completely and accurately, in both your preferred language and in English. An interpreter cannot guess at the meaning of words and phrases, cannot "fill in the blanks" for you, and cannot extend the meaning of your expressions or make inferences from what you have said in order to respond to questions you may not have understood.

## **NEW AND TRANSFER OF OWNERSHIP APPLICATIONS**

- 1) Complete the application in its entirety – State law prohibits any public hearing from being held less than 30 days from the date of **completed** application. Allow 3 to 5 months for the process to be completed.  
An application is deemed complete if it contains all appropriate/required documents as provided on the application documents checklist and worksheet. **The application with attachments must be submitted on single sided 8.5”x11” white paper (original copy).**
- 2) All application and license fees are due and payable upon submittal of the application (**see Fee Schedule in packet**). For new licenses, the annual Occupational Tax on Liquor is not due until the application has been approved by both the City and State and is pro-rated for the remaining days in the calendar year.
- 3) Submit a copy of the City Sales Tax license, or proof of application.
- 4) Copy of Proof of Trade Name Registration from the Colorado Department of Revenue (sole proprietor or general partnership); or a copy of Certificate of Good Standing from the Colorado Secretary of State **and** copy of Operating Agreement or Bylaws (corporation, limited liability corporation, limited liability partnership, or limited liability limited partnership).
- 5) For **NEW** applications, a public hearing date for the Local Licensing Authority will be scheduled upon satisfactory determination of the following:
  - a) Review and acceptance of the application
  - b) Accompanying documentation review and acceptance
  - c) All applicable department approvals have been obtained (i.e. Land Use and Sales Tax)
  - d) Background investigation
  - e) Sales Tax license obtained or proof of application
- 6) If the Hearing Officer approves the new application, and upon approval by the Colorado Department of Revenue, the premises will be inspected by the City Clerk’s Office.
- 7) Inspection of premises and issuance of a license, upon approval, will be conducted when:
  - a) Proof of Retail Food Establishment license, if applicable, is provided
  - b) Certificate of Occupancy has been obtained if new building, or a new Fire Department inspection report reflecting CSFD approval if existing structure
  - c) Occupational Liquor Tax is paid (\$300-400 annual tax, pro-rated for new licenses; see City Code 2.5.3)
- 8) Transfer of ownership applications are processed administratively, and do not require Local Licensing Authority public hearings.
- 9) Applications requiring additional information will be returned to the applicant for amendment. Fees will not be refunded for rejected or withdrawn applications. Applications expire one year after submittal date, and if not approved and licensed will require a new application and fees.
- 10) Applications requiring additional information requested by the State Liquor Enforcement Division will have 60 days to submit the required information, or the State may deny the application.

# APPLICATION DOCUMENTS AND ATTACHMENTS CHECKLIST AND WORKSHEET

**INSTRUCTIONS:** Use this checklist to guide and assist you with filing all required documents necessary for a complete application. **All** documents must be properly signed and correspond with the name of the applicant exactly. **All** documents must be typed or legibly printed. The application must be approved by both the Local Licensing Authority and the State of Colorado before issuance. Upon final State approval, the license will be mailed to the Local Licensing Authority for issuance. Application fees are nonrefundable.

## CHECK ALL APPLICABLE BOXES AS APPLICATION IS COMPLETED OR DOCUMENTS SUBMITTED

### APPLICANT INFORMATION

- Applicant/Licensee is identified
- State Sales Tax license number is listed (required).
- License type or transaction is identified
- City Sales Tax license (copy) or application is submitted.

### DIAGRAM OF THE PREMISES

- No larger than 8 ½" x 11"
- Dimensions are included (does not have to be to scale)
- Exterior area should show control (fences, walls, etc.)
- Separate diagram for each floor (if multiple levels)
- Identify location of Liquor Storage and identify Kitchen if Hotel and Restaurant.
- Outline entire proposed licensed premises in black marker where alcohol is requested to be served, sold, or stored.

### PROPERTY POSSESSION

- Deed or Lease (properly executed) in name of applicant ONLY
- Lease Assignment (if applicable) in name of applicant ONLY with proper consent and signatures of the Landlord and applicant
- Other agreement if not deed or lease

### BACKGROUND INFORMATION

- Individual History Record (Form DR 8404-I) for **all officers and managers** and persons owning 10% or more of outstanding or issued capital stock or membership interest
- Lawful Presence Affidavit (for **every owner, officer, or manager**)
- Affirmation and Consent (page 3) for each officer, owner, and manager listed.
- Applicant Interview Forms (page 4): for **every owner, officer, and manager**. Fingerprint authorization will be issued upon submittal of a completed application. (Applicant officers, owners, directors, and managers will be fingerprinted at the Police Department). (State licensing authority may provide for master file applicants)

### FINANCIAL DOCUMENTS

- List all sources of funds and provide copies of all notes and/or loans
- Purchase agreement, stock transfer agreement, and/or authorization to transfer license

### COPORATE INFORMATION (as applicable)

- Copy of Articles of Incorporation
- Certificate of Good Standing
- Copy of Trade Name Registration
- Copy of Bylaws
- Certificate of Authorization (if foreign corporation)
- List of officers, directors and stockholders of parent corporation (designate 1 person as "principal officer")

### PARTNERSHIP INFORMATION (as applicable)

- Partnership Agreement (general or limited); **(Not needed if husband and wife)**.
- Lawful Presence Affidavits

### LIMITED LIABILITY COMPANY INFORMATION (as applicable)

- Copies of Articles of Organization (date stamped by Colorado Secretary of State).
- Copy of Operating Agreement
- Certificate of Good Standing (and Authority if foreign company)
- Copy of Trade Name Registration

### MANAGER REGISTRATION

- \$75.00 fee if transfer application or change of manager. No additional fee if registration is submitted with new license application, or manager is an owner.
- Individual History Record (DR 8404-I)
- Lawful Presence Affidavit
- Affirmation and Consent (page 3)
- Applicant Interview Form (page 4). Fingerprint authorization will be issued upon submittal of a completed application (to be fingerprinted at the Police Department).

### Completed City Liquor License Application

### Completed State Liquor License Application



# ALCOHOL BEVERAGE NEIGHBORHOOD NEEDS/DESIRES PETITIONS

## OVERVIEW

Applicants for a new alcohol beverage license, modification of the premises, or a change of location (with the exception of Club licenses) are required to demonstrate the needs and desires of the adult inhabitants of the neighborhood. If the applicant desires to offer proof of this requirement through a petition or survey of the neighborhood, the following procedures are required pursuant to Rules 6.01 and 8.01 of the Liquor and Beer Rules and Regulations for the City of Colorado Springs.

The neighborhood boundaries are established by the City Clerk's Office upon receipt of a completed application pursuant to the Liquor and Beer Rules and Regulations for the City of Colorado Springs. Applicants may object to the boundaries set by the City Clerk's Office. Objections will be scheduled for the next available meeting of the Local Licensing Authority. Note: The hearing of the new license, modification of premises, or change of location may be delayed as a result of such an objection.

A pre-approved petition form is available in the City Clerk's Office. Another petition format may be used provided it has been approved by the Local Licensing Authority prior to entry into evidence at the hearing. Petitions may be circulated by the applicant, a petition/survey company retained by the applicant, or any interested person opposing the issuance of the license such as an adult resident of the neighborhood, owner or manager of a business located in the neighborhood, or principal or representative of any school located within five hundred (500) feet of the premises to be licensed. A list of petition/survey companies that have previously appeared before the Local Licensing Authority is available upon request in the City Clerk's Office; however, applicants are not limited to using companies on the list and neither the City nor the Local Licensing Authority endorse or recommend any of the listed companies.

Petition circulators may be requested to testify before the Local Licensing Authority. If a circulator is not present at the hearing, the proceedings may be continued.

## GUIDELINES FOR CIRCULATION

The following guidelines should be adhered to for ALL petitions conducted. In addition, a copy of the guidelines should accompany every petition packet and be made available for inspection upon request of anyone contacted. **If using the pre-approved petition form, do not dismantle the petition packet.** Note: Deviation from these guidelines may result in rejection of the petition.

The front page of each petition should include:

1. Type of alcohol beverage application and license requested (*i.e.*, new application, modification of premises, or change of location for a Tavern, Hotel/Restaurant, Retail Liquor Store, etc.)
2. Name of applicant
3. Proposed name of establishment (trade name/dba)
4. Address of the proposed location of the establishment
5. Date, time and location of the Local Licensing Authority hearing on the proposed application
6. A statement indicating that in order to be qualified to sign the petition, the signer **must be 21 years of age and either 1) a resident of the neighborhood; or 2) the owner or manager of a business located within the neighborhood.** If a signer is both a resident and owner or manager of a business within the neighborhood, he/she may sign the petition only once. Further, only one signature per business will be accepted.
7. All petitions shown to qualified signers should **have a map attached** of the established neighborhood boundary that details the proposed location of the establishment.

Qualified signers should:

1. Print **and** sign their first and last name
2. Print their address
3. List their age
4. List the date of signing
5. Indicate "yes" if they are in favor of the application; "no" if they are opposed; or "no opinion"
6. Mark whether they reside or own or manage a business within the designated boundary.

\*\*\*\* **The signer of a petition MAY NOT sign for anyone else.**

\*\*\*\* **Illegible names, signatures, and addresses will be disregarded or rejected.**

## **PETITION CIRCULATORS**

Circulators should follow the above instructions and **circulate the petition in an unbiased manner.**

### **ANY EVIDENCE OF INFLUENCING A QUALIFIED SIGNER'S OPINION MAY RESULT IN THE DISQUALIFICATION OF THE PETITION BY THE LOCAL LICENSING AUTHORITY.**

- 1) Circulate petitions ONLY within the established neighborhood boundary.
- 2) Attach the map provided by the City Clerk's Office of the established boundaries to the petition packet prior to circulation.
- 3) Attach the signed and notarized Circulator's Affidavit to the petition.

### **CIRCULATORS SHOULD ENSURE PERSONS SIGNING THE PETITION MEET THE FOLLOWING CRITERIA:**

- At least 21 years of age; and
- Resident or owner or manager of a business in the defined neighborhood.

### **CIRCULATORS SHOULD DIRECT ANY QUESTIONS TO THE CITY CLERK'S OFFICE ONLY – NOT TO THE APPLICANT OR ITS AGENT.**

## **SUBMITTAL OF PETITION PACKETS**

The following documents must be filed in the City Clerk's Office by or before NOON on the Tuesday prior to the Local Licensing Authority hearing:

- 1) The **original, completed petition packet(s)** with applicable signed affidavit(s); and
- 2) **Three (3) copies** of the following:
  - a) A computation/summary of the petition results. Include the percentage and number breakdown of all parties petitioned and the responses.
  - b) A master map highlighting the streets where contacts were made.

**Failure to submit any of the preceding documents by the deadline may result in disqualification of the petition by the Local Licensing Authority.**

**THE PRECEDING INFORMATION SHOULD NOT BE CONSTRUED AS LEGAL ADVICE OR AS A SUBSTITUTE FOR LEGAL COUNSEL. IF THERE ARE ANY DISCREPANCIES BETWEEN THE PRECEDING AND THE LAW OF THE STATE OF COLORADO, THE CODE OF THE CITY OF COLORADO SPRINGS 2001, AS AMENDED, OR THE LIQUOR AND BEER RULES AND REGULATIONS OF THE CITY OF COLORADO SPRINGS, THE STATE LAW, CITY CODE, AND RULES SHALL APPLY.**

## **LICENSE SURVEY/PETITION COMPANIES**

LIQUOR LICENSING PROFESSIONALS, LLC (Liquor Pros)  
Eva Garretson & Sylvie Gauvin-Cimino  
5515 Saddle Rock Place  
Colorado Springs, CO 80918  
Phone: (719) 390-8844  
Email: [liquorpros@msn.com](mailto:liquorpros@msn.com)

### **Liquor Training Programs - Approved Vendors List**

**Vendors that have filed evidence of compliance with the Standards for a Seller & Server Training Program (Department of Revenue) can be found by visiting here:**

- <https://www.colorado.gov/pacific/enforcement/approved-responsible-vendors-training>

# LIQUOR LICENSE RENEWALS

(§44-3-302 C.R.S., Regulation 47-303, and Local Rule 4.00)

Approximately 90-120 days prior to the expiration of the Liquor License(s), a pre-populated renewal form will be mailed to you, the licensee, from the Colorado Department of Revenue's Liquor Enforcement Division (State LED) to the mailing address on file.

**Submit the renewal form, with the appropriate State and City fees, to the City Clerk's Office no later than 45 days prior to the expiration date.**

If a renewal form is not received from the State LED prior to 45 days of expiration, a blank renewal form to be completed and submitted to the City Clerk's Office can be found online at <https://coloradosprings.gov/city-clerk/page/liquor-and-beer-licensing>.

Businesses that are: 1) sole proprietorship; or 2) husband/wife partnership will be required to submit State Form DR 4679 (Affidavit – Restrictions on Public Benefits) with applicable proof of lawful presence in the United States, with the annual renewal application.

**ALL** changes, modification, and renewal applications are to be filed with the City Clerk's Office on forms provided by the City and State. The **licensee** is responsible for ensuring that all filings are timely. Late filings may result in administrative sanctions, fines, and/or criminal charges.

## Occupational Tax on Liquor

(City Code 2.5.301)

Additionally, your annual Occupational Tax on Liquor payment, payable to the City of Colorado Springs, will be due no later than January 31<sup>st</sup> of each year. Receipts for payment of this annual occupational tax must be available on the premises at all times.

## Required Postings

(§§44-3-901(1)(h) & (6)(h), City Code 2.1.602 & 603)

All required licenses must remain in full force and effect at all times and are required to be posted at the liquor licensed premises in a manner that is visible and conspicuous to the public.

▪ Valid State Liquor License	▪ Valid City Liquor License
▪ Valid State Sales Tax License	▪ Valid City Sales Tax License
▪ Minor Warning Signs	▪ Valid Health Department License (as applicable)
▪ Other required licenses/permits as applicable (CO, Tastings, Warehouse Storage)	

## **OTHER AGENCY CONTACT INFORMATION**

### SECRETARY OF STATE (BUSINESS AND TRADE NAME REGISTRATION):

- WEB SITE: [WWW.SOS.STATE.CO.US](http://WWW.SOS.STATE.CO.US)
- PHONE NUMBER: (303) 894-2200

### RETAIL SALES TAX LICENSE:

#### CITY of COLORADO SPRINGS SALES TAX DEPARTMENT:

- PHONE NUMBER: (719) 385-5903
- ADDRESS: 30 SOUTH NEVADA AVE. SUITE 203, 80903
- WEB SITE: [WWW.COLORADOSPRINGS.GOV](http://WWW.COLORADOSPRINGS.GOV)

#### STATE – COLORADO DEPARTMENT OF REVENUE SALES TAX DEPARTMENT:

- PHONE NUMBER: (719) 594-8706
- ADDRESS: 2447 N. UNION BLVD, CSC, 80909
- WEBSITE: [WWW.REVENUE.STATE.CO.US](http://WWW.REVENUE.STATE.CO.US)

### EL PASO COUNTY HEALTH DEPARTMENT:

- PHONE NUMBER: (719) 578-3199
- ADDRESS: 1675 W. GARDEN OF THE GODS RD. SUITE 2044, COLORADO SPRINGS, CO, 80907
- WEB SITE: [WWW.ELPASOCOUNTYHEALTH.ORG](http://WWW.ELPASOCOUNTYHEALTH.ORG)

### REGIONAL BUILDING DEPARTMENT

- PHONE NUMBER (719) 327-2880 or 327-2887
- ADDRESS: 2880 INTERNATIONAL CIRCLE, COLORADO SPRINGS, CO 80910
- WEB SITE: [WWW.PPRBD.ORG](http://WWW.PPRBD.ORG)

### COLORADO SMALL BUSINESS DEVELOPMENT CENTER

- PHONE NUMBER: (719) 667-3803
- WEB SITE: [WWW.CSSBDC.ORG](http://WWW.CSSBDC.ORG)

### OFFICE OF THE FIRE MARSHAL

PHONE NUMBER: (719) 385-5978



## 2024 LIQUOR LICENSE FEE SCHEDULE

(Effective 01/01/2024 - Page 1 of 2)

Checks for City transactions are to be made payable to the **“City of Colorado Springs”** and State transactions are to be made payable to the **“Colorado Department of Revenue”**.

LIQUOR LICENSE TYPE	CITY APPLICATION FEE	CITY LICENSE FEE	TOTAL CITY FEE	STATE APPLICATION FEE	STATE LICENSE FEE	TOTAL STATE FEE
<b>HOTEL AND RESTAURANT <u>or</u> HOTEL AND RESTAURANT WITH OPTIONAL PREMISES <u>or</u> TAVERN <u>or</u> LODGING AND ENTERTAINMENT <u>or</u> OPTIONAL PREMISES <u>or</u> RACE TRACK</b>						
New	\$1000.00	\$ 75.00 +	\$1075.00	\$ 1100.00	\$ 500.00	\$ 1600.00
Transfer	\$ 750.00	\$ 75.00 +	\$ 825.00	\$ 1100.00	\$ 500.00	\$ 1600.00
Renewal	\$ 100.00	\$ 75.00	\$ 175.00	\$ 125.00	\$ 500.00	\$ 625.00
Concurrent Review				\$ 1200.00	\$ 500.00	\$ 1700.00
HR w/Optional Premises		\$ 75.00 each add'l premises			\$ 100.00 each add'l premises	+\$100.00 each add'l premises
Temporary Permit (transfer only)	\$ 100.00	<b>+\$ 38.50/person investig</b>	\$ 925.00			
<b>HOTEL AND RESTAURANT WITH RESORT COMPLEX <u>or</u> HIGHER EDUCATION CAMPUS COMPLEX</b>						
New	\$1000.00	\$ 75.00 license fee ++	\$1075.00 ++	\$ 1100.00	\$ 500.00	\$ 1600.00 +++
Transfer	\$ 750.00	\$ 75.00 ++	\$ 825.00 ++	\$ 1100.00	\$ 500.00	\$ 1600.00 +++
Renewal	\$ 100.00	\$ 75.00	\$ 175.00 ++	\$ 125.00	\$ 500.00	\$ 625.00 +++
Concurrent Review				\$ 1200.00	\$ 500.00	\$ 1700.00 +++
Temporary Permit (transfer only)	\$ 100.00	+ \$15.00 each facility <b>+\$ 38.50/person investig</b>	\$ 925.00 ++ ++ Add \$15 per facility		+++ \$160.00 each facility	+++Add \$160/facility
<b>BREW PUB <u>or</u> DISTILLERY PUB <u>or</u> VINTNER'S RESTAURANT</b>						
New	\$1000.00	\$ 75.00 +	\$1075.00	\$ 1100.00	\$ 750.00	\$ 1850.00
Transfer	\$ 750.00	\$ 75.00 +	\$ 825.00	\$ 1100.00	\$ 750.00	\$ 1850.00
Renewal	\$ 100.00	\$ 75.00	\$ 175.00	\$ 125.00	\$ 750.00	\$ 875.00
Concurrent Review				\$ 1200.00	\$ 750.00	\$ 1950.00
Temporary Permit (transfer only)	\$ 100.00	<b>+\$ 38.50/person investig</b>	\$ 925.00			
<b>BEER AND WINE (ON PREMISES)</b>						
New	\$1000.00	\$ 48.75 +	\$1048.75	\$ 1100.00	\$ 351.25	\$ 1451.25
Transfer	\$ 750.00	\$ 48.75 +	\$ 798.75	\$ 1100.00	\$ 351.25	\$ 1451.25
Renewal	\$ 100.00	\$ 48.75	\$ 148.75	\$ 125.00	\$ 351.25	\$ 476.25
Concurrent Review				\$ 1200.00	\$ 351.25	\$ 1551.25
Temporary Permit (transfer only)	\$ 100.00	<b>+\$ 38.50/person investig</b>	\$ 898.75			
<b>RETAIL LIQUOR STORE (RLS)</b>						
New	\$1000.00	\$ 22.50 +	\$1022.50	\$ 1100.00	\$ 227.50	\$ 1327.50
Transfer	\$ 750.00	\$ 22.50 +	\$ 772.50	\$ 1100.00	\$ 227.50	\$ 1327.50
Renewal	\$ 100.00	\$ 22.50	\$ 122.50	\$ 125.00	\$ 227.50	\$ 352.50
Concurrent Review				\$ 1200.00	\$ 227.50	\$ 1427.50
Temporary Permit (transfer only)	\$ 100.00	<b>+\$ 38.50/person investig</b>	\$ 872.50			
<b>LIQUOR LICENSED DRUGSTORE (**additional LLDS requires purchase and transfer of 2 existing RLS Licenses)</b>						
New	\$1000.00	\$ 22.50 +	\$1022.50	\$ 1100.00	\$ 227.50	\$ 1327.50
Additional	\$1000.00	\$ 22.50 +	\$1022.50	\$ 1100.00**	\$ 227.50	\$ 1327.50
Transfer	\$ 750.00	\$ 22.50 +	\$ 772.50	\$ 1100.00	\$ 227.50	\$ 1327.50
Renewal	\$ 100.00	\$ 22.50	\$ 122.50	\$ 125.00	\$ 227.50	\$ 352.50
Concurrent Review				\$ 1200.00	\$ 227.50	\$ 1427.50
Temporary Permit (transfer only)	\$ 100.00	<b>+\$ 38.50/person investig</b>	\$ 872.50	<b>+\$ 100.00/person Manager Permit</b>		<b>+\$100.00/pp Manager Permit</b>
<b>FERMENTED MALT BEVERAGE AND WINE RETAILER (OFF) <u>or</u> FERMENTED MALT BEVERAGE ON PREMISES</b>						
New	\$1000.00	\$ 3.75 +	\$1003.75	\$ 1100.00	\$ 96.25	\$ 1196.25
Transfer	\$ 750.00	\$ 3.75 +	\$ 753.75	\$ 1100.00	\$ 96.25	\$ 1196.25
Renewal	\$ 100.00	\$ 3.75	\$ 103.75	\$ 125.00	\$ 96.25	\$ 221.25
Concurrent Review				\$ 1200.00	\$ 96.25	\$ 1296.25
Temporary Permit (transfer only)	\$ 100.00	<b>+\$ 38.50/person investig</b>	\$ 853.75			

## 2024 LIQUOR LICENSE FEE SCHEDULE

(Effective 01/01/2024 - Page 2 of 2)

Checks for City transactions are to be made payable to the **“City of Colorado Springs”** and State transactions are to be made payable to the **“Colorado Department of Revenue”**.

LIQUOR LICENSE TYPE	CITY APPLICATION FEE	CITY LICENSE FEE	TOTAL CITY FEE	STATE APPLICATION FEE	STATE LICENSE FEE	TOTAL STATE FEE
<b>ARTS or CLUB</b>						
New	\$1000.00	\$ 41.25 +	\$1041.25	\$ 1100.00	\$ 308.75	\$ 1408.75
Transfer	\$ 750.00	\$ 41.25 +	\$ 791.25	\$ 1100.00	\$ 308.75	\$ 1408.75
Renewal	\$ 100.00	\$ 41.25	\$ 141.25	\$ 125.00	\$ 308.75	\$ 433.75
Concurrent Review				\$ 1200.00	\$ 308.75	\$ 1508.75
Temporary Permit (transfer only)	\$ 100.00		\$ 891.25			
		<b>+\$ 38.50/person investig</b>				

<b>BED &amp; BREAKFAST PERMIT</b>						
New		\$ 3.75	\$ 3.75	N/A	\$ 71.25	\$ 71.25
Transfer		\$ 3.75	\$ 3.75		\$ 71.25	\$ 71.25
Renewal		\$ 3.75	\$ 3.75		\$ 71.25	\$ 71.25
		<b>No background investig</b>				

<b>RETAIL ESTABLISHMENT PERMIT</b>						
New	\$ 100.00	\$ 3.75	\$ 103.75	N/A	\$ 93.25	\$ 93.25
Renewal	\$ 100.00	\$ 3.75	\$ 103.75		\$ 93.25	\$ 93.25
		<b>No background investig</b>				

<b>SPECIAL EVENT PERMIT</b>						
Liquor	\$ 100.00/day	N/A	\$112.50	N/A (City Only)	N/A	N/A
Fermented Malt Beverage	\$ 100.00/day		includes			
Poster Fee	\$ 12.50	<b>No background investig</b>	poster fee			

<b>TASTINGS PERMIT (RLS and LLDS Only)</b>						
New	\$ 15.00	\$ 100.00	\$115.00	N/A (City Only)	N/A	N/A
Renewal	\$ 0.00	\$ 100.00	\$100.00			

<b>MISCELLANEOUS</b>						
TYPE	CITY	TOTAL CITY FEE	STATE	TOTAL STATE FEE		
CBI - Background Check	\$ 38.50 per person for CBI background investigation	\$38.50/person	N/A (City Only)		N/A	
Change of Location	\$ 750.00	\$ 750.00	\$ 150.00		\$ 150.00	
Manager Registration	\$ 30.00 (for applicable license types only)	\$ 30.00	\$ 30.00		\$ 30.00	
Report of Changes – Officers/Directors, etc.	\$ 100.00/ person being reported + \$ 38.50 for CBI background investigation per person	\$100/person + \$38.50 back	N/A (City Only)		N/A	
Change of Trade Name	N/A (State Only)	N/A	\$ 50.00		\$ 50.00	
Modification of Premises	N/A (State Only)	N/A	\$ 150.00		\$ 150.00	
Temporary Modification			\$ 300.00		\$ 300.00	
Duplicate License	\$ 5.00	\$ 5.00	\$ 50.00		\$ 50.00	
Late Renewal	\$ 500.00 - PLUS renewal application and license fees	\$ 500.00	\$ 500.00 + renewal application & license fees		\$ 500.00	
Temporary Permit (Transfer Applications only)	\$ 100.00	\$ 100.00	N/A (City Only)		N/A	
Storage Warehouse Permit	N/A (State Only)	N/A	\$ 100.00		\$ 100.00	
Takeout & Delivery Permit	N/A (State Only)	N/A	\$ 11.00		\$ 11.00	
Festival Permit	N/A (State Only)	N/A	\$ 50.00		\$ 50.00	

<b>PROMOTIONAL ASSOCIATIONS with COMMON CONSUMPTION AREA (City only)</b>	
Promotional Association Application Fee	\$ 700.00
Promotional Association Re-Certification Application Fee	\$ 250.00
Common Consumption Area Modification Application Fee	\$ 500.00
Attach License to Common Consumption Area Application Fee (each)	\$ 100.00
Remove License from Common Consumption Area Application Fee	\$ 25.00

# ARTICLE 5 ALCOHOL BEVERAGES

## PART 1 GENERAL PROVISIONS

SECTION:

**2.5.101: Title**

**2.5.102: Definitions**

**2.5.103: Labeling As Proof Of Contents**

**2.5.104: Local Licensing Authority**

**2.5.101: TITLE:**

This article shall be known and may be cited as the *CITY LIQUOR CODE*. (1980 Code; Ord. 01-42)

**2.5.102: DEFINITIONS:**

The following terms, as used in this article, shall have the following meanings, unless the context specifically indicates otherwise, or unless the meaning is excluded by express provision:

**ALCOHOL BEVERAGE:** Fermented malt beverage or malt, vinous, or spirituous liquors; except that "alcohol beverage" shall not include confectionery containing alcohol within the limits prescribed by Colorado Revised Statutes section 25-5-410(1)(i)(II).

**COMMON CONSUMPTION AREA:** Shall have the same meaning as "common consumption area" defined under Colorado Revised Statutes section 44-3-103(11).

**DELIVERY:** The delivery of an alcohol beverage or fermented malt beverage off the premises of the person selling the same. This term shall not include wholesale deliveries or deliveries made to persons holding a license for the sale, service or distribution of alcohol beverages or fermented malt beverage under the terms of this article.

**ENTERTAINMENT DISTRICT:** Shall have the same meaning as "entertainment district" defined under Colorado Revised Statutes section 44-3-103(15).

**FERMENTED MALT BEVERAGE:** Shall have the same meaning as "fermented malt beverage" defined under Colorado Revised Statutes section 44-4-103(1); except that "fermented malt beverage" shall not include confectionary containing alcohol within the limits prescribed by Colorado Revised Statutes section 25-5-410(1)(i)(II).

**LICENSED, LICENSEE, AND LICENSED PREMISES:** Persons or premises issued a license or permit under Colorado Revised Statutes, title 44, articles 3, 4, and 5.

**MALT LIQUOR:** Shall have the same meaning as "malt liquor" defined under Colorado Revised Statutes section 44-4-103(30).

**OPERATOR:** A person licensed by law to sell malt, vinous and spirituous liquors or fermented malt beverages for beverage purposes at retail and who is engaged at any time during the calendar year in the operation within the City.

**OPTIONAL PREMISES:** Shall have the same meaning as "optional premises" defined under Colorado Revised Statutes section 44-4-103(33).

**OUTDOOR SPORTS AND RECREATIONAL FACILITY:** Any facility which charges a fee for the use of the facility including, but not limited to, zoological gardens, golf courses, athletic fields, country clubs and ski areas.

**PREMISES:** A distinct and definite location, which may include a building, a part of a building, a room, or any other definite contiguous area.

**PROMOTIONAL ASSOCIATION:** Shall have the same meaning as "promotional association" defined under Colorado Revised Statutes section 44-4-103(39).

**SPIRITUOUS LIQUORS:** Shall have the same meaning as "spiritous liquors" defined under Colorado Revised Statutes section 44-4-103(54).

**TASTINGS:** 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 this article and Colorado Revised Statutes section 44-3-301(10).

**TASTINGS PERMIT:** Authorizes the holder of a retail liquor license or liquor licensed drugstore to conduct tastings upon the licensed premises in accord with the rules and regulations of this article and Colorado Revised Statutes section 44-3-301(10).

**VINOUS LIQUORS:** Shall have the same meaning as "vinous liquors" defined under Colorado Revised Statutes section 44-4-103(59).

**WRITTEN CONTROL PLAN:** Documentation relating to the licensee's or permittee's plan to control and monitor the serving, consumption and removal of liquor. (Ord. 1882; Ord. 2340; 1968 Code §5-74B; Ord. 81-130; Ord. 90-18; Ord. 01-42; Ord. 04-195; Ord. 08-145; Ord. 15-78; Ord. 17-75; Ord. 20-10)

### **2.5.103: LABELING AS PROOF OF CONTENTS:**

During any trial for a violation of this article, any bottle, can or other container with labeling indicating the contents of the bottle, can or container shall be admissible into evidence, and the information contained on any label on the bottle, can or other container shall be admissible into evidence and shall not constitute hearsay. The information upon the label may be considered by the fact finder in determining whether the contents of the bottle, can or other container constituted an alcohol beverage or malt liquor. In addition, a label which identifies the contents of any bottle, can or other container as "beer", "ale", "malt beverage", "fermented malt beverage", or "malt liquor" shall constitute prima facie evidence that the contents of the bottle, can or other container were malt liquor and an alcohol beverage. A label which identifies the contents of any bottle, can or other container as "wine", "champagne", "whiskey" or "whisky", "gin", "vodka", "tequila", "schnapps", "brandy", "cognac", "liqueur", "cordial", "alcohol" or "liquor" shall constitute prima facie evidence that the contents of the bottle, can or other container was an alcohol beverage. (Ord. 02-215)

### **2.5.104: LOCAL LICENSING AUTHORITY:**

A. Local Licensing Authority: The Colorado Springs Municipal Judges shall serve in an Administrative Hearing Officer capacity as the Local Licensing Authority of the City for the licensing of the alcohol beverages as authorized by Colorado Revised Statutes, title 44, articles 3, 4, and 5, the rules and regulations of the State licensing authority, this Code and local rules of procedure, and shall possess all powers given to local licensing authorities by the provisions of State Statutes, City Code, and State and local rules and regulations.

B. City Clerk: The City Clerk shall be the Local Licensing Authority for the purpose of reviewing and granting or denying applications for all liquor permits, authorizations, certifications, and license or permit changes authorized by Colorado Revised Statutes, title 44, articles 3, 4, and 5, the rules and regulations of the State licensing authority, this Code and local rules of procedure. The City Clerk, as the Local



Licensing Authority, shall be governed by the requirements of the applicable State Statutes, any appropriate City Code provisions or City Council resolutions, and State and local rules and regulations.

C. Authority To Promulgate: The City Clerk shall have the authority to promulgate rules and regulations which shall govern the conduct of investigations as are required by law, the conduct of hearings before the Local Licensing Authority, and the procedures for ruling upon license applications, transfers, renewals, and suspensions or revocations of licenses. Consistent with the authority delegated by State Statute, the City Clerk may recommend related ordinances for City Council adoption. (1968 Code §§5-74A, 5-76; Ord. 75-137; Ord. 76-34; Ord. 81-130; Ord. 83-75; Ord. 01-42; Ord. 02-215; Ord. 04-195; Ord. 08-145; Ord. 15-78; Ord. 17-75; Ord. 17-114; Ord. 20-10)

## **PART 2 LICENSE, CERTIFICATION, OR PERMIT REQUIRED**

SECTION:

**2.5.201: City License Or Permit Required**

**2.5.202: Compliance With State Law; Fees Required**

**2.5.203: Applications**

**2.5.204: Standards For Issuance Of Optional Premises License And Optional Premises Permit For Hotel And Restaurant License**

**2.5.205: Tastings Permit**

**2.5.206: Entertainment Districts Authorized**

**2.5.201: CITY LICENSE OR PERMIT REQUIRED:**

A. It shall be unlawful for any person to engage in the business of selling or serving any alcohol beverages or fermented malt beverages within the City without a City license or permit, unless otherwise permitted by law.

B. It shall be unlawful for any person to serve alcohol at a permitted tasting without a server's certification. It shall be prima facie evidence that the server is in violation of this section if the server is unable to produce the server's certification upon request by any peace officer, or other employee of the City who is acting in the person's official capacity and within the scope of the person's employment.

C. It shall be unlawful for any person to engage in the business of selling or serving any alcohol or fermented malt beverages for consumption in a Common Consumption Area within the City unless: 1) the City Clerk authorizes the attachment of the person's licensed premises to the Common Consumption Area and 2) the City Clerk certifies a Promotional Association for the operation of the Common Consumption Area. (Ord. 1588; 1968 Code §5-74A; Ord. 81-130; Ord. 01-42; Ord. 04-195; Ord. 08-145; Ord. 15-78; Ord. 17-75; Ord. 20-10)

**2.5.202: COMPLIANCE WITH STATE LAW; FEES REQUIRED:**

The license, permit, authorization, or certification required in section 2.5.201 of this part shall be issued in accord with and upon the payment of the fees provided by State Statutes, City Code, and State and local rules and regulations. (Ord. 1588; 1968 Code §5-74A; Ord. 01-42; Ord. 15-78; Ord. 17-75)

**2.5.203: APPLICATIONS:**

All applications for licenses, permits, authorizations, or certifications shall be filed with the City Clerk's Office on forms to be approved by the City Clerk and accompanied by all applicable fees, together with other information and documents as may be required by Liquor and Beer Rules and Regulations for the City of Colorado Springs. The City Clerk or designee shall act as Secretary to the Local Licensing

Authority and all the records shall be kept in the City Clerk's Office. (1968 Code §5-84; Ord. 76-34; Ord. 01-42; Ord. 15-78; Ord. 17-75; Ord. 17-114)

**2.5.204: STANDARDS FOR ISSUANCE OF OPTIONAL PREMISES LICENSE AND OPTIONAL PREMISES PERMIT FOR HOTEL AND RESTAURANT LICENSE:**

In addition to the requirements of the provisions of title 44, article 3, Colorado Revised Statutes and any rules and regulations issued thereunder, the following standards apply to an optional premises license and an optional premises permit for a hotel and restaurant license:

- A. Applicant must submit a detailed sketch of the outdoor sports and recreational facilities which indicates the location of each optional premises, as well as a written statement explaining the applicant's need for the optional premises, demonstrating that the size of the outdoor sports and recreational facility justifies the issuance of an optional premises license.
- B. Applicant must submit its written plan to ensure control over each area designated as an optional premises.
- C. Optional premises licensees and permittees must have sandwiches and light snacks available on the optional premises during the service of malt, vinous or spirituous liquors. (Ord. 90-19; Ord. 01-42; Ord. 15-78; Ord. 20-10)

**2.5.205: TASTINGS PERMIT:**

A. In General: The City hereby authorizes tastings to be conducted by retail liquor store or liquor licensed drugstore licensees in accord with this section and pursuant to Colorado Revised Statutes section 44-3-301(10) et seq. Within the City, it is unlawful for any person or licensee to conduct tastings unless a tastings permit has been obtained in accord with this section. The City Clerk is authorized to issue tasting permits in accord with the requirements of this section.

B. Application And Standards For Issuance:

1. To conduct tastings, a retail liquor store or liquor licensed drugstore licensee shall submit to the City Clerk an application on forms provided by the City for a tastings permit to the City Clerk. The City Clerk may reject the application if the applicant fails to establish that tastings will be conducted without violating the provisions of this section or of Colorado Revised Statutes section 44-3-301 et seq., or without creating a public safety risk to the neighborhood.

2. The applicant for a tastings permit shall verify on the application that all persons serving alcohol at tastings have completed a certified server training program that meets the standards established by the Liquor Enforcement Division of the Colorado Department of Revenue.

3. The applicant shall provide a written control plan at the time of the application that meets the approval of the City Clerk.

4. The initial tastings permit shall be valid only until the expiration of the then current retail liquor store or liquor licensed drugstore license held by the applicant and may be renewed upon application on the same time schedule as the retail liquor license or the liquor licensed drugstore license renewal. A renewed tastings permit shall be valid for not more than one year and shall run concurrently with the retail liquor store or liquor licensed drugstore license of the holder of the tastings permit.

C. Tastings Restrictions: In addition to the requirements of the provisions of title 44, article 3, Colorado Revised Statutes and any related rules and regulations issued, the following restrictions apply to a tastings permit:

1. Tastings shall be conducted only by a person who has completed a server training program that meets the standards established by the Liquor Enforcement Division of the Colorado Department of Revenue, and only on the licensee's licensed premises.

2. The tastings permit shall be posted during all tastings.

D. Violations:

1. A violation of a restriction specified in this section or in Colorado Revised Statutes section 44-3-301 by a retail liquor store or liquor licensed drugstore, whether by licensee's employees, agents or otherwise, shall be the responsibility of the retail liquor store licensee or liquor licensed drugstore licensee who holds the permit and is conducting the tasting.

2. It is a violation of the tastings permit if the permittee's retail liquor store license or liquor licensed drugstore license is not in full force and effect.

3. A retail liquor store licensee or liquor licensed drugstore licensee holding a permit and conducting a tasting shall be subject to the same revocation, suspension and enforcement provisions as otherwise apply to the licensee, and including the suspension and revocation procedures set forth in section 2.1.801 et seq., of this chapter.

4. It is a violation of this part to create a public safety risk as a result of the conduct of tastings or the operation of a tastings permit. (Ord. 08-145; Ord. 15-78; Ord. 20-10)

**2.5.206: ENTERTAINMENT DISTRICTS AUTHORIZED:**

Pursuant to Colorado Revised Statutes section 44-3-301(11), as amended, the City of Colorado Springs exercises its local option to authorize Entertainment Districts.

A. City Council may authorize individual Entertainment Districts by Resolution. City Council shall make a determination that the establishment of the Entertainment District size, hours of operation, and other reasonable restrictions are compatible with the geographic area in which the Entertainment District is to be located. The City Council Resolution authorizing the Entertainment District shall describe and identify the boundaries of the Entertainment District and include a detailed map attached to the Resolution. The Resolution may impose stricter limits on size, security, or hours of operation of any Common Consumption Area created within the Entertainment District so long as City Council deems the stricter limits necessary for the health, safety, and welfare of the public. An Entertainment District must meet the following minimum criteria:

1. The defined boundaries of the Entertainment District shall not exceed one hundred (100) contiguous acres; and

2. The defined boundaries of the Entertainment District shall contain at least twenty thousand (20,000) square feet of premises that at the time the district is created is licensed as an authorized Licensed Premises under Colorado Revised Statutes 44-3-103(15)(c), as amended.

B. For purposes of certifying Promotional Associations and Common Consumption Areas within Entertainment Districts, the City Clerk shall act as the Local Licensing Authority and is authorized to:

1. Certify and decertify Promotional Associations pursuant to Colorado Revised Statutes section 44-3-301(11), as amended, and any rules and regulations issued by the Colorado Department of Revenue, Liquor Enforcement Division;

2. Designate one or more Common Consumption Areas within a City Council approved Entertainment District;

3. Authorize, deauthorize, or refuse to authorize or reauthorize the attachment of a licensed premises to a Common Consumption Area; and
  4. Promulgate, administer, and enforce local rules and regulations related to:
    - a. The application and application process for a Promotional Association;
    - b. The certification process and requirements for certifying a Promotional Association;
    - c. The application fees, certification fee, and other fee(s) associated with certifying a Promotional Association and authorizing the attachment of licensed premises to a Common Consumption Area;
    - d. The operational requirements and conditions or restrictions for designating the location, size, security, and attachment of licensed premises to a Common Consumption Area;
    - e. The sufficiency and method of presenting evidence through, petitions, remonstrances, or otherwise, demonstrating the reasonable requirements of the neighborhood and the desires of the adult inhabitants;
    - f. Reasonable restrictions placed upon the neighborhood by the Licensing Authority;
    - g. Annual reporting and compliance requirements for Promotional Associations; and
    - h. All other matters authorized by the Colorado Liquor Code, Colorado Revised Statutes section 44-3-101, et seq.
- C. The regulations and standards for operating a certified Promotional Association and Common Consumption Area shall be in addition to all other laws, regulations, and standards applicable under this article, this Code, and the Colorado Liquor Code, Colorado Revised Statutes section 44-3-101, et seq.
- D. A Promotional Association and all licensed premises attached to a Promotional Association's Common Consumption Area shall be subject to the same revocation, suspension, and enforcement provisions which apply to the liquor licensee, including the suspension and revocation procedures set forth in section 2.5.601 et seq., of this chapter and the Liquor and Beer Rules and Regulations of the City of Colorado Springs. (Ord. 17-75; Ord. 20-10)

## **PART 3 OCCUPATION TAX ON LIQUORS**

SECTION:

**2.5.301: Declaration Of Policy And Purpose**

**2.5.302: Classification And Occupation Tax Established**

**2.5.303: Payment Of Tax; Proration**

**2.5.304: Payment Of Tax Prerequisite To Sale**

**2.5.305: Delinquent Taxes**

**2.5.301: DECLARATION OF POLICY AND PURPOSE:**

The City Council finds, determines and declares that, considering the nature of the business of selling at retail fermented malt beverages, malt, vinous and spirituous liquors for beverage purposes, the relation of the business to the general welfare, as well as the relation to the expenditures required of the City, the proper, just and equitable distribution of tax burdens within the City and all other penalties proper to be considered in relation to the business, the classification of the business as a separate occupation is reasonable, proper, uniform and nondiscriminatory, and that the amount of tax imposed in this part is

reasonable, proper, uniform and nondiscriminatory and necessary for a just and proper distribution of the tax burdens within the City. The City Council further finds, determines, and declares that the purpose of this part is and has always been to impose the applicable tax upon all persons licensed to sell fermented malt beverages, malt, vinous and spirituous liquors for beverage purposes as defined under Colorado Revised Statutes, title 12, articles 46, 47 and 48, as amended, regardless of the specific class of operation. (Ord. 1882; 1968 Code §5-75A; Ord. 01-42; Ord. 04-195; Ord. 15-78)

**2.5.302: CLASSIFICATION AND OCCUPATION TAX ESTABLISHED:**

The business of selling at retail any fermented malt beverage, malt, vinous or spirituous liquor for beverage purposes is hereby defined and separately classified, and the license tax fixed for the occupation for the purposes of this article as follows:

- A. Hotel and restaurant licensees, tavern licensees, brewpub licensees, distillery pub licensees, vintner's restaurant licensees, and lodging and entertainment licensees: The annual Occupation Tax is set at four hundred dollars (\$400.00).
- B. Beer and wine licensees: The annual Occupation Tax is hereby set at three hundred dollars (\$300.00).
- C. Retail liquor store licensees: The annual Occupation Tax is hereby set at three hundred dollars (\$300.00).
- D. Liquor licensed drugstores: The annual Occupation Tax is hereby set at three hundred dollars (\$300.00).
- E. Club licensees: The annual Occupation Tax is set at three hundred dollars (\$300.00).
- F. Fermented malt beverage on and off premises licensees: The annual Occupation Tax is hereby set at three hundred dollars (\$300.00).
- G. Arts licensees: The annual Occupation Tax is set at two hundred dollars (\$200.00).
- H. Racetrack licensees: The annual Occupation Tax is set at three hundred dollars (\$300.00).
- I. Optional premises licensees: The annual Occupation Tax is hereby set at four hundred dollars (\$400.00). (Ord. 1882; Ord. 2408; 1968 Code §5-75B, C; Ord. 76-106; Ord. 81-243; Ord. 82-230; Ord. 90-21; Ord. 01-42; Ord. 04-195; Ord. 15-78; Ord. 16-79; Ord. 17-76)

**2.5.303: PAYMENT OF TAX; PRORATION:**

- A. The Occupation Tax shall be due and payable to the City of Colorado Springs and submitted to the City Clerk's Office by January 31 of each year and shall be delinquent on February 1 of the same year.
- B. Upon receipt of the tax, the City Clerk's Office shall issue a receipt showing the name of the person paying the same, the trade name, the annual period and the location of the place of business for which the tax paid. The person operating the business shall at all times during the year have the receipt available on the premises and shall produce the receipt on request.
- C. If the occupation is newly undertaken or commenced subsequent to January 1 of any year, the tax shall be prorated for the remaining portion of the year. However, if the business is actually in existence and only temporarily closed, no proration or refund shall be made to any person who discontinues the business during the year.
- D. All prorated taxes shall be due and payable upon the beginning of business, and shall be paid prior to the issuance of a license to sell alcohol beverages. (Ord. 1882; 1968 Code §5-75D; Ord. 01-42)

**2.5.304: PAYMENT OF TAX PREREQUISITE TO SALE:**

It shall be unlawful for any licensee or registered manager to engage in the occupation of selling at retail for beverage purposes any fermented malt beverages, malt, vinous or spirituous liquors in the City until payment in full of all taxes imposed by this part. For each twenty four (24) hour period during which the business is conducted without the payment, a separate offense in violation of this part shall be deemed to have been committed. (Ord. 1882; 1968 Code §5-75G; Ord. 01-42; Ord. 04-195)

**2.5.305: DELINQUENT TAXES:**

A. Interest: Interest shall accrue on all delinquent taxes from the date of delinquency until paid or collected at the rate of one percent (1%) per month.

B. Delinquent Tax Not Grounds For Suspension Of License: No delinquency in payment of the tax shall be grounds for suspension or revocation of a liquor license. However, repeated nonpayment or delinquent payment of the tax may be grounds for nonrenewal of license.

C. Recovery Of Delinquent Tax: The City may recover all sums due under this part by an action at law. (Ord. 1882; 1968 Code §5-75D, E, F; Ord. 01-42)

**PART 4 CREATION, PROCEDURES OF LIQUOR AND BEER LICENSING BOARD <sup>1</sup>**

(Rep. by Ord. 17-114)

Notes

<sup>1</sup> 1. Prior ordinance history: 1968 Code §§5-77, 5-78, 5-79; Ord. 76-34; Ord. 83-75; Ord. 90-106; Ord. 97-148; Ord. 01-42.

**PART 5 ISSUANCE OF LICENSES**

SECTION:

**2.5.501: Hearing On Applications**

**2.5.502: Applications; Factors To Consider**

**2.5.503: Findings Of The Local Licensing Authority**

**2.5.504: Records**

**2.5.505: Decisions By The Local Licensing Authority; Appeal**

**2.5.506: Distance Restrictions For Hotel And Restaurant Licenses**

**2.5.501: HEARING ON APPLICATIONS:**

A. The Local Licensing Authority shall have the power to hear and determine applications for new licenses, change of locations and modifications, alterations or expansion of the licensed premises.

B. All hearings of the Local Licensing Authority shall be conducted pursuant to and in accord with State Statutes or any rules and regulations issued thereunder, the provisions of this article and the rules and regulations governing the conduct of the Local Licensing Authority. (1968 Code §5-80A, C; Ord. 76-34; Ord. 77-186; Ord. 83-75; Ord. 97-148; Ord. 01-42; Ord. 17-76; Ord. 17-114)

**2.5.502: APPLICATIONS; FACTORS TO CONSIDER:**

A. Before entering any decision approving or denying an application, the Local Licensing Authority shall consider the following:

1. The facts and evidence adduced as a result of its investigation, as well as any other facts;
2. The reasonable requirements of the neighborhood for the type of license for which application has been made;
3. The number, type and availability of liquor licensed establishments in the neighborhood under consideration; and
4. Any other pertinent facts affecting the qualifications of the applicant for the conduct of the type of business proposed.

B. The reasonable requirements of the neighborhood shall not be considered in the issuance of a club liquor license.

C. When considering an application for an optional premises license or a hotel and restaurant license with optional premises, in addition to the factors outlined in subsection A of this section and the applicable requirements of the provisions of State Statutes and any rules and regulations issued thereunder, the Local Licensing Authority shall consider the following:

1. The nature of the proposed facility as constituting an outdoor sports and recreational facility.
2. The applicant's need for the optional premises license, including whether the size of the outdoor sports and recreational facility and proposed locations for the optional premises justify the issuance of an optional premises license.
3. Any other facts and evidence required to satisfy the Local Licensing Authority that the applicant will adequately maintain control over each area designated as an optional premises. (1968 Code §5-80B; Ord. 76-34; Ord. 77-186; Ord. 83-75; Ord. 97-148; Ord. 01-42; Ord. 15-78; Ord. 17-114)

**2.5.503: FINDINGS OF THE LOCAL LICENSING AUTHORITY:**

A. The Local Licensing Authority may specify terms, conditions or provisions upon granting of a license as the Local Licensing Authority may deem necessary to carry out the exercise of police powers, provided these terms, conditions or provisions do not conflict with the laws of the State or rules and regulations provided by the State liquor licensing authority, local rules or ordinances and resolutions of the City.

B. The decision of the Local Licensing Authority, shall constitute final agency action of the Local Licensing Authority for all purposes under the applicable State Statutes, this Code, and State and local rules and regulations. (1968 Code §5-80D, E; Ord. 76-34; Ord. 79-101; Ord. 83-75; Ord. 97-148; Ord. 01-42; Ord. 17-114)

**2.5.504: RECORDS:**

The Local Licensing Authority's proceedings shall be recorded. (1968 Code §5-80F; Ord. 76-34; Ord. 83-75; Ord. 01-42; Ord. 15-78; Ord. 17-114)

**2.5.505: DECISIONS BY THE LOCAL LICENSING AUTHORITY; APPEAL:**

The decision of the Local Licensing Authority shall in all cases be final and conclusive. A decision of the Local Licensing Authority may only be reviewed by the District Court in accord with the Colorado Rules of Civil Procedure. There shall be no stay of execution of the Local Licensing Authority's decision pending review by the District Court, except by court order. (1968 Code §5-82; Ord. 76-34; Ord. 83-75; Ord. 97-148; Ord. 01-42; Ord. 17-114)

**2.5.506: DISTANCE RESTRICTIONS FOR HOTEL AND RESTAURANT LICENSES:**

The five hundred foot (500') distance restriction from schools, colleges, universities or seminaries as provided by State Statutes is hereby eliminated for hotel and restaurant licenses only. However, the Local Licensing Authority shall, in any case where a proposed hotel and restaurant license is located within the prescribed distance restrictions, make a specific finding as to the impact, if any, upon any school, college, university or seminary, as applicable, in the neighborhood, by the granting of the license. The Local Licensing Authority shall deny the license if it finds an adverse impact upon a school, college, university or seminary, as applicable. If the Local Licensing Authority finds no adverse impact it shall then consider the other criteria required by law. (Ord. 86-118; Ord. 01-42; Ord. 17-114)

## **PART 6 SUSPENSION OR REVOCATION OF LICENSES**

SECTION:

### **2.5.601: Investigation; Hearing On Complaint**

### **2.5.602: Hearing Procedures**

### **2.5.603: Appeals**

#### **2.5.601: INVESTIGATION; HEARING ON COMPLAINT:**

A. The Local Licensing Authority, upon the filing of a notice and order to show cause by the City, and after a hearing or stipulated agreement on the matter, shall have the power to suspend, revoke or deny renewal of any license issued by the Local Licensing Authority for any violation by the licensee, its agents, servants or employees. The power to summarily suspend a license exists only in a Municipal Court Judge when serving in an Administrative Hearing Officer capacity as the Local Licensing Authority pursuant to subsection 2.5.104A of this article.

B. Action may be based on a violation of State Statutes, City Code, or State or local rules and regulations, or any of the terms, conditions or provisions issued by the Local Licensing Authority, provided that an investigation and any applicable public hearing be granted at which the licensee and any protestant shall be afforded an opportunity to be heard, present evidence, cross-examine witnesses, and in the case of the licensee, offer evidence in defense of any violations.

C. The action of the Local Licensing Authority shall constitute final agency action of the Local Licensing Authority for all purposes under the applicable State Statutes, City Code and State and local rules and regulations. (1968 Code §5-81A; Ord. 76-34; Ord. 77-186; Ord. 83-75; Ord. 97-148; Ord. 01-42; Ord. 17-114)

#### **2.5.602: HEARING PROCEDURES:**

A. Notice of a hearing for suspension, revocation, or nonrenewal shall be by mail to the licensee at the address contained in the license and by personal service upon the licensee or an employee or other agent of the licensee.

B. The Local Licensing Authority shall have the power to require an oath and to issue subpoenas. Compliance with any subpoena issued may be enforced by application of the Local Licensing Authority to the Municipal Court of the City, where enforcement may be in the same manner as contempt of court is enforced.

C. The proceedings before the Local Licensing Authority shall be recorded. (1968 Code §5-81B, C, D; Ord. 76-34; Ord. 77-186; Ord. 83-75; Ord. 91-130; Ord. 01-42; Ord. 15-78; Ord. 17-114)

#### **2.5.603: APPEALS:**



Appeals from the decisions of the Local Licensing Authority shall be to the courts of Colorado in accord with the Colorado Rules of Civil Procedure as now existing or as amended. (1968 Code §5-81D; Ord. 77-186; Ord. 83-75; Ord. 97-148; Ord. 01-42; Ord. 17-114)

## **PART 7 GENERAL LIQUOR OFFENSES**

SECTION:

**2.5.701: Hours Of Sale**

**2.5.702: Sales Off Premises Prohibited**

**2.5.703: Consumption Regulations**

**2.5.704: Drinking In Public Prohibited**

**2.5.705: Drinking In Vehicles Prohibited**

**2.5.706: Delivery Of Alcohol Beverages; Restrictions**

**2.5.707: Certain License Restrictions**

**2.5.708: Conduct In And Of Establishments**

**2.5.709: Exceptions**

**2.5.710: Service To Visibly Intoxicated Persons**

**2.5.711: Solicitation Of Food, Drink And Other Purchases From Patrons**

**2.5.712: Possession Of Unsealed Alcohol Beverage**

**2.5.701: HOURS OF SALE:**

A. Alcohol By The Drink:

1. It shall be unlawful for any person to sell, serve or distribute any alcohol beverage by the drink for consumption on the licensed premises or to permit the consumption of any alcohol beverage any day of the week between the hours of two o'clock (2:00) A.M. and seven o'clock (7:00) A.M., unless more limited hours are specifically authorized in a Resolution authorizing and establishing an Entertainment District.

2. Proof that a person was seen on the licensed premises possessing an alcohol beverage in an open container together with proof that the container was less than full shall constitute prima facie evidence that a violation of this section occurred.

B. Alcohol In Sealed Containers: It shall be unlawful to sell, serve or distribute any alcohol beverage in sealed containers each day between the hours of twelve o'clock (12:00) midnight until eight o'clock (8:00) A.M. No malt, vinous, or spirituous liquors shall be sold, served, or distributed in a sealed container on Christmas Day.

(1968 Code §5-74C; Ord. 77-40; 1980 Code; Ord. 90-65; Ord. 94-99; Ord. 01-42; Ord. 17-76; Ord. 20-10)

**2.5.702: SALES OFF PREMISES PROHIBITED:**

No person shall sell, offer for sale or solicit any order for the sale at retail of any alcohol beverage or fermented malt beverage except within the licensed premises. If appropriately licensed, sales through a

drive-up window are permitted unless the service interferes with or impedes a public thoroughfare, street or alley. (Ord. 1588; 1968 Code §5-74H; Ord. 81-130; Ord. 92-89; Ord. 01-42; Ord. 04-195)

**2.5.703: CONSUMPTION REGULATIONS:**

A. It shall be unlawful for any person to consume any alcohol beverage purchased by the drink except on the premises licensed or authorized under this section and in accord with the license or certification.

B. It shall be unlawful for any person under the age of twenty one (21) years to consume alcohol in a tastings permitted premises. (Ord. 1588; 1968 Code §5-74I; Ord. 81-130; Ord. 90-65; Ord. 01-42; Ord. 08-145; Ord. 17-75)

**2.5.704: DRINKING IN PUBLIC PROHIBITED:**

A. It shall be unlawful to drink any alcohol beverage upon any street, alley, avenue, park 1, vacant lot or ground or upon any public stairway or hall, or in any other public place except licensed establishments and authorized Common Consumption Areas within the jurisdiction of the City.

B. In any prosecution charging a violation of this section, proof that a person was seen on any street, alley, avenue, park, vacant lot or ground, stairway, hall or any other public place whatsoever except licensed establishments and authorized Common Consumption Areas within the jurisdiction of the City, possessing an alcohol beverage in an open container together with proof that the container was less than full shall constitute prima facie evidence that a violation of this section occurred. (Ord. 2189; 1968 Code §5-74J; Ord. 81-141; Ord. 01-42; Ord. 17-75)

Notes

1. The Parks and Recreation Manager may issue a permit for the consumption of alcohol and fermented malt beverages in parks. See chapter 9 of this Code.

**2.5.705: DRINKING IN VEHICLES PROHIBITED:**

A. It shall be unlawful for any person to drink any alcohol beverage while in a vehicle which is on any street, roadway or other public place in the City, or for the driver, owner or person in control of a vehicle to permit any person to drink any alcohol beverage while the vehicle is on any street, roadway or other public place in the City.

B. In any prosecution charging a violation of this section, proof that a person was seen in a vehicle on any street, roadway or other public place in the City possessing an alcohol beverage in an open container together with proof that the container was less than full shall constitute prima facie evidence that a violation of this section occurred. (1968 Code §8-13; Ord. 77-67; Ord. 81-141; Ord. 87-95; Ord. 01-42)

**2.5.706: DELIVERY OF ALCOHOL BEVERAGES; RESTRICTIONS:**

A. It shall be unlawful to deliver or permit to be delivered any alcohol beverage unless a delivery permit is obtained. Delivery may only be made to the residence, abode or office of the person receiving it. No delivery shall be made upon any street or alley or in any public park.

B. It shall be unlawful to employ any person under the age of twenty one (21) for the purpose of making a delivery of alcohol beverages. (Ord. 1588; 1968 Code §5-74O; 1980 Code; Ord. 81-130; Ord. 01-42)

**2.5.707: CERTAIN LICENSE RESTRICTIONS:**

A. Other Restrictions:

1. Restrictions On Places Selling Other Malt, Vinous Or Spirituous Liquor: It shall be unlawful for any person to sell, cause or permit to be sold, or offer for sale any fermented malt beverage for off premises consumption at any place where any other malt, vinous or spirituous liquor is sold for consumption on the premises where sold.

2. Tastings Permit Restrictions: It shall be unlawful to violate the provisions of Colorado Revised Statutes section 44-3-301 and section 2.5.205 of this article. (Ord. 1486; 1968 Code §§5-74T, U; Ord. 01-42; Ord. 04-195; Ord. 08-145; Ord. 15-78; Ord. 20-10)

### **2.5.708: CONDUCT IN AND OF ESTABLISHMENTS:**

A. It shall be unlawful for a licensee, or agent of licensee, to engage in or permit the following acts on the licensed premises:

1. Employment or use of any person in the sale or service of alcohol beverages who is unclothed or in such attire, costume or clothing as to expose to view any portion of the female breast below the top of the areola, or of any portion of the pubic hair, anus, cleft of the buttocks or genitals of either sex.

2. Employment or use of the services of any host, hostess or other person to mingle with the patrons who is unclothed or in such attire, costume or clothing as described in subsection A1 of this section.

3. Any person on the licensed premises touching, caressing or fondling the breasts, buttocks, anus or genitals of the person or of any other person or, except as permitted in subsection B of this section relating to the providing of live entertainment, any person exposing to public view the female breast below the top of the areola or, without exception, exposing to public view the pubic hair, anus or genitals of either sex.

4. Any person or employee on the licensed premises wearing or using any device or covering, exposed to view, which simulates the breast, genitals, anus, pubic hair or any portion thereof.

B. Live entertainment is permitted on licensed premises; provided however, that it shall be unlawful for a licensee to permit any person or persons to perform acts of, or acts which simulate:

1. Sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation or any sexual acts which are prohibited by law.

2. The touching, caressing or fondling of the breast, buttocks, anus or genitals of either the person providing the entertainment or of any other person.

3. The displaying of the pubic hair, anus or genitals.

C. No licensee shall permit any person to use artificial devices or inanimate objects to depict any of the activities prohibited in subsection B of this section.

D. It shall be unlawful for a licensee to permit on the licensed premises the showing of film, still pictures, electronic reproductions, or other visual reproductions depicting any of the following:

1. Acts, real or simulated, of sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation or any sexual acts which are prohibited by law.

2. Any person being touched, caressed or fondled on the breasts, buttocks, anus or genitals, either by themselves or by any other person.

3. Scenes wherein a person displays the anus or genitals.

4. Scenes where artificial devices or inanimate objects are employed to depict, or drawings are employed to portray, any of the prohibited activities described above.

E. It shall be unlawful for any person on the licensed premises, whether that person be present as an employee, patron or otherwise, to engage in any of the prohibited activities described above, and no licensee shall knowingly permit any person engaging in the activity to remain in or on the licensed premises. (Ord. 81-60; Ord. 01-42)

**2.5.709: EXCEPTIONS:**

The provisions of this part shall not apply to a public transportation system licensee under State Statute. (1980 Code; Ord. 81-60; Ord. 01-42)

**2.5.710: SERVICE TO VISIBLY INTOXICATED PERSONS:**

A. It shall be unlawful for a licensee or any manager, agent or employee of the licensee to sell, serve or deliver any alcohol beverage to any visibly intoxicated person.

B. This section is not intended to incorporate, add to, detract from or in any way modify the civil duties and liabilities created by similar provisions of State law. (Ord. 90-65; Ord. 01-42)

**2.5.711: SOLICITATION OF FOOD, DRINK AND OTHER PURCHASES FROM PATRONS:**

It shall be unlawful for a licensee or any manager, employee or agent of the licensee to employ or permit any employee, waitress, entertainer, host, hostess or agent of the licensee to solicit from patrons, in any manner, for themselves or for any other employee the purchase of any food, beverage or other thing of value. (Ord. 90-65; Ord. 01-42)

**2.5.712: POSSESSION OF UNSEALED ALCOHOL BEVERAGE:**

It shall be unlawful for any person to possess on any sidewalk, street or median, alley, avenue, park, vacant lot or ground within the "downtown area", as defined in section 9.2.104 of this Code, any container of an alcohol beverage unless the container is sealed to prevent a person from drinking from the container or unless the person is acting in accord with a license or permit. (Ord. 02-215)

## **PART 8 LIQUOR OFFENSES CONCERNING MINORS**

SECTION:

**2.5.801: Sales Prohibited**

**2.5.802: Purchases Prohibited**

**2.5.803: Possession Prohibited**

**2.5.804: Employment Of Minors; When Prohibited**

**2.5.805: Responsibility Of Determining Age**

**2.5.801: SALES PROHIBITED:**

A. It shall be unlawful for any person to sell, serve, or deliver or cause or permit to be sold, served or delivered any alcohol beverage on a licensed premises within the City to any person under the age of twenty one (21) years.

B. It shall be unlawful for any person to serve any alcohol beverage to any adult person and then to permit the adult person to serve or give the alcohol beverage on the premises to any person under the age of twenty one (21). (Ord. 2340; 1968 Code §5-74D; 1980 Code; Ord. 90-65; Ord. 01-42)

**2.5.802: PURCHASES PROHIBITED:**

It shall be unlawful for any person under the age of twenty one (21) years to purchase any alcohol beverage. (Ord. 1900; 1968 Code §5-74E; Ord. 81-130; Ord. 86-122; Ord. 90-65; Ord. 01-42)

**2.5.803: POSSESSION PROHIBITED:**

Except as permitted in the course of lawful employment, it shall be unlawful for any person under the age of twenty one (21) years to be in possession of any alcohol beverage in any store, in any public place, including public streets, alleys, roads, parks or highways, or in any other public place within the jurisdiction of the City. (Ord. 2188; 1968 Code §5-74G; Ord. 81-130; Ord. 90-65; Ord. 01-42)

**2.5.804: EMPLOYMENT OF MINORS; WHEN PROHIBITED:**

A. It shall be unlawful for any person licensed to sell at retail pursuant to Colorado Revised Statutes, title 44, articles 3, 4, and 5, to permit any alcohol beverage to be sold or dispensed by a person under eighteen (18) years of age, or to permit any such person to participate in the sale or dispensing thereof. Notwithstanding any provision in this section to the contrary, no person under twenty one (21) years of age shall be employed to sell or dispense malt, vinous or spirituous liquors unless he or she is supervised by another person who is on premises and has attained twenty one (21) years of age. No employee of a tavern or lodging and entertainment facility licensed pursuant to Colorado Revised Statutes, title 44, article 3, that does not regularly serve meals as defined in Colorado Revised Statutes, title 44, article 3, or a retail liquor store shall sell malt, vinous or spirituous liquors unless the person is at least twenty one (21) years of age.

B. Any person who is at least eighteen (18) years of age and who is under the direct supervision of a person who is at least twenty one (21) years of age, may be employed in a place of business where alcohol beverages are sold at retail for off premises consumption. During the normal course of employment, any person who is at least eighteen (18) years of age may handle and otherwise act with respect to alcohol beverages in the same manner as that person does with other items sold at retail, except that it shall be unlawful for any person under twenty one (21) years of age to deliver alcohol beverages or check identification of the delivery customers of the retail outlet.

C. It is lawful for a person under eighteen (18) years of age and who is under the supervision of a person on the premises over eighteen (18) years of age to be employed in a place of business where fermented malt beverages are sold at retail in containers for off premises consumption. During the normal course of employment, any person under eighteen (18) years of age may handle and otherwise act with respect to fermented malt beverages in the same manner as that person does with other items sold at retail, except that it shall be unlawful for any person under eighteen (18) years of age to sell or dispense fermented malt beverages, check age identification, or make deliveries beyond the customary parking area for the customers of the retail outlet. (Ord. 1588; Ord. 2188; 1968 Code §5-74F; 1980 Code; Ord. 01-42; Ord. 04-195; Ord. 20-10)

**2.5.805: RESPONSIBILITY OF DETERMINING AGE:**

Every person selling, serving or delivering alcohol beverages shall have the responsibility of determining the age of any person to whom alcohol beverages are sold, served or delivered and shall be directly responsible for all sales, service and gifts made on the licensed premises. (Ord. 1588; 1968 Code §5-74D; Ord. 81-130; Ord. 01-42)



## LIQUOR AND BEER RULES AND REGULATIONS FOR THE CITY OF COLORADO SPRINGS

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# LIQUOR AND BEER RULES AND REGULATIONS FOR THE CITY OF COLORADO SPRINGS

## **Rule 1.00 Applicability of Rules**

In addition to any other rules or laws which may be applicable, these rules shall govern all alcohol beverage<sup>1</sup> applications of any kind whatsoever which have been filed with the City Clerk after 12:01 a.m., November 26, 1997, and all suspension/revocation or license renewals proceedings commenced after November 25, 1997, before the Local Licensing Authority (LLA).

## **Rule 2.00 Liquor Licensing Authority; General Provisions**

### **2.01 Local Licensing Authority, City Clerk**

The Liquor and Beer Local Licensing Authority for the City of Colorado Springs shall be the Colorado Springs Municipal Judges, pursuant to City Code § 2.5.104(A), and shall have all powers and authority granted under Chapter 2, Article 5 of the City Code and these Rules, as applicable. The City Clerk shall act as the LLA or as agent of the LLA, pursuant to City Code § 2.5.104(B), and shall have all powers and authority granted under Chapter 2, Article 5 of the City Code these Rules, as applicable.

### **2.02 Jurisdiction of the LLA**

The LLA shall have jurisdiction on all alcohol beverage license applications, for new liquor licenses; change of location and modifications; alterations or expansion of the licensed premises; renewal hearings; suspension and/or revocation hearings; and any other applications permitted by state law or local ordinance. The City Clerk shall have jurisdiction to set the agenda for regular meetings of the LLA and to act as the Local Licensing Authority or as agent of the LLA pursuant to the City Code and the requirements of these Rules, as applicable.

### **2.03 Conduct of Hearings**

The LLA shall have the authority to conduct public hearings upon any alcohol beverage license applications, changes of location and modifications, alterations or expansion of the licensed premises, renewals and any other applications permitted by state law or local ordinance. The LLA shall have the authority to conduct public hearings on suspensions or revocations of alcohol beverage licenses, including hearings to temporarily or summarily suspend an alcohol beverage license.

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<sup>1</sup> "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.R.S. §44-3-103(2)).

#### **2.04 Final Agency Action**

The decision of the LLA shall constitute final agency action of the LLA for all purposes under the applicable State statutes, rules and regulations. Any appeal of the decision of the LLA shall be to the district courts of Colorado in accord with the Colorado Rules of Civil Procedure as now existing or hereafter amended. Failure to appeal the decision of the LLA shall be deemed to be a waiver of the right of appeal.

#### **2.05 Clerk to Assist LLA**

The City Clerk shall assist the LLA by receiving all applications, conducting investigations, coordinating with other City departments as required, issuing subpoenas to require the presence of persons and/or the production of papers, books, and records and scheduling public hearings.

#### **Rule 3.00**

[Reserved]

#### **Rule 4.00 Regular Meetings**

##### **4.01 Times, Dates; Adjournment and Reconvention**

A. The regular meetings of the LLA shall be held on the third Friday of each month at 9:00 a.m. in the Colorado Springs Municipal Court building, or after timely notice, at such time and place as the LLA designates.

B. Any regular meeting may be adjourned and reconvened at a time and place determined by the LLA.

##### **4.02 Public Meetings**

All meetings shall be open to the public except such meetings to discuss legal and personnel matters. No formal actions may be taken at a closed meeting.

##### **4.03 Requests for Postponement**

A. If an applicant or licensee requests postponement of an agenda item prior to the time when the agenda is published for the meeting, the City Clerk shall have the discretion to continue the item to the next regular meeting.

B. If an applicant requests postponement in writing after the agenda is published but before the meeting, the applicant or representative need not appear, and the City Clerk shall report said postponement to the next regular meeting pursuant to Rule 4.04(B).

C. If an applicant requests postponement at the meeting, the LLA shall consider the request and take such action as it deems fit.



D. If an opponent requests postponement of an agenda item at the meeting or at any time preceding the meeting, the LLA shall consider the request at the meeting and shall take such action as it deems fit.

E. Postponements granted shall be one-time only and to the next available regular meeting date, not to exceed ninety (90) days, unless otherwise specifically ordered by the LLA or by stipulated agreement with all parties.

#### **4.04 Order of Business**

The order of business at LLA meetings shall be:

A. Call to Order: The LLA shall call the meeting to order and open the meeting by stating the type of meeting: regular, special or other type. The public attending the meeting shall be advised of the procedures to be followed during the meeting.

B. Communications:

1. The City Clerk shall announce any items on the agenda, which have been postponed pursuant to Rule 4.03(A) and (B) and the date to which the item has been postponed. The staff shall indicate any items for which a postponement has been requested pursuant to Rule 4.03(C). The LLA shall act on these requests for postponement either at the time of communication by the City Clerk or when the item is regularly scheduled to appear on the agenda. The City Clerk or City Attorney may ask for postponement of any item at any time to provide time for additional review or information. The LLA shall immediately after such communication determine whether the item should be postponed to a definite time.

2. The City Clerk shall communicate to the LLA any items that have been withdrawn and such withdrawal shall constitute removal of the item and no City license or application fees shall be refunded. If a withdrawn item is to be heard again it must be processed as a new item, including payment of fees. The City Clerk shall communicate any other reasons why an agenda item is not to be heard by the LLA and the LLA will take such action, as it deems fit.

C. Neighborhood Boundary Objection Hearings

D. Change of Location Hearings

E. Modification of the Premises Hearings

F. New Application Hearings

G. Suspension / Revocation Hearings

H. Adjourn

#### **4.05 Quasi-Judicial Actions**

When the LLA sits as a quasi-judicial body and is required to make findings of fact and act upon evidence presented to it, the LLA shall not receive or solicit comments from any person regarding an agenda item prior to the public hearing at which the item is discussed. The City Clerk may present to the LLA at an open session information on any item scheduled for public hearing.

## **Rule 5.00 Applications, Forms, Fees and Hearings**

### **5.01 Applications**

A. All applications for new alcohol beverage licenses shall be made under oath on forms provided by the City and State.

B. All applications for alcohol beverage licenses, including new, renewal, change of location, change of corporate structure, or transfer of ownership, as well as expansion, alteration or modification of the premises, and all liquor permits authorized by Colorado Revised Statutes, title 44, articles 3, 4 and 5 shall be filed with the City Clerk of the City of Colorado Springs.

### **5.02 Forms and Fees**

The following shall be filed:

A. A state license application form, which shall be filled out and completed in all material details. Incomplete application forms shall be rejected.

B. The local licensing authority application form, as provided by the City, which shall be filled out and completed in all material details. Incomplete application forms shall be rejected.

C. An application fee payable by either cash, credit card, check or money order to the City of Colorado Springs shall be collected to cover the costs of the preliminary investigation made by the City, administrative checks, publication and posting costs, and other necessary and incidental expenses. The amount of the application fee may vary according to the nature of the application as follows, or the maximum amount allowed as enumerated in C.R.S. §44-3-505:

1) New Liquor or Fermented Malt Beverage License Application Fee:	\$1000.00
2) Transfer of Ownership:	\$ 750.00
3) Change of Ownership Structure for corporate and limited liability company:	\$ 100.00
	per person
4) Change of Location Application Fee:	\$ 750.00
5) Manager Registration fee Application Fee:	\$ 30.00
6) License Renewal Application Fee:	\$ 100.00
7) Late Renewal Application Fee:	\$ 500.00
8) Temporary Permit:	\$ 100.00
9) Retail Establishment Permit Application Fee:	\$ 100.00
10) Promotional Association Application Fee:	\$ 700.00
11) Promotional Association Re-Certification Application Fee:	\$ 250.00
12) Common Consumption Area Modification Application Fee:	\$ 500.00
13) Attach License to Common Consumption Area Application Fee (each):	\$ 100.00

14) Remove License from Common Consumption Area  
Application Fee: \$ 25.00

D. A license fee in addition to the application fee shall be paid to the City by cash, check or money order. This fee is in addition to the City application fee. The license fee payable to the City is as follows, or the maximum amount allowed as enumerated in C.R.S. §44-3-505:

1) Retail Liquor Store License:	\$ 22.50
2) Liquor Licensed Drugstore License:	\$ 22.50
3) Beer and Wine License:	\$ 48.75
4) Hotel and Restaurant License:	\$ 75.00
5) Hotel and Restaurant License with Optional Premise:	\$ 75.00
6) Tavern License:	\$ 75.00
7) Club License:	\$ 41.25
8) Arts License:	\$ 41.25
9) Racetrack License:	\$ 75.00
10) Brew Pub License:	\$ 75.00
11) Distillery Pub License:	\$ 75.00
12) Vintner's Restaurant License:	\$ 75.00
13) Optional Premise License:	\$ 75.00
14) Resort-Complex-Related Facility:	\$ 15.00
15) Fermented Malt Beverage and Wine Retailer and Fermented Malt Beverage On Premises License:	\$ 3.75
16) Special Events Permit:	\$100.00 per day
17) Special Events Poster Fee:	\$ 12.50
18) Bed and Breakfast Permit:	\$ 3.75
19) Tastings Permit:	\$100.00
21) Retail Establishment Permit:	\$ 3.75
22) CBI Background Check Fee:	\$ 38.50
23) Lodging and Entertainment License:	\$ 75.00
24) Campus-Complex-Related Facility:	\$ 15.00

**(NOTE:** The above amounts are the amounts to be included in cash, credit card, checks, or money orders payable to the City. The City license fee is actually eighty-five percent (85%) greater, but that amount is to be included in the check to the State for ultimate payment to the State Old Age Pension Fund.)

E. An application fee payable to the Colorado Department of Revenue shall be filed either in the form of a check or money order or proof of Colorado Department of Revenue on-line portal payment. The amount shall be as provided by C.R.S. § 44-3-501, as amended.

F. The license fee payable to the Colorado Department of Revenue shall be filed either in the form of a check or money order or proof of Colorado Department of Revenue on-line portal payment. The amount shall be as provided by C.R.S. §

44-3-501, as amended, plus eighty-five percent (85%) of the City license fee as provided by C.R.S. § 44-3-502 and C.R.S. § 44-3-505, as amended. This fee is in addition to the state application fee.

## **Rule 6.00 New Licenses -- Hearing Dates; Notice**

### **6.01 Boundaries**

Upon receipt of a completed application, the City Clerk shall establish the neighborhood boundaries for the application. The boundaries shall include an area of not less than a one-half (1/2) mile radius around the proposed establishment. If an applicant objects to the boundaries as established by the City Clerk, the item will be placed on the agenda for consideration at the next available regularly scheduled LLA meeting.

### **6.02 Application Hearing Date**

The City Clerk shall set a public hearing date for the application not sooner than thirty (30) days after the receipt of the completed application, subject to limitations set forth by law, in which evidence and testimony with respect to the reasonable requirements of the neighborhood, the desires of the inhabitants of the neighborhood, and other relevant evidence pursuant to Rules 9.08 and 9.09 will be presented. Such hearing may be recessed from time to time upon the request of any party in interest, not to exceed ninety (90) days, or to such other date upon order of the LLA.

### **6.03 Notice**

When the City Clerk has set the date for the application hearing, notice shall be given of the time and place of the hearing in the following manner:

A. Posting a sign and publishing public notice not less than ten (10) days prior to the date of the application hearing on the application. Said sign shall be posted by the applicant and remain continuously posted on the applicable premises in a manner that is visible and conspicuous to the public until the date of the posted hearing. If said sign is removed, under any circumstances, prior to the posted hearing date, then it shall be the obligation of the applicant to notify the City Clerk of said removal within twenty-four (24) hours (Saturdays, Sundays and holidays excluded) for a replacement sign which shall be immediately re-posted. Failure on the part of the applicant to provide such notice shall constitute grounds for the institution of appropriate disciplinary actions against said application as provided for in these Rules.

B. If the application hearing date is regularly continued at a public hearing, republication and reposting shall not be required. The information required for the posting and publication of notice shall be supplied by the applicant at the time of filing the application. The size of the sign and information contained on it shall be in compliance with C.R.S. § 44-3-311, as amended.

## **Rule 7.00 Preliminary Investigation; Findings**

A. The City Clerk shall gather evidence for the preliminary investigation required by State law. The City Clerk shall make known these initial findings of fact in writing to the LLA at least five (5) business days prior to the date of the hearing, as well as to the applicant and, upon request, to other interested parties as they are defined by State law. The investigation by the City Clerk on behalf of the LLA shall be with regard to the following matters:

1. Whether within two (2) years next preceding the date of the receipt of the application a licensing authority has denied an application at the same location or within five hundred (500) feet of such location for the reason that the reasonable requirements of the neighborhood were satisfied by the existing outlets.
2. Whether it satisfactorily appears that the applicant is or will be entitled to possession of the premises for which application is made under a lease, rental agreement, or other arrangement for possession of the premises, or by ownership.
3. Whether the sale of alcohol beverages as contemplated by the application at the premises sought to be licensed is in compliance with the zoning, fire, building and other applicable laws of the City of Colorado Springs.
4. Whether the building containing the licensed premises is located more than five hundred feet (500') from any public or parochial school or the principal campus of any college, university or seminary, pursuant to C.R.S. § 44-3-313, as amended.
5. The number and type of outlets of a similar nature to the applicant's within the boundaries established by the City Clerk.
6. A report of all pertinent matters affecting the qualifications of the applicant for the conduct of the type of business proposed. This report shall specify any direct or indirect financial interests (including notes, mortgages, leases, etc.) in other licenses. This report shall include reports from appropriate law enforcement agencies of the applicant's previous criminal record, if any, and shall include all partners, principals or stockholders of a private corporation and all partners, principals or stockholders holding ten percent (10%) or more of the outstanding and issued stock of a public corporation subject to the Security and Exchange Act of 1934, as amended.
7. Such other matters as the LLA may direct.

## **Rule 8.00 New Licenses -- Petitions: Filing; Reports; Written Statements Prior to Application Hearings**

### **8.01 Petitions**

A. Petitions may be circulated by the applicant, firm or corporation retained by the applicant, or any parties in interest<sup>2</sup> opposing the issuance of the license. The petition format must be approved by the LLA prior to entry into evidence at the hearing. A pre-approved format is available through the City Clerk's Office. The LLA may approve and consider as evidence other petition formats upon good cause shown. The LLA may continue the hearing to hear testimony from the person(s) who circulated the petition prior to approving or disapproving any submitted petition. Petitions must be circulated within the neighborhood boundary as established by the City Clerk. Petitions circulated outside such neighborhood boundary shall not be considered by the LLA. Each person signing a petition may sign only their own name and shall print their address and the date they signed the petition. No person shall sign more than one petition. A person is qualified to sign such petition when a person shall have attained the legal age necessary to consume that beverage which the proposed licensee will be selling.

B. No petitions will be considered unless there is designated alongside each signature on the petition whether the person signing resides or owns or manages a business within the neighborhood boundary as established by the City Clerk.

C. If petitions are otherwise properly submitted pursuant to these rules, each and every signature and accompanying address must be clearly legible in order to be entered into the record and considered by the LLA. The LLA may at any time prior to the conclusion of the applicable public hearing strike and disregard illegible signatures or signatures accompanied by illegible addresses.

### **8.02 Filing Reports, Written Statements**

The City Clerk's report, investigation and survey as herein required and all other petitions, remonstrances, surveys, or statements in writing offered by the proponents, opponents or others interested in any application for a licensed outlet, shall be filed in the office of the City Clerk by twelve o'clock noon of the Tuesday preceding the day on which the hearing upon the application shall be held before the LLA. All notices of such hearing before the LLA shall contain a statement that said petitions, remonstrances and other reports or statements in writing shall be filed by twelve o'clock noon of the Tuesday preceding the hearing. Failure to comply with either time requirement for filing may be excused by the LLA upon good cause shown, and without prejudice to the applicant, licensee, protestant, or the City, as the case may be.

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<sup>2</sup> "parties or party in interest" means any of the following: (1) the applicant; (2) an adult resident of the neighborhood under consideration; (3) the owner or manager of a business located in the neighborhood under consideration; or (4) the principal or representative of any school located within five hundred (500) feet of the premises for which the license is sought.

## **Rule 9.00 Public Hearings**

### **9.01 In General**

All hearings before the LLA shall be public and shall be conducted in accordance with these rules, and so as to ascertain facts affecting the substantial rights of the parties to the proceedings.

### **9.02 Evidence; Objections**

Evidence and requirements of proof shall conform, to the extent practicable, with those in civil non-jury cases in the district courts. Evidence not admissible under such rules will be admitted if such evidence possesses probative value commonly accepted by reasonable and prudent persons in the conduct of their affairs. Objections to evidentiary offers may be made and shall be noted in the record. Irrelevant and unduly repetitious evidence may be excluded. Documentary evidence may be received in the form of a copy, but, upon request, a party shall be given the opportunity to compare the copy with the original. The LLA may utilize its experience, technical competence, and specialized knowledge in the evaluation of the evidence presented to it. The LLA may take notice of general, technical, or scientific facts within its knowledge, but only if the fact so noticed is specified in the record or is brought to the attention of the parties before final decision and every party is afforded an opportunity to controvert the fact noticed.

### **9.03 Witnesses**

All testimony shall be sworn. The LLA shall have the power to administer oaths. The LLA shall have the power to issue subpoenas, to compel testimony or present documents, records or any other tangible evidence. Questions concerning the materiality, relevancy or competency of witnesses to testify on behalf of or in opposition to the issuance of the license will be determined as said questions arise.

### **9.04 Exhibits to LLA**

Any applicant or person testifying before the LLA may offer exhibits or demonstrative evidence to the LLA for its consideration. The LLA shall have the discretion to accept or reject the offer and to weigh the exhibit or demonstrative evidence as it deems appropriate. All exhibits shall be submitted to the City Clerk by twelve o'clock noon of the Tuesday preceding the hearing.

### **9.05 Burden of Proof**

A. Through the application file and contents, the applicant shall have the burden to establish that the applicant is qualified to hold a license, and has sufficient financial sources. At the application hearing, the applicant shall have the burden to establish that the reasonable requirements of the neighborhood are not being met by existing alcohol beverage outlets and that the neighborhood needs and desires the applicant's particular outlet.

B. In all other hearings before the LLA, the applicant shall have the burden to establish that they have met all the requirements of the state law and local ordinance governing the particular application.

#### **9.06 Representation; Applicant's Presence**

A. Applicants and other interested parties as defined by State law may appear in person or be represented by counsel, except that individual applicants or licensees, as the case may be, shall personally appear before the LLA on all matters relating to their application or license. Entity applicants or licensees (as opposed to individual or husband and wife applicants or licensees), as the case may be, shall appear before the LLA by one or more designated and authorized representatives of the entity on all matters relating to the entity's application or license. Such representative(s) need not hold an ownership or financial interest in the entity, but must be employed in a managerial capacity for the applicant and at the premises to be licensed. Upon written request with good cause shown, the LLA shall have the discretion to allow attorney or other representation without the applicant or licensee appearance.

B. When a public hearing on an agenda item is opened and the applicant or the applicant's representative is not present and has not requested a postponement pursuant to Rule 4.03(B), the LLA shall follow one of the alternatives listed below:

1. Consider the item; or
2. Withdraw the item; or
3. Postpone the item until the end of the agenda where the applicant or the applicant's representative shall be required to show cause for the missed attendance. The item shall not be considered on its merits at the show cause hearing. If the applicant or their representative is not present at the show cause hearing, the show cause hearing shall automatically be set over to the next regular meeting of the LLA. In the event the LLA postpones the item for a show cause hearing, the LLA shall make findings of fact as to the evidence presented at the show cause hearing and shall schedule the item for a future meeting if the LLA finds good cause for the applicant's failure to attend the public hearing on the item, or consider the application withdrawn if the LLA finds that there is not good cause for the applicant's failure to attend the public hearing on the item.

#### **9.07 Limiting Presentations**

The LLA may establish reasonable time limits for presentations, which shall apply to both the proponents and opponents of an item. The LLA may request representatives to speak for an entire group or portions of a group but shall not require such representation against the wishes of the group involved. Whenever necessary, the LLA shall direct that remarks be germane to the item. Further, the LLA has the right to limit the presentation of evidence tending to be repetitious, irrelevant, speculative, or conjectural.



## **9.08 Application Hearings**

A. In accord with Rule 6.02, a hearing will be set to a date certain, with notice and initial findings of fact provided by the City Clerk to the applicant and the LLA pursuant to Rule 7.00.

B. The applicant shall prepare evidence to meet its burden to establish the following:

1. The reasonable requirements of the neighborhood for the type of license for which application has been made. More specifically, the desires of the adult inhabitants (residents, tenants, store owners and managers) of the neighborhood for an additional outlet; and the need of the neighborhood for the proposed outlet in view of the desires of the adult inhabitants and the ability of existing outlets of a similar type in or near the outlet to meet the needs of the adult inhabitants.

2. Competent<sup>3</sup> Evidence Required: Only competent evidence shall be considered by the LLA. Petitions, witness testimony, and other documentation shall be based on parties in interest within the defined neighborhood boundary area. Objections, remonstrances, or other protests to the application shall be based on competent petitions, witness testimony, and other documentation related to parties in interest within the defined neighborhood boundary area. All evidence proving or disproving (i) the reasonable requirements of the neighborhood and (ii) the desires of the adult inhabitants for an application shall include a portion of the parties in interest population sufficient enough for the LLA to reasonably conclude it is more likely than not that each required element has or has not been demonstrated.

3. If the applicant is a holder of a hotel and restaurant license, and the pending application is for a second or additional hotel and restaurant license for the same licensee, the LLA shall consider the effect, if any, on competition of the granting or disapproving of additional licenses to such licensee, and no application for a second or additional hotel and restaurant license that would have the effect of restraining competition shall be approved.

C. Subject to the LLA's right to limit the presentation of evidence tending to be repetitious, irrelevant, speculative or conjectural, any interested party may introduce evidence with regard to the following matters:

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<sup>3</sup> "Competent evidence" means sufficient evidentiary support from the totality of the record which proves an issue of fact. Competent evidence includes evidence which possesses probative value commonly accepted by reasonable minds. Incompetent evidence is evidence which lacks reasonable evidentiary support to prove an issue.

1. Reasonable requirements of the neighborhood and the number and type of similar existing outlets.
2. Any other pertinent matters affecting the qualifications and finances of the applicant to conduct the type of business proposed.
3. Any other evidence which would indicate that the building or location proposed for the operation of the license is not suited for the intended purpose.
4. Any other evidence relevant to the needs and desires of the neighborhood.

### **9.09 Optional Premises License**

Applicants for an optional premises license or a hotel and restaurant license with optional premises must also present evidence to establish:

- A. The nature of the proposed facility as constituting an outdoor sports and recreational facility;
- B. The applicant's need for an optional premises license, including whether the size of the outdoor sports and recreational facility and the proposed locations of the optional premises within the outdoor sports and recreation facility justify the issuance of an optional premises license; and
- C. The applicant's control over each area designated as an optional premise.
- D. The availability of sandwiches and light snacks during the service of alcohol beverages on the optional premise.

### **9.10 Interpreters**

Any person having business before the LLA may utilize a qualified interpreter when necessary to participate in the proceeding subject to the following:

- A. Every person acting as an interpreter shall be administered an oath or affirmation that such person will make a true translation; and
- B. Every person acting as an interpreter shall be required to be qualified as an interpreter and accepted by the LLA. A person may be qualified by virtue of their knowledge, skill, experience, training, or education.
- C. In determining whether an individual is qualified to act as an interpreter in any proceeding before the LLA, the LLA may consider, but is not limited to:
  1. Whether the proposed interpreter is a certified Federal Court interpreter;

2. Any special training or education received by the proposed interpreter in providing interpretation and/or translation;
3. The proposed interpreter's means of knowledge regarding the languages translated from and translated to;
4. Number of times that the individual has performed interpretation/translation services and the type of proceedings where these services were rendered; and
5. The relationship of the proposed interpreter to the individual who will be using the interpreter's service in so much as any bias, or other motive would preclude the proposed interpreter's ability to provide a true, literal and complete bilateral translation of the entire proceeding.

#### **Rule 10.00 Decision**

At the conclusion of the presentation of all the evidence the LLA may render its decision or may take the matter under advisement. If taken under advisement, the LLA shall make a decision in writing within fifteen (15) days after the close of the hearing, and a copy of the decision shall be sent by first class or electronic mail to the applicant.

##### **10.01 In General**

A. In formulating a decision the LLA shall consider all the facts and evidence adduced as a result of the investigation and hearing, and after making findings of fact, shall apply these facts to the legal requirements which are applicable to the particular matter before it.

B. When the decision is made, the order shall contain such findings of facts and conclusions of law as are relevant and necessary to support the decision. The order shall be made orally or in writing. The City Attorney may be requested to prepare a written order for subsequent presentation and consideration by the LLA.

##### **10.02 Consequence of Inactivity**

A. Where an approved license is for a facility which has not been constructed and placed in operation within two (2) years of approval of the application, or construction has not commenced within one (1) year of such approval, the license, in the discretion of the LLA, may be revoked, or denied upon application for renewal.

B. Where a licensed location has been inactive for more than one (1) year the license, in the discretion of the LLA, may be revoked or denied renewal.

## **Rule 11.00 Appeals from Decisions of the LLA**

### **11.01 In General**

Appeals of decisions of the LLA shall be to the district court in accord with the Colorado Rules of Civil Procedure as now existing or hereafter amended.

### **11.02 Standing**

An applicant, any interested party or an organized neighborhood group as defined in C.R.S. § 44-3-311(5)(d), as amended, who is dissatisfied with the decision of the LLA may appeal to the district court in accord with these rules and the Colorado Rules of Civil Procedure as now existing or hereafter amended.

## **Rule 12.00 Issuance of License**

A. Although the license may be approved by both Local and State Licensing Authorities, no license shall be issued by the City Clerk until all contingencies are met and the building in which the business is to be conducted is ready for occupancy, with any necessary furniture, fixtures, and equipment in place, and then only after the City Clerk's inspection of the premises has been made to determine that the applicant has complied with the drawings, plans and specifications submitted with the application.

B. All licenses shall be issued in accordance with the laws of the State of Colorado and the City of Colorado Springs and after the applicable requirements have been met for posting and publication of notice, the preliminary investigation, and public hearing before the LLA, and approval by the State Licensing Authority. In no event shall any approved license be issued until it is satisfactorily established that:

1. The applicant, or any stockholder or partner, if any change since initial approval, meets the personal qualifications for holding a liquor license and have been approved with respect to their character; and
2. The applicant remains or will be entitled to possession of the licensed premises under a lease, rental agreement, or other arrangement for possession of the premises, or by virtue of ownership, and that the use of the premises at the proposed location does not violate the zoning laws or any other laws of the City of Colorado Springs or the State of Colorado.

## **Rule 13.00 Management Registration Requirement**

Every licensee holding an alcohol beverage license specified in C.R.S. §44-3-301(8) shall manage such licensed premises himself or employ a separate and distinct manager on the premises and shall report the name of such manager to the City Clerk. Such licensee shall report any change in managers to the City Clerk within thirty (30) days after such change. It is unlawful for the licensee to fail to report the name of or any change in managers as required by this Rule 13.00. Such failure to report may be grounds for suspension or revocation of the license.

## **Rule 14.00 License Renewal**

### **14.01 Forms; Time**

A. All applications for renewal of alcohol beverage licenses shall be on forms provided by the State Licensing Authority, and must be submitted to the City Clerk, no later than forty-five (45) days prior to the license expiration date, together with the required license and renewal application fees, pursuant to Rule 5.02.

B. If an application for renewal is filed less than forty-five (45) days prior to the license expiration date, and no other objections have been filed with the City Clerk as set forth in Rule 14.03, then the City Clerk shall process the application as provided in Rule 14.02. If objections are filed, then the provisions of Rule 14.03 shall apply. No application for renewal of a license shall be accepted after the date of expiration except as hereinafter provided in Subsection C below.

C. Notwithstanding the provisions of Subsection B of this section, a licensee whose license has been expired for not more than ninety (90) days may file a late renewal application upon the payment of a nonrefundable late application fee of five hundred dollars (\$500.00) to the City of Colorado Springs. A licensee who files a late renewal application and pays the requisite fee may continue to operate until both the LLA and the State Licensing Authority have taken final action to approve or deny such licensee's late renewal application. No late renewal application shall be accepted more than ninety (90) days after the expiration of a licensee's permanent annual license. Any licensee whose permanent annual license has been expired for more than ninety (90) 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.

### **14.02 Renewal Procedure**

Upon receiving a properly completed renewal application, the City Clerk shall assemble the applicant's file, which shall contain all of the various City departments' records regarding the applicant or the premises dating back for a period of at least one (1) year. Unless there is evidence to the contrary, whether contained in the applicant's file or otherwise, it will be presumed that the occupied premises comply with the provisions of the statutes and applicable regulations, that the character of the applicant continues to be satisfactory, and that such license, if granted, continues to meet the reasonable requirements of the neighborhood and the desires of the adult inhabitants. If these presumptions apply, the application shall then be approved by the City Clerk and forwarded to the State Department of Revenue, Liquor Enforcement Division.

### **14.03 Renewal Pending Disciplinary Action or Objections; Notice; Stipulation**

A. In the event that a disciplinary action or objection to a license is pending at the same time that an application for renewal is pending, then the resolution of the action or objection must be determined prior to action being taken on the renewal

application. Whenever objections to the renewal of a license have been raised by a party in interest, including an organized neighborhood group or the City during the license year or prior to the renewal of the license, the City Clerk shall determine whether sufficient good cause exists that the licensee appears to have violated the provisions of Subsection B of this Section. The licensee shall be permitted to continue to sell and possess any alcohol beverages as authorized by the license type pending the final action on the renewal application.

B. Objections to the renewal of a license must be submitted in writing and specify the grounds for objection with evidence of violation(s) of the Liquor Code and Rules. The objecting party has the burden of proof to provide competent evidence to show cause why the license should be suspended or revoked. Objections to renewal of a license must be for good cause. "Good cause" is defined by C.R.S. § 44-3-103(19). Evidence of good cause to deny a renewal includes, but may not be limited to the following:

1. Pursuant to C.R.S. § 44-3-109(19)(a), the LLA may consider evidence that 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 Liquor Code or any rules and regulations promulgated pursuant thereto;

2. Pursuant to C.R.S. § 44-3-103(19)(b), the LLA may consider evidence that 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 proceeding; or

3. Pursuant to C.R.S. § 44-3-103(19)(d), the LLA may consider 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" as defined by C.R.S. § 18-9-106.

C. A copy of the written determination shall be forwarded to the licensee and the objecting party within sixty (60) days of receipt of the originating objection.

1. In determining whether good cause exists, the City Clerk shall review the written objection and may undergo further investigation in consultation with the Colorado Springs Police Department and the City Attorney. Further investigation may include, but is not limited to, interviews, site visits, and reviews of relevant law enforcement activity.

2. If sufficient good cause exists, the City shall use any relevant grounds in the objection to commence suspension and revocation proceedings for alleged violations of the Liquor Code and Rules, and the

local approval of the renewal of the license shall be held pending final action on the suspension or revocation hearing. Such hearing shall be conducted by the LLA in accordance with Rule 20, with no less than ten (10) days advance notice to both the licensee and the objecting party.

3. If the determination indicates that sufficient good cause to object to the license renewal does not exist, the City Clerk shall direct the license to be renewed.

D. In the event that the licensee and an objecting party enter into a civil stipulated agreement in resolution of the objections, the objecting party shall submit a written withdrawal the objection(s), and the City Clerk shall direct the license to be renewed.

#### **14.04 Renewal Pending Change in Corporate Structure**

In the event that an application for change of corporate structure is pending at the same time that an application for a renewal is pending, then the change of corporate structure, as applicable, must be determined prior to the license being renewed. If the application for renewal is otherwise in compliance with State law and this Rule 14, and the application for change of corporate structure cannot be heard prior to the expiration of the license, the license renewal hearing may be continued by the City Clerk after the expiration of the license pending determination of the change of corporate structure issues. Upon the completion of those determinations, the renewal application shall be acted upon by the LLA. If such renewal hearing is held after the expiration of the license, and the filing of the renewal application is timely, pursuant to the requirements of Rule 14.01B and 14.02, then the licensee may continue to operate pending final determination of the change of corporate structure issues prior to the renewal hearing being held.

#### **14.05 Renewal Pending Transfer of Ownership**

In the event that an application for a transfer of ownership of a license is pending at the same time that an application for a renewal is pending, both applications shall be processed simultaneously. If the renewal of the license occurs prior to the transfer of the license, then the licensee may continue to operate pending final determination of the application for transfer of ownership. If the transfer of ownership occurs prior to the renewal of the license in the name of the original licensee, then the date of approval of the transfer of ownership shall be the renewal date for the license and the renewal application shall be moot.

### **Rule 15.00 Change of Location**

A. Before the location of a license is changed, the licensee shall submit an application on forms provided by the State Licensing Authority to the City Clerk for such change, accompanied by the appropriate application fees.

B. All applications for a change in the location shall be filed with the City Clerk and shall be subject to Rule 5 through Rule 12, inclusive, of these Rules of Procedure, except that the character of the applicant shall not be considered.

C. The LLA shall not authorize a change of location of such license before thirty (30) days from the date the application has been filed. The hearing approving or denying the application shall be held not less than ten (10) days after notice has been given.

D. When a licensee is required by lease, lease renewal, condemnation, or reconstruction to move its licensed premises to a new address that is located within the same shopping center, campus, fairground, or similar retail center, the City Clerk may, at their discretion, waive the neighborhood needs and desires assessment and public hearing requirements should they determine that the new location remains within the same neighborhood as the old location, and the new proposed licensed location is no more than twice the total square footage of the existing licensed premises location.

#### **Rule 16.00 Transfer of Ownership**

A. The City Clerk acts as the LLA on all applications for transfers of ownership and changes of ownership structure.

B. All applicants for issuance of a license by reason of transfer of ownership of the business or by possession of the licensed premises shall file an application on forms provided by the State Licensing Authority and by the City with the City Clerk. The application form shall provide the information required by Rule 5.01A and shall be accompanied by the appropriate fee.

C. The City Clerk shall conduct an investigation into the character of the applicant, including when applicable, the applicant's partners or major shareholders. When determining whether a transfer of ownership should be granted, the City Clerk shall consider only the applicant's possession of the premises, and the requirements of C.R.S. § 44-3-307, which includes but is not limited to the character of the applicant.

D. All reports required by this Rule 16.00 shall be made on forms supplied by the State Department of Revenue, Liquor Enforcement Division.

E. The City Clerk, upon receipt of any required reports, shall place such reports in the licensee's file.

#### **16.01 Change in Corporate Structure**

A. Any transfer of the capital stock, and any change in officers or directors of any corporation holding a license under the provisions of the Colorado Liquor Code and which is not subject to the reporting requirements of the Securities and Exchange Act of 1934, as amended, shall be reported to the City Clerk within thirty (30) days after such transfer or change.



B. Corporate licensees subject to the Securities and Exchange Act of 1934, as amended, shall submit the names and addresses of all persons owning ten percent (10%) or more of the outstanding or issued capital stock, not more than thirty (30) days after such ownership occurs; and shall submit to the City Clerk the names and addresses of all corporate officers within thirty (30) days after their appointments.

#### **16.02 Transfer by Operation of Law**

In General. Applicants for the issuance of a license by reason of a transfer of possession by operation of law, i.e., bankruptcy, receivership, foreclosure, eviction, etc., shall file an application for transfer of the license pursuant to Rule 16.00. In addition to the requirements of C.R.S. § 47-3-307, the application shall include evidence that possession of the licensed premises has been legally restored to the owner of the licensed premises and that thereafter possession of the licensed premises was legally transferred to the applicant if the applicant is a party other than the owner of the licensed premises. Such evidence shall consist of a certified court order, a certified transcript of judgment, a certified copy of the public trustee's deed or other similar certified official document establishing title to or a possessory interest in the licensed premises, or an affidavit of abandonment of the licensed premises from the applicant or agent thereof indicating the time and circumstances of the abandonment.

#### **Rule 17.00 Temporary Permit**

A. The City Clerk is authorized to issue a temporary permit to a transferee of a liquor license which shall authorize the transferee to continue selling alcohol beverages as permitted under the license during the period in which an application to transfer the ownership of the license is pending.

B. A temporary permit shall authorize the transferee to operate the licensed premises under the terms and conditions of the license of the transferor subject to compliance with all of the following conditions:

1. The premises where such alcohol beverages are sold shall have been previously licensed by the State and LLA and the license is valid at the time the application for transfer of ownership is filed with the City Clerk.
2. The applicant has filed with the City Clerk a properly completed application for the transfer of the license.
3. The application for a temporary permit shall be filed no later than thirty (30) days after the filing of the application for transfer of ownership and shall be accompanied by the appropriate fee.

C. The temporary permit shall be granted by the City Clerk if it is determined that all of the conditions of this Rule have been satisfied. If granted, the temporary permit shall be issued within five (5) working days after the receipt of the completed

application. The temporary permit issued in accordance with this Rule 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 (120) days, whichever occurs first. If the application to transfer the license has not been granted or denied within the one hundred twenty (120) day period and the transferee demonstrates good cause, the City Clerk may, in its discretion, extend the validity of said permit for an additional period not to exceed sixty (60) days.

D. A temporary permit may also be issued by the City Clerk, subject to the requirements of this Rule, in the event of a transfer of possession of a licensed premises by (1) operation of law; (2) a petition in bankruptcy pursuant to federal bankruptcy law; (3) the appointment of a receiver; (4) foreclosure action by a secured party; or (5) a court order dispossessing the prior licensee of all rights of possession pursuant to Article 40 of Title 13, C.R.S.

E. A temporary permit issued in accordance with this Rule may be canceled, revoked or suspended, subject to the requirements of Rule 20, if the City Clerk determines that there is probable cause to believe that the transferee has violated any provision of this Rule or has violated any rule or regulation adopted by the State Licensing Authority or the LLA or has failed to truthfully disclose those matters required pursuant to the application forms required by the Department of Revenue and the City Clerk's Office.

F. A temporary permit may be summarily suspended subject to the requirements of Rule 20.

G. There shall be no substitute for the requirement of obtaining a temporary permit for purposes of this Rule 17.00. This includes, but is not limited to, management agreements, management contracts, or other arrangements intended to be used in lieu of a temporary permit.

#### **Rule 18.00 Special Event Permits**

A. The City Clerk acts as the LLA on applications for special events permits pursuant to City of Colorado Springs Code § 2.5.104.

B. All applications for any type of special event permit shall be made on forms provided by the City, and shall be filed in the office of the City Clerk not less than thirty (30) days prior to the date of the special event.

#### **Rule 19.00 Entertainment Districts, Promotional Associations, and Common Consumption Areas**

General Compliance: All Entertainment Districts, Promotional Associations, and Common Consumption Areas, shall operate in accordance with the Colorado Liquor Code, C.R.S. §44-3-101, *et seq.*, as amended; all rules or regulations promulgated by the Colorado Department of Revenue, Liquor Enforcement Division; the City Liquor Code, §2.5.101, *et seq.*, as amended; and all conditions

and/or restrictions City Council may place upon the Entertainment Districts via Resolution.

### **19.01 Certification of a Promotional Association and Authorization of a Common Consumption Area**

The City Clerk, as the LLA, pursuant to City Code § 2.5.206 (B), shall (i) certify and decertify Promotional Associations operating a Common Consumption Area; (ii) designate the location, size, security, and hours of operation of Common Consumption Areas; (iii) authorize the attachment of licensed premises to a Common Consumption Area as provided in this section; and (iv) condition and/or restrict a Promotional Association and/or a Common Consumption Area as approved by City Council Resolution forming the Entertainment District or as the Clerk deems necessary to promote the health, safety, and welfare of the public which may be reasonably affected by the Entertainment District. The City Clerk's discretion to condition or restrict a Promotional Association and/or a Common Consumption Area shall relate to safety matters, sanitation issues, parking and traffic matters, noise issues, and potential nuisance issues.

### **19.02 Application to Certify Promotional Associations and Authorize Attachment of a Licensed Premises to a Promotional Association's Common Consumption Area**

Applications for certification of a Promotional Association to operate a Common Consumption Area shall be filed by an association as defined in C.R.S. 44-3-103(39). Applications for the initial certification of a Promotional Association to operate a Common Consumption Area, and the attachment of Licensed Premises to such Common Consumption Area, shall be filed with the City Clerk on the application forms provided by the City Clerk's Office. The City Clerk shall reject any materially incomplete application. A complete application shall include:

A. A copy of the association's operating agreement(s), bylaws, articles of incorporation, and a list of the association's directors and officers. The directors must include a member from each licensed premises, and must have at least two (2) licensed premises which will be attached to a Common Consumption Area. The directors may include a member from an existing neighborhood organization or authority within the proposed boundary of the Common Consumption Area.

B. A detailed map providing the following:

1. The boundaries and size of the proposed Common Consumption Area. No Common Consumption Area boundary shall extend beyond the boundaries of an authorized Entertainment District. All physical barriers used to close the Common Consumption Area to motor vehicle traffic, each pedestrian access point, each entrance and exit point, and all posted Consumption Club Area signs shall not extend beyond the defined boundaries of the defined Common Consumption Area.

2. A list and the location of all licensed premises which will be attached to the Promotional Association's Common Consumption Area; and a list and

the location of all adjacent licensed premises to the Common Consumption Area which will not be attached to the Common consumption Area.

C. In the case where a Common Consumption Area requires the use of the City's public right of way or closure of any street, alleyway, or parking lot, the proposed Promotional Association, in addition to the certification process promulgated herein, shall follow the special event application and permitting process under City Code §§ 4.3.101 and 3.2.402. The proposed Promotional Association shall not receive a certification by the LLA until it first completes the special events process. All coordination and costs associated with the special event process shall be the responsibility and obligation of the proposed Promotional Association, including, but not limited to, the special event application fee, costs of barricades, clean-up costs, and any required security and/or (off-duty) CSPD personnel.

D. A designation of the Common Consumption Area's proposed days and hours of operation.

E. A description of the security plan, approved by the Chief of Police or their designee, for operation of the Common Consumption Area. The security plan shall include: (i) the security personnel's training. Any security personnel who may check patrons' identification within a Common Consumption Area shall be trained with a server and seller training program under Colorado Revised Statutes subsection 44-3-910(1)(a); (ii) a detailed security plan, including the approximate location of security personnel within the Common Consumption Area during operating hours; and (iii) the location and type(s) of the barricades necessary for blocking traffic and protecting patrons of the Common Consumption Area.

F. Documentation demonstrating all employees serving alcohol from a licensed premises attached to the Common Consumption Area successfully completed a server and seller training program under C.R.S. § 44-3-910(1)(a).

G. A list of all violations of the Colorado Liquor Code § 44-3-101, et seq., by any licensed premises desiring attachment to the Common Consumption Area.

H. An insurance certificate of general liability and liquor liability insurance acceptable to the City and naming the City and the LLA as additional insureds with a minimum per occurrence policy limit of one million dollars (\$ 1,000,000.00) with an aggregate of two million dollars (\$ 2,000,000.00) or additional policy limit as deemed reasonably appropriate by the City's Risk Manager.

I. A petition, sufficient witness testimony, and/or other documentation demonstrating (i) the reasonable requirements of the neighborhood and (ii) the desires of the adult inhabitants support a Common Consumption Area.

J. A signed statement that the Common Consumption Area and all licensed establishments attached thereto will be operated in compliance with the Liquor and Beer Rules and Regulations for the City of Colorado Springs, applicable provisions of the City Liquor Code, and the Colorado Liquor Code.

### **19.03 Certification, Modification and Attachment**

A. Competent Evidence Required: No Promotional Association shall be certified to operate a Common Consumption Area unless the applicant presents evidence demonstrating (i) the reasonable requirements of the neighborhood and (ii) the desires of the adult inhabitants support a Common Consumption Area. Only competent evidence shall be considered by the City Clerk. Petitions, witness testimony, and other documentation shall be considered only if provided by Parties in Interest residing within a one-half mile geographical boundary, set by the City Clerk, surrounding the Common Consumption Area. Objections, remonstrances, or other protests to authorizing a Common Consumption Area shall be based on competent petitions, witness testimony, and other documentation submitted by Parties in Interest within a one-half mile geographical boundary surrounding the Common Consumption Area. All evidence regarding (i) the reasonable requirements of the neighborhood and (ii) the desires of the adult inhabitants, shall include a portion of the population, made up of the Parties in Interest, sufficient enough for the City Clerk to reasonably conclude it is more likely than not that each required element has or has not been demonstrated.

B. Public Notice Comment Period Process:

1. Ten (10) Day Public Comment Period. There shall be a ten (10) day public comment period prior to the certification of a Promotional Association; authorization to attach a licensed premises to a Common Consumption Area; and any material or substantial modification to the operation of the Promotional Association or Common Consumption Area. Public comment(s) or submission of documentation shall only be submitted in written form. The City Clerk shall not consider any written comments or other documentation from any person unless such person is a Party in Interest who resides within the one-half mile geographical boundary, surrounding the Common Consumption Area, as set by the City Clerk.

2. Public Notice. The City Clerk shall require the Promotional Association to post no less than four (4) public notice posters, provided by the City Clerk, in conspicuous locations on the proposed boundary line of the Common Consumption Area as directed by the City Clerk. The City Clerk shall also require the same public notice poster be visibly and conspicuously posted on each liquor license premises proposed to be attached to the Promotional Association's Common Consumption Area. The public notice posters shall contain the following information:

[Promotional Association name] has requested authorization of an Entertainment District, Common Consumption Area. The Common Consumption Area will be located within the boundaries as generally depicted on the map affixed hereto.

[map placement here]

Written public comments, from Parties in Interest, regarding support or objections to the City Clerk certifying the Promotional Association and/or authorizing the Common Consumption Area should be directed to the City Clerk's Office by U.S. Mail, postage prepaid, at 30 South Nevada Avenue, Suite 101, Colorado Springs, Colorado 80903; email at cityclerk@springsgov.com; fax at 719-385-5114; or hand delivery at 30 South Nevada Avenue, Suite 101, Colorado Springs, Colorado 80903, no later than 5:00 pm on [enter date].

In addition to posting the public notice posters, the City Clerk may post the same information contained on the public notice poster on the City Clerk's official webpage. The City Clerk's decision to grant or deny the certification shall be posted on the City Clerk's webpage.

3. Appeals. Appellate issues shall be based only on abuse of discretion and/or arbitrary and capricious action. Only a Party in Interest may submit an appeal of the City Clerk's decision. A Party in Interest desiring to appeal the City Clerk's decision shall, within ten (10) days from the date that the City Clerk posts their decision on the City Clerk's webpage, submit to the City Clerk a written notice of appeal stating clearly and in detail the basis therefor. Any issue not clearly raised for appellate review shall be waived. Upon a showing of good cause, the City Clerk may grant a reasonable extension of time to file an appeal. A public hearing on the appealed issue(s) shall be held before the LLA not less than ten (10) days from the date that the City Clerk receives the notice of appeal from the appellant. The LLA shall only consider evidence in the record. New evidence shall not be considered. The decision of the hearing officer or Liquor LLA shall be final agency action.

C. Refusal to Certify and Decertification: The City Clerk, at any time, may refuse to certify, or may decertify, a Promotional Association to operate a Common Consumption Area if one or more of the following occurs:

1. The Promotional Association fails to timely submit the required annual report pursuant to C.R.S. § 44-3-301(11)(c)(II)(C) and subsection 19.04 below;
2. The Promotional Association fails to have at least two (2) Licensed Premises attached to the common consumption area;
3. The Promotional Association fails to maintain a properly endorsed general liability or liquor liability insurance policy;
4. The Common Consumption Area is not compatible with the reasonable requirements of the neighborhood or the desires of the adult

inhabitants or becomes incompatible with the reasonable requirements of the neighborhood or the desires of the adult inhabitants; or

5. A Promotional Association or licensed premises attached to the Common Consumption Area violates the provisions of C.R.S. § 44-3-910, as amended.

D. Refusal to Authorize Attachment and Deauthorization of a Licensed Premises: The City Clerk, at any time, may refuse to authorize, or may deauthorize, the attachment of a licensed premises to a Common Consumption Area if one or more of the following occurs:

1. The licensed premises is not fully within the boundary of the Common Consumption Area.

2. The Licensed Premises fails to obtain or retain authority to attach to the common consumption area from the certified Promotional Association;

3. The Licensed Premises fails to operate in compliance with the Colorado Liquor Code, C.R.S. § 44-3-101, *et seq.*, as amended, or creates a safety risk to the adjacent neighborhoods; or

4. The Licensed Premises violates C.R.S. § 44-3-910, as amended.

#### **19.04 Annual Report and Recertification**

A. Beginning the year after certification, each Promotional Association shall submit an annual report, to include all information required by C.R.S. 44-3-301(11)(c)(II)(C), as amended, and a written request for re-certification, together with the required fee, to the City Clerk on or before January 31. The request for re-certification shall also include a written detailed report regarding material or substantial changes, if any, to the operation of the Promotional Association or Common Consumption Area. No application for renewal of a license shall be accepted after the date of expiration except as hereinafter provided in Subsection B below.

B. Notwithstanding the provisions of Subsection A of this section, a Promotional Association whose certification has been expired for not more than thirty (30) days may file a late re-certification application upon the payment of a nonrefundable late application fee of five hundred dollars (\$500.00) to the City of Colorado Springs. A licensee who files a late re-certification application and pays the requisite fees may continue to operate the associated Common Consumption Area until the City Clerk has taken final action to approve or deny the Promotional Association's late re-certification application. No late re-certification application shall be accepted more than thirty (30) days after the expiration of a Promotional Association's annual certification. Any Promotional Association whose certification has been expired for more than thirty (30) days must apply for a new certification and shall not operate the associated Common Consumption Area until a new application to certify the Promotional Association and authorize attachment(s) of

licensed premises has been approved and the required certification has been issued.

C. Upon receiving a properly completed re-certification application, the City Clerk shall assemble the applicant's file, which shall contain all of the various City departments' records regarding the Promotional Association and the operation of the Common Consumption Area dating back for a period of at least one (1) year. The City Clerk's decision to grant or deny the re-certification shall be posted on the City Clerk's webpage. Appeal of the City Clerk's decision, whether to grant or deny a renewal application, shall follow the process and standards provided in Subsection 19.03 (B)(3).

### **19.05 Operational Requirements of Promotional Associations and Common Consumption Area**

In addition to the requirements of C.R.S. § 44-3-910, the following provisions are required:

A. The size of the Common Consumption Area shall not be modified except with the approval of the City Clerk.

B. The Promotional Association shall provide adequate security in terms of personnel, physical barriers, training and similar means, to ensure compliance with the Colorado Liquor Code and to prevent a public safety risk to the neighborhood.

C. The Promotional Association shall post signs at the entrances and exits of the Common Consumption Area and at each liquor licensed premises attached to the Common Consumption Area notifying customers of the hours of operation and restrictions associated with the Common Consumption Area.

D. The Promotional Association shall ensure that each licensee attached to the Common Consumption Area identify ID verified patrons with a unique Promotional Association wristband before the patron enters an approved outdoor Common Consumption Area requiring the placement of temporary vehicular or pedestrian barriers.

E. No person shall leave the Common Consumption Area with an unconsumed alcohol beverage, and may only return with an alcohol beverage into the originating licensed premises from which the alcohol beverage was purchased.

F. All serving personnel and security personnel charged with the duty to check identifications must complete a responsible vendor liquor training program approved by the State Liquor Enforcement Division prior to staffing the Common Consumption Area.

### **19.06 Inspection and Investigation**

The operations of Promotional Associations and the Common Consumption Areas are subject to the same inspection provisions of C.R.S. § 44-3-701 and Regulation 47-700, and certifications of Promotional Associations, re-certifications, and authorizations to attach licensed premises to Common Consumption Areas, shall be treated similarly to licensed premises for purposes of the inspection provisions. For purposes of this section, violations of the foregoing requirements



shall be treated like liquor license violations for purposes of decertification and deauthorization.

### **19.07 Violations**

Noncompliance with any provision of these rules governing Promotional Associations and Common Consumption Areas shall be cause for suspension or revocation of the attached licensed premises, and/or decertification of the Promotional Association, and may be subject to other enforcement provisions as set forth in State and City Liquor Code and Rules. Decertification of a Promotional Association or deauthorization of an attached licensed premises to a Common Consumption Area shall follow the same due process and procedures subject to any liquor license or licensee, as set forth in Rule 20.00, *et.seq.*

## **Rule 20.00 Suspension, Revocation, Fine in Lieu of Suspension**

### **20.01 Notice**

A. Upon commencement of suspension and revocation proceedings, the City Clerk shall set a time and place for the hearing of the matter.

B. The City Clerk shall give the licensee no less than ten (10) days advance notice of the time, place and nature of the hearing, the authority and jurisdiction under which it is to be held, the violations asserted and/or the good cause generally asserted as the grounds. Such notice shall be served personally and by mailing the same in writing to the licensee at the address contained in such license or permit, except that the time for Notice of Hearings on license renewal applications shall be governed by Rule 14.03. Notwithstanding the above notice requirements, the LLA may summarily suspend the license without notice pursuant to State law.

C. In the discretion of the City, suspension and revocation proceedings may include violations occurring during the immediate preceding licensing period as well as the current licensing period.

### **20.02 Hearing**

A. The LLA shall conduct the hearing.

B. The LLA and its designee(s) shall have the power to administer oaths, issue subpoenas, and, when necessary, grant continuances.

C. In any such proceedings, the City Attorney may act on behalf of the City during the hearing.

D. All hearings before the LLA shall be recorded. Summary suspension hearings shall be similarly recorded.

### **20.03 Decision**

A. The LLA shall make a decision in writing within fifteen (15) days after the close of the hearing. If the matter is taken under advisement, the LLA may retire to deliberate and shall consider only the testimony and evidence presented at the hearing in making their decision. A copy of this decision shall be mailed to or served upon the licensee.

B. In the event of revocation, suspension or cessation of business, no portion of the license fee or occupation tax shall be refunded.

### **20.04 Fine in Lieu of Suspension**

The LLA may consider payment of a fine in lieu of suspension in accord with the optional procedures set forth in C.R.S. § 44-3-601(3) to (6), as now existing or amended.

### **20.05 Summary Suspensions**

A. The LLA may summarily suspend a license, including temporary permits, without notice pursuant to state law:

1. Where the LLA has reasonable grounds to believe and finds that a licensee is guilty of a deliberate and willful violation of any applicable law or regulation; or
2. Where the LLA has reasonable grounds to believe **and finds** that the protection of public health, safety or welfare imperatively requires emergency action.

B. Upon the summary suspension of a license, the LLA shall render an order incorporating such findings.

C. The summary suspension of a license without notice pending any prosecution, investigation, or public hearing shall be for a period not to exceed fifteen (15) days, during which time the LLA shall institute suspension or revocation proceedings.

D. In the event of the summary suspension of a license, no portion of the license fee or occupation tax shall be refunded.

### **Rule 21.00 Modification, Alteration or Expansion of Licensed Premises**

A. The licensee shall make no physical change, alteration or modification of the premises which materially or substantially alters the premises or the usage of the premises from the plans and specifications submitted at the time of obtaining the license, or as defined herein, without prior written consent of the City Clerk or the LLA as set forth in this Rule. For purposes of this Rule, physical changes, alterations or modifications of the premises, or in the usage of the premises requiring prior written consent, shall include, but not be limited to, the following:

1. Any increase or decrease in the total size or capacity of the premises, including addition of an outside service area or patio.
2. The sealing off, creation of or relocation of a common entryway, doorway, passage or other means of public ingress and/or egress, when such common entryway, doorway or passage permits access to the premises from or between public streets or thoroughfares, adjacent or abutting buildings, rooms or premises.
3. Any substantial or material enlargement of a bar, or relocation of a bar, or addition of a separate bar.
4. Any material change in the interior of the premises that would affect the basic character of the premises or the physical structure that existed in the plan on file with the latest prior application. The foregoing shall not apply to painting and redecorating of premises; the installation or replacement of fixtures or equipment, plumbing, refrigeration, air conditioning or heating fixtures and equipment; the lowering of ceilings; the installation and replacement of floor coverings; the replacement of furniture and equipment, and other similar changes.

B. The City Clerk will make an administrative decision with respect to any proposed change, alteration or modification of the interior premises which does not significantly or materially alter the usage of the premises. The LLA will make a decision at a public hearing with respect to any proposed change, alteration or modification of the exterior premises, expansion of the premises, or any internal change, alteration or modification, which significantly or materially alters the usage of the premises.

C. In making its decision with respect to any proposed change, alteration, expansion or modification the City Clerk or LLA must consider whether the premises, as changed, altered, expanded or modified, will meet all of the pertinent requirements of the Colorado Liquor Code and the regulations promulgated thereunder. The factors to be taken into account include, by way of illustration but not of limitation, the following:

1. The reasonable requirements of the neighborhood and the desires of the inhabitants. More specifically, the desires of the adult inhabitants (residents, tenants, store owners and managers) of the neighborhood for any proposed change, alteration, expansion or modification; and the need of the neighborhood for the proposed change, alteration, expansion or modification in view of the desires of the adult inhabitants and the ability of existing establishments of a similar type in or near the establishment to meet the needs of the inhabitants.
2. The possession, by the licensee, of the changed premises by ownership, lease, rental or other arrangement.

3. Compliance with the applicable zoning laws of the municipality, city and county, or county.
4. Compliance with the distance prohibition with regard to any public or parochial school or the principal campus of any college, university, or seminary.
5. The legislative declaration that the Colorado Liquor Code is an exercise of the police powers of this state for the protection of the economic and social welfare and the health, peace, and morals of the people of this state.

D. If the City Clerk denies administrative permission to change, alter or modify the licensed premises, the City Clerk shall then set the matter for public hearing before the LLA on its next available agenda. Notice shall be given to the applicant at least ten (10) days prior to the hearing. The LLA will consider the factors outlined in Rule 21(C).

E. If the LLA denies permission to change, alter, expand or modify the premises, pursuant to Subsection (B) or (D) of this Rule, notice shall be given in writing which shall state the grounds upon which the application was denied.

F. The destruction or demolition and subsequent reconstruction of a building that contained the licensed premises shall require the filing of new building plans with the LLA, however, reconstruction shall not require an application to modify the premises unless the proposed plan for the newly constructed premises materially or substantially alters the licensed premises or the usage of the licensed premises from the plans and specifications detailed in the latest approved plans and specifications on file with the LLA.

#### **Rule 22.00 Right of Inspection; Failure to Comply**

A. The owner, licensee or operator of any establishment licensed by the LLA shall, upon request of the City Clerk or the City Clerk's authorized agent, furnish to the City within thirty (30) days satisfactory evidence to demonstrate whether the establishment is operating as a hotel and restaurant license, tavern license, or beer and wine outlet, as said terms are defined by State law. Such evidence shall consist of accounting records for a period of time to be specified by the City Clerk, showing separately the gross receipts from the sales of food items and intoxicating liquors. It shall be unlawful for any owner, licensee or operator of any licensed establishment to refuse to comply with the request of the City Clerk as herein required and failure or refusal to do so shall be grounds for revocation of the license.

B. The licensed or permitted premises, including any places of storage where alcohol beverages are stored or dispensed, shall be subject to inspection by the State or Local Licensing Authorities and their investigators, or peace officers, during all business hours and all other times of apparent activity, for the purpose of inspection or investigation. For examination of any inventory or books and records required to be kept by licensees, access shall only be required during business hours. Where any part of the licensed premises consists of a locked area, upon demand to the licensee, such area shall be made available for inspection without delay; and upon request by authorized representatives of the licensing authority or peace officers, such licensee shall open said area for inspection.

**Rule 23.00 Effective Date**

The effective date of these rules shall be November 25, 1997 and shall apply to all matters now pending before the LLA which meet the time requirements set forth in Rule 1, or which are subsequently filed with the City. Any amendments to these rules shall be effective upon approval and shall apply to all matters now pending or subsequently filed with the City.



Received:

**LIQUOR LICENSE OR FERMENTED MALT BEVERAGE LICENSE (ALCOHOL BEVERAGE) APPLICATION**

It shall be unlawful for any person to knowingly make any false statement or omit any pertinent information on any application for a license. In the event any person knowingly makes any false statement or omits any pertinent information on any application, that act or omission shall, in addition to all other remedies, be grounds for denial of the license or for suspension or revocation of any license issued upon the basis of the false statement. City Code §2.1.404.

**THIS APPLICATION MUST BE FULLY COMPLETE, WITH APPLICABLE FEES AND ALL REQUIRED ATTACHMENTS.**  
Return fully completed applications to the City Clerk’s Office, 30 S. Nevada Avenue, Suite 101, 80903.

- NEW LICENSE**                       **TRANSFER OF OWNERSHIP**

*Type of License applying for (Check One)*

- |   |  |   |
|---|--|---|
| <input type="checkbox"/> <i>Hotel/Restaurant (includes Resort &amp; Campus Complex)</i> | <input type="checkbox"/> <i>Hotel/Restaurant w/Optional</i>      | <input type="checkbox"/> <i>Tavern</i>                      |
| <input type="checkbox"/> <i>Brew Pub</i>  | <input type="checkbox"/> <i>Distillery Pub</i>                   | <input type="checkbox"/> <i>Beer and Wine</i>               |
| <input type="checkbox"/> <i>Optional Premises</i>                                       | <input type="checkbox"/> <i>Retail Liquor Store*</i>             | <input type="checkbox"/> <i>Racetrack</i>                   |
| <input type="checkbox"/> <i>Arts</i>  | <input type="checkbox"/> <i>Club</i>                             | <input type="checkbox"/> <i>Lodging &amp; Entertainment</i> |
| <input type="checkbox"/> <i>FMB (Beer) On-Premises</i>                                  | <input type="checkbox"/> <i>Fermented Malt Beverage and Wine</i> |   |
| <input type="checkbox"/> <i>Vintner’s Restaurant</i>                                    |  |   |
| <input type="checkbox"/> <i>Liquor Licensed Drugstore*</i>                              |  |   |

\* New Retail Liquor Store (RLS) and Liquor Licensed Drugstore (LLD) applications may not be within 1500’ of an existing RLS or LLD location.

<b>Section A: APPLICANT/LICENSEE INFORMATION</b>	
1. Name of Applicant/Licensee (list Corporation/LLC/Partnership/Association/Sole Proprietor):	
2. Trade Name (DBA):	
3. Premises Address: City, State, Zip:	Location Phone:
Property Tax Schedule No. :	Zoning:
4. Mailing Address: City, State, Zip:	Alt Phone:
Primary Contact Name And Title:	Email:

5. IF THIS IS A TRANSFER OF AN EXISTING LICENSE – THE FOLLOWING MUST BE ANSWERED:			
Present trade name of establishment (dba)	Present State License No.	Present Class of License	Present Expiration Date

6. If the applicant is: a Corporation, Limited Liability Company, Partnership or Association, list all officers, directors, general partners and managing members, position held, and percentage owned. Attach supplemental pages as needed. <b>**NOTE: ATTACH ONE AFFIRMATION AND CONSENT (page 3), and ONE APPLICANT INTERVIEW (page 4), FOR EACH NAME LISTED.</b>		
NAME	POSITION HELD	%OWNED

**Section B: FINANCIAL INFORMATION**

7. Source(s) of funds invested for total purchase, startup, and inventory costs (provide names, banks, and indicate checking, savings, loan, promissory note, gift or other). Attach supplemental pages as needed.

THE FOLLOWING INFORMATION MUST REFLECT THE ENTIRE SOURCE OF FUNDS INVESTED. NO OTHER PERSON OR PARTIES MAY HAVE A FINANCIAL INTEREST IN THE BUSINESS FOR WHICH THIS APPLICATION IS SUBMITTED.

NAME/ADDRESS OF FUNDING SOURCE (bank(s), individual(s), et al.)	FUNDING SOURCE (checking/savings/ loan/ note/ gift)	AMOUNT
<b>TOTAL INVESTMENT IN BUSINESS:</b>		<b>\$</b>

**Section C: PREMISES / LOCATION INFORMATION**

8. Registered Manager Name: \_\_\_\_\_

9. Terms of legal possession for which application is made:     OWN     LEASE     OTHER

If leased, provide the terms:    START DATE: \_\_\_\_\_    END DATE: \_\_\_\_\_

DIMENSIONS OF PREMISES: \_\_\_\_\_    TOTAL SQUARE FOOTAGE: \_\_\_\_\_

Is there a patio area?     Yes     No    --- If yes, provide dimensions \_\_\_\_\_

Anticipated number of employees: \_\_\_\_\_    Anticipated opening date: \_\_\_\_\_

Will training be offered or required?     Yes     No    --- If yes, through what agency? \_\_\_\_\_

**Section D: BACKGROUND INFORMATION**

10. Has the applicant/licensee, any partners, any officers, any stockholders or directors, or any manager of said applicant previously been issued an alcohol beverage license, or have a financial interest in any alcohol beverage license in Colorado?

Yes     No    IF YES, ATTACH a statement or affidavit of explanation, to identify the business and any current or former financial interest in said business including any loans to or from another license or licensee.

11. Has the applicant/licensee, any partners, any officers, any stockholders or directors, or any manager of said applicant ever received a violation notice, suspension, or revocation for any alcohol beverage license law violation, have charges pending, or been denied any alcohol beverage license anywhere in the United States?

Yes     No    IF YES, ATTACH a statement or affidavit of explanation, including date(s) and location(s).

12. Has the applicant/licensee, any partners, any officers, any stockholders or directors, or any manager of said applicant ever been convicted of any crime, received a suspended sentence, a deferred sentence, or have charges pending?

Yes     No    IF YES, ATTACH statement or affidavit of explanation, including date(s) and location(s).

13. List every individual applicant's prior experience in the sale of alcoholic beverages. Attach supplement as needed.

Business Name & Address	Applicant's Name	Experience/Position	Dates

# ALCOHOL BEVERAGE LICENSE OR PERMIT APPLICATION

**AFFIRMATION AND CONSENT** (submit one for each officer, owner, and manager of location)

I, \_\_\_\_\_, as the individual applicant or as an authorized agent or manager for the business applicant (Business Trade Name – DBA:) \_\_\_\_\_, declare under the penalty of perjury and under penalty for offering a false instrument for recording that this entire application, statements, and attachments are true, correct, and complete to the best of my knowledge. I further declare and consent that:

1. This statement is executed with the knowledge that misrepresentation or failure to reveal information requested may be deemed sufficient cause for the refusal to issue an Alcohol Beverage License or Permit by the City of Colorado Springs (initial here) \_\_\_\_\_;
2. I am aware that later discovery of an omission or misrepresentation made may be grounds for the denial of an Alcohol Beverage License application or revocation of the license or permit, or jeopardize any future business license, as such falsehood or omission constitutes evidence regarding that character of the applicant (initial here) \_\_\_\_\_;
3. I consent to any background and financial investigation and the release of any documentation or other information that is necessary to determine my present and continuing suitability pursuant to City Liquor Code which may include, but is not limited to, CBI and FBI investigations, credit standing, business reputation, and financial status, and that this consent to release any and all information continues as long as I hold an Alcohol Beverage License or Permit. I agree to cooperate fully and execute any releases or other documentation necessary to obtain by background or financial information (initial here) \_\_\_\_\_;
4. I remit applicable sales taxes in a timely manner on permitted retail sales of the operation as required pursuant to Article 26 of Title 39, C.R.S. and City Code §2.7.101, et seq. (initial here) \_\_\_\_\_;
5. I will apply with the City Clerk for any proposed changes to the information provided in this application as required pursuant to State and City Liquor Code (initial here) \_\_\_\_\_;
6. I understand that the Alcohol Beverage licensed establishment must be in and maintain compliance with all applicable regulations by other governmental agencies including, but not limited to, Health, Sales Tax, Zoning, Land Use, Building, and Fire Codes (initial here) \_\_\_\_\_;
7. I understand that the entire location premises shall be subject to inspection by relevant authorities during all operational hours and other times of apparent activity (initial here) \_\_\_\_\_;
8. I understand that by providing an email address with this application, I agree that the City may provide any required or permitted process, notice, order, or correspondence relating to this application or any license issued to the Applicant in connection with this application, including any renewals, by email to the email address provided (initial here) \_\_\_\_\_;
9. I hereby state that I have read Articles 3, 4, and 5 of Title 44, C.R.S., as amended, and the regulations promulgated thereunder, and the Ordinances and Local Rules of Procedure of the City of Colorado Springs regarding alcohol beverages and understand the contents thereof (initial here) \_\_\_\_\_;
10. I understand and acknowledge that the City Clerk’s Office may request other relevant information from me in connection with this application. Failure to provide the requested information may result in denial of this application. I also acknowledge and understand that the City Clerk’s Office cannot accept an application unless it is accompanied by the required fees. The failure to pay the required fees or provide other required information may result in denial of this application (initial here) \_\_\_\_\_; and
11. I understand that any Alcohol Beverage License or Permit issued is conditional, and must be annually renewed no less than forty five (45) days prior to the expiration date, unless earlier revoked or surrendered (initial here)\_\_\_\_\_.

I have read all of the above information and understand my responsibilities as an applicant, licensee, permittee, or manager. I further understand that failure to comply with any law, regulations, or the provisions of this affirmation may be grounds for disciplinary action including, but not limited to, the suspension or revocation of the license or other criminal or administrative penalties.

\_\_\_\_\_  
Applicant Signature

\_\_\_\_\_  
Title

\_\_\_\_\_  
Date





# LIQUOR OR BEER LICENSE APPLICANT INTERVIEW AND RELEASE

(Separate form required for each officer, owner, and manager of the business)

## CONFIDENTIAL

Pursuant to C.R.S. §44-3-307(3)

1. <b>TRADE NAME OF LIQUOR OR BEER LICENSE APPLICATION</b>	<b>LOCATION ADDRESS</b>

2. <b>Full Individual Owner/Officer/Manager Name (first, middle, last):</b>		Any other name(s) by which you are known:	
Date of birth:	Place of birth:	SSN:	Driver License State and No. <span style="float:right">U. S. Citizen <input type="checkbox"/> Yes <input type="checkbox"/> No</span>

State where Naturalized	Date of Naturalization	Name of District Court
Naturalization Certificate Number	Date of Certification	If an alien, give Alien Registration Card Number

<input type="checkbox"/> Male	<b>Phone Number</b>	<b>Email</b>	<b>Race</b>	<b>Height</b>	<b>Weight</b>	<b>Eyes</b>	<b>Hair</b>
<input type="checkbox"/> Female							

3. <b>RESIDENCE ADDRESS FOR THE PAST TEN (10) YEARS (INCLUDE CITY, STATE, AND ZIP; ATTACH SUPPLEMENT IF NEEDED)</b>	
Current Full Address:	Dates:
Previous Address(es):	Dates:

4. <b>PERSONAL - FINANCIAL/BANK ACCOUNTS (INCLUDE NAME AND ADDRESS)</b>	
Name and Address of Institution:	Account No.

5. <b>BUSINESS - BANK NAME AND ACCOUNT NUMBER (AS APPLICABLE)</b>	
Name and Address of Institution:	Account No.

6. <b>PREVIOUS LIQUOR LICENSE(S) HELD BY APPLICANT (AS APPLICABLE)</b>		
NAME OF BUSINESS	ADDRESS	DATES

7. Has the individual applicant ever received a violation notice, suspension, or revocation for any privileged license (i.e., Liquor, Gaming, Racing and Medical Marijuana) law violation, have charges pending, or has the applicant applied for or been denied a privileged license anywhere in the United States?  
 Yes  No If yes, attach explanation, date(s) and location(s).

8. Has the individual applicant **ever been convicted of a crime**, received a suspended sentence, a deferred sentence, or have charges pending?  
 Yes  No If yes, attach explanation, date(s) and location(s).

**By signing this document, I authorize the City of Colorado Springs to now and annually check for any pertinent criminal history which may include, but is not limited to, CBI and FBI investigations.**

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**DO NOT WRITE BELOW THIS LINE**

Fingerprinted: \_\_\_\_\_ Date: \_\_\_\_\_ Time: \_\_\_\_\_ Police Dept. / ID Tech. \_\_\_\_\_

**BACKGROUND INVESTIGATION – VNI ONLY**

- The Police Department **has** objections to the issuance of this liquor or beer license.
- The Police Department **has no** objections to the issuance of this liquor or beer license at this time.

	<b>PENDING</b>	<b>COMPLETED</b>	Date: _____	Detective/VNI : _____
<b>NCIC</b>			Date: _____	City Clerk's Office: _____
<b>CCIC</b>				
<b>CBI</b>				

# CITY OF COLORADO SPRINGS POLICE DEPARTMENT AFTER HOURS EMERGENCY CONTACT INFORMATION

CONFIDENTIAL INFORMATION FOR THE COLORADO SPRINGS POLICE AND FIRE DEPARTMENT  
IN THE EVENT OF EMERGENCY NOTIFICATIONS AND RESPONSES

LICENSEE/TENANT NAME: \_\_\_\_\_ DATE: \_\_\_\_\_

TENANT TRADE NAME/DBA: \_\_\_\_\_

PREMISES ADDRESS: \_\_\_\_\_

UNIT/SUITE #: \_\_\_\_\_ ZIP CODE: \_\_\_\_\_

PHONE \_\_\_\_\_ (MAIN#) OR \_\_\_\_\_ (ALTERNATE/AFTER HOURS#)

BUSINESS/COMPLEX NAME \_\_\_\_\_

GATE CODES/DOOR CODES \_\_\_\_\_ KNOX BOX LOCATION \_\_\_\_\_

ANY KNOWN HAZARDOUS MATERIALS ON THE LOCATION \_\_\_\_\_

**IN THE EVENT OF AN EMERGENCY REQUIRING A RESPONSIBLE PARTY AT THE LOCATION LIST THE APPROPRIATE CONTACTS IN THE ORDER TO BE CALLED, INCLUDING ON-SITE MANAGER(S) OR AUTHORIZED PERSON(S) WITH MASTER KEYS.**

**1st)** \_\_\_\_\_  
Print Name \_\_\_\_\_ Title \_\_\_\_\_

\_\_\_\_\_ Address \_\_\_\_\_ Hm. Phone \_\_\_\_\_ Cell or Pager \_\_\_\_\_

**2nd)** \_\_\_\_\_  
Print Name \_\_\_\_\_ Title \_\_\_\_\_

\_\_\_\_\_ Address \_\_\_\_\_ Hm. Phone \_\_\_\_\_ Cell or Pager \_\_\_\_\_

**3rd)** \_\_\_\_\_  
Print Name \_\_\_\_\_ Title \_\_\_\_\_

\_\_\_\_\_ Address \_\_\_\_\_ Hm. Phone \_\_\_\_\_ Cell or Pager \_\_\_\_\_

**NOTE:**

**NECESSARY CHANGES TO THIS INFORMATION CAN BE MADE IMMEDIATELY BY CALLING THE COLORADO SPRINGS POLICE DEPARTMENT (719) 444-7000, OR BY MAILING TO THE COLORADO SPRINGS POLICE DEPARTMENT COMMUNICATION CENTER, 705 SOUTH NEVADA AVENUE, COLORADO SPRINGS, CO 80903.**



LIQUOR LICENSE OR FERMENTED MALT BEVERAGE LICENSE APPLICATION
AFFIDAVIT OF TRANSFER AND STATEMENT OF COMPLIANCE

Pursuant to the requirements of Colorado Revised Statutes §§44-3-303(1)(d) and 44-3-303(3)(b), Licensee hereby states that all accounts for alcohol beverages sold to the Applicant are:

- PAID IN FULL. There are no outstanding accounts with any Colorado Wholesalers as listed below.
Licensee hereby certifies that a complete list of accounts for alcohol beverages that are unpaid is listed below. Licensee and Applicant agree that all accounts will be paid for from the proceeds at closing time by the:
Licensee Applicant
Licensee unavailable to certify disposition of accounts for alcohol beverages, and Applicant requests a Transfer by Operation of Law (LED Regulation 47-304). Attach inventory list and Court documentation.
Applicant will assume full responsibility for payment of the outstanding accounts as listed below.
No alcohol beverage inventory is being transferred or sold.

REQUIRED IN ALL CASES: list all wholesaler names and license numbers, check paid or unpaid, and attach one completed Wholesaler Affidavit of Compliance (DR8004) for each name listed (attach supplement as necessary).

Table with 4 columns: Wholesaler Name, Wholesaler License #, Paid, Unpaid. It contains 6 rows for data entry.

Licensee hereby authorizes the transfer and, through this instrument upon City Approval, does transfer its Colorado Retail Liquor or Beer License to the Applicant named herein and hereby grants, transfers, and assigns all rights, title, obligations, and interest to the Applicant and Applicant's successors and assigns.

Dated this \_\_\_ day of \_\_\_, 20\_\_

SELLER:

BUYER:

Licensee & License #

Applicant

Trade Name

Trade Name

Signature

Signature

Printed Name & Position

Printed Name & Position

# Colorado Liquor Retail License Application

\* Note that the Division will not accept cash  Paid by check  Paid online

Uploaded to Movelt on	Date
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<input type="checkbox"/> New License	<input type="checkbox"/> New-Concurrent	<input type="checkbox"/> Transfer of Ownership	<input type="checkbox"/> State Property Only	<input type="checkbox"/> Master file
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- All answers must be printed in black ink or typewritten
- Applicant must check the appropriate box(es)
- Applicant should obtain a copy of the Colorado Liquor, Beer and Wine Code: [SBG.Colorado.gov/Liquor](http://SBG.Colorado.gov/Liquor)

1. Applicant is applying as a/an  Individual  Limited Liability Company  Association or Other  
 Corporation  Partnership (includes Limited Liability and Husband and Wife Partnerships)

2. Applicant If an LLC, name of LLC; if partnership, at least 2 partner's names; if corporation, name of corporation FEIN Number

2a. Trade Name of Establishment (DBA)	State Sales Tax Number	Business Telephone
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3. Address of Premises (specify exact location of premises, include suite/unit numbers)

City	County	State	ZIP Code
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4. Mailing Address (Number and Street)	City or Town	State	ZIP Code
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5. Email Address

6. If the premises currently has a liquor or beer license, you **must** answer the following questions

Present Trade Name of Establishment (DBA)	Present State License Number	Present Class of License	Present Expiration Date
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Section A Nonrefundable Application Fees*	Section B (Cont.) Liquor License Fees*
<input type="checkbox"/> Application Fee for New License.....\$1,100.00	<input type="checkbox"/> Liquor-Licensed Drugstore (County) .....\$312.50
<input type="checkbox"/> Application Fee for New License w/Concurrent Review .....\$1,200.00	<input type="checkbox"/> Lodging & Entertainment - L&E (City) .....\$500.00
<input type="checkbox"/> Application Fee for Transfer.....\$1,100.00	<input type="checkbox"/> Lodging & Entertainment - L&E (County) .....\$500.00

Section B Liquor License Fees*	
<input type="checkbox"/> Add Optional Premises to H & R.....\$100.00 X _____ Total _____	<input type="checkbox"/> Manager Registration - H & R .....\$30.00
<input type="checkbox"/> Add Related Facility to Resort Complex\$75.00 X _____ Total _____	<input type="checkbox"/> Manager Registration - Tavern .....\$30.00
<input type="checkbox"/> Add Sidewalk Service Area..... \$75.00	<input type="checkbox"/> Manager Registration - Lodging & Entertainment.....\$30.00
<input type="checkbox"/> Arts License (City) .....\$308.75	<input type="checkbox"/> Manager Registration - Campus Liquor Complex .....\$30.00
<input type="checkbox"/> Arts License (County) .....\$308.75	<input type="checkbox"/> Optional Premises License (City).....\$500.00
<input type="checkbox"/> Beer and Wine License (City).....\$351.25	<input type="checkbox"/> Optional Premises License (County) .....\$500.00
<input type="checkbox"/> Beer and Wine License (County).....\$436.25	<input type="checkbox"/> Racetrack License (City).....\$500.00
<input type="checkbox"/> Brew Pub License (City) .....\$750.00	<input type="checkbox"/> Racetrack License (County).....\$500.00
<input type="checkbox"/> Brew Pub License (County).....\$750.00	<input type="checkbox"/> Resort Complex License (City).....\$500.00
<input type="checkbox"/> Campus Liquor Complex (City).....\$500.00	<input type="checkbox"/> Resort Complex License (County).....\$500.00
<input type="checkbox"/> Campus Liquor Complex (County) .....\$500.00	<input type="checkbox"/> Related Facility - Campus Liquor Complex (City) .....\$160.00
<input type="checkbox"/> Campus Liquor Complex (State).....\$500.00	<input type="checkbox"/> Related Facility - Campus Liquor Complex (County) .....\$160.00
<input type="checkbox"/> Club License (City).....\$308.75	<input type="checkbox"/> Related Facility - Campus Liquor Complex (State).....\$160.00
<input type="checkbox"/> Club License (County) .....\$308.75	<input type="checkbox"/> Retail Gaming Tavern License (City) .....\$500.00
<input type="checkbox"/> Distillery Pub License (City).....\$750.00	<input type="checkbox"/> Retail Gaming Tavern License (County).....\$500.00
<input type="checkbox"/> Distillery Pub License (County) .....\$750.00	<input type="checkbox"/> Retail Liquor Store License-Additional (City).....\$227.50
<input type="checkbox"/> Hotel and Restaurant License (City).....\$500.00	<input type="checkbox"/> Retail Liquor Store License-Additional (County).....\$312.50
<input type="checkbox"/> Hotel and Restaurant License (County) .....\$500.00	<input type="checkbox"/> Retail Liquor Store (City).....\$227.50
<input type="checkbox"/> Hotel and Restaurant License w/one opt premises (City) .....\$600.00	<input type="checkbox"/> Retail Liquor Store (County).....\$312.50
<input type="checkbox"/> Hotel and Restaurant License w/one opt premises (County).....\$600.00	<input type="checkbox"/> Tavern License (City).....\$500.00
<input type="checkbox"/> Liquor-Licensed Drugstore (City) .....\$227.50	<input type="checkbox"/> Tavern License (County).....\$500.00
	<input type="checkbox"/> Vintners Restaurant License (City) .....\$750.00
	<input type="checkbox"/> Vintners Restaurant License (County).....\$750.00

**Questions? Visit: [SBG.Colorado.gov/Liquor](http://SBG.Colorado.gov/Liquor) for more information**

**Do not write in this space - For Department of Revenue use only**

Liability Information

License Account Number	Liability Date	License Issued Through (Expiration Date)	<b>Total</b> \$
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## Application Documents Checklist and Worksheet

**Instructions:** This checklist should be utilized to assist applicants with filing all required documents for licensure. **All** documents must be properly signed and correspond with the name of the applicant exactly. **All** documents must be typed or legibly printed. Upon final State approval the license will be mailed to the local licensing authority. Application fees are nonrefundable. **Questions? Visit: [SBG.Colorado.gov/Liquor](http://SBG.Colorado.gov/Liquor) for more information**

Items submitted, please check all appropriate boxes completed or documents submitted	
<b>I.</b>	<b>Applicant information</b> <input type="checkbox"/> A. Applicant/Licensee identified <input type="checkbox"/> B. State sales tax license number listed or applied for at time of application <input type="checkbox"/> C. License type or other transaction identified <input type="checkbox"/> D. Return originals to local authority (additional items may be required by the local licensing authority) <input type="checkbox"/> E. All sections of the application need to be completed <input type="checkbox"/> F. Master file applicants must include the Application for Master File form DR 8415 and applicable fees to this Retail License Application
<b>II.</b>	<b>Diagram of the premises</b> <input type="checkbox"/> A. No larger than 8½" X 11" <input type="checkbox"/> B. Dimensions included (does not have to be to scale). Exterior areas should show type of control (fences, walls, entry/exit points, etc.) <input type="checkbox"/> C. Separate diagram for each floor (if multiple levels) <input type="checkbox"/> D. Kitchen - identified if Hotel and Restaurant <input type="checkbox"/> E. Bold/Outlined Licensed Premises
<b>III.</b>	<b>Proof of property possession (One Year Needed)</b> <input type="checkbox"/> A. Deed in name of the applicant (or) (matching question #2) date stamped / filed with County Clerk <input type="checkbox"/> B. Lease in the name of the applicant (or) (matching question #2) <input type="checkbox"/> C. Lease assignment in the name of the applicant with proper consent from the landlord and acceptance by the applicant <input type="checkbox"/> D. Other agreement if not deed or lease. (matching question #2)
<b>IV.</b>	<b>Background information (DR 8404-I) and financial documents</b> <input type="checkbox"/> A. Complete DR 8404-I for each principal (individuals with more than 10% ownership, officers, directors, partners, members) <input type="checkbox"/> B. Fingerprints taken and submitted to the appropriate Local Licensing Authority through an approved State Vendor. Master File applicants submit results to the State using code 25YQHT with Identogo. <b>Do not complete fingerprint cards prior to submitting your application.</b> The Vendors are as follows: <b>Identogo</b> – <a href="https://uenroll.identogo.com/">https://uenroll.identogo.com/</a> Phone: 844-539-5539 (toll-free) <b>Colorado Fingerprinting</b> – <a href="http://www.coloradofingerprinting.com">http://www.coloradofingerprinting.com</a> Appointment Scheduling Website: <a href="http://www.coloradofingerprinting.com/cabs/">http://www.coloradofingerprinting.com/cabs/</a> Phone: 720-292-2722 Toll Free: 833-224-2227 <b>Details about the vendors and fingerprinting in Colorado can be found on CBI's website here:</b> <a href="https://cbi.colorado.gov/sections/biometric-identification-and-records-unit/employment-and-background-checks">https://cbi.colorado.gov/sections/biometric-identification-and-records-unit/employment-and-background-checks</a> <input type="checkbox"/> C. Purchase agreement, stock transfer agreement, and/or authorization to transfer license <input type="checkbox"/> D. List of all notes and loans (Copies to also be attached)
<b>V.</b>	<b>Sole proprietor/husband and wife partnership (if applicable)</b> <input type="checkbox"/> A. Form DR 4679 <input type="checkbox"/> B. Copy of State issued Driver's License or Colorado Identification Card for each applicant
<b>VI.</b>	<b>Corporate applicant information (if applicable)</b> <input type="checkbox"/> A. Certificate of Incorporation <input type="checkbox"/> B. Certificate of Good Standing <input type="checkbox"/> C. Certificate of Authorization if foreign corporation (out of state applicants only)
<b>VII.</b>	<b>Partnership applicant information (if applicable)</b> <input type="checkbox"/> A. Partnership Agreement (general or limited). <input type="checkbox"/> B. Certificate of Good Standing
<b>VIII.</b>	<b>Limited Liability Company applicant information (if applicable)</b> <input type="checkbox"/> A. Copy of articles of organization <input type="checkbox"/> B. Certificate of Good Standing <input type="checkbox"/> C. Copy of Operating Agreement (if applicable) <input type="checkbox"/> D. Certificate of Authority if foreign LLC (out of state applicants only)
<b>IX.</b>	<b>Manager registration for Hotel and Restaurant, Tavern, Lodging &amp; Entertainment, and Campus Liquor Complex licenses when included with this application</b> <input type="checkbox"/> A. \$30.00 fee <input type="checkbox"/> B. If owner is managing, no fee required

Name	Type of License	Account Number		
7. Is the applicant (including any of the partners if a partnership; members or managers if a limited liability company; or officers, stockholders or directors if a corporation) or managers under the age of twenty-one years?		Yes <input type="checkbox"/> No <input type="checkbox"/>		
8. Has the applicant (including any of the partners if a partnership; members or managers if a limited liability company; or officers, stockholders or directors if a corporation) or managers ever (in Colorado or any other state):				
a. Been denied an alcohol beverage license?		<input type="checkbox"/> <input type="checkbox"/>		
b. Had an alcohol beverage license suspended or revoked?		<input type="checkbox"/> <input type="checkbox"/>		
c. Had interest in another entity that had an alcohol beverage license suspended or revoked?		<input type="checkbox"/> <input type="checkbox"/>		
If you answered yes to 8a, b or c, explain in detail on a separate sheet.				
9. Has a liquor license application (same license class), that was located within 500 feet of the proposed premises, been denied within the preceding two years? If "yes", explain in detail.		<input type="checkbox"/> <input type="checkbox"/>		
10. Are the premises to be licensed within 500 feet, of any public or private school that meets compulsory education requirements of Colorado law, or the principal campus of any college, university or seminary?		<input type="checkbox"/> <input type="checkbox"/>		
Waiver by local ordinance? <input type="checkbox"/> <input type="checkbox"/>		<b>or</b>		
Other: _____		<input type="checkbox"/> <input type="checkbox"/>		
11. Is your Liquor Licensed Drugstore (LLDS) or Retail Liquor Store (RLS) within 1500 feet of another retail liquor license for off-premises sales in a jurisdiction with a population of greater than (>) 10,0000? <b>NOTE:</b> The distance shall be determined by a radius measurement that begins at the principal doorway of the LLDS/RLS premises for which the application is being made and ends at the principal doorway of the Licensed LLDS/RLS.		<input type="checkbox"/> <input type="checkbox"/>		
12. Is your Liquor Licensed Drugstore (LLDS) or Retail Liquor Store (RLS) within 3000 feet of another retail liquor license for off-premises sales in a jurisdiction with a population of less than (<) 10,0000? <b>NOTE:</b> The distance shall be determined by a radius measurement that begins at the principal doorway of the LLDS/RLS premises for which the application is being made and ends at the principal doorway of the Licensed LLDS/RLS.		<input type="checkbox"/> <input type="checkbox"/>		
13. a. For additional Retail Liquor Store only. Was your Retail Liquor Store License issued on or before January 1, 2016?		<input type="checkbox"/> <input type="checkbox"/>		
b. Are you a Colorado resident?		<input type="checkbox"/> <input type="checkbox"/>		
14. Has a liquor or beer license ever been issued to the applicant (including any of the partners, if a partnership; members or manager if a Limited Liability Company; or officers, stockholders or directors if a corporation)? If yes, identify the name of the business and list any <u>current</u> financial interest in said business including any loans to or from a licensee.		<input type="checkbox"/> <input type="checkbox"/>		
15. Does the applicant, as listed on line 2 of this application, <b>have legal possession of the premises by ownership</b> , lease or other arrangement?		<input type="checkbox"/> <input type="checkbox"/>		
<input type="checkbox"/> Ownership <input type="checkbox"/> Lease <input type="checkbox"/> Other (Explain in Detail) _____				
a. If leased, list name of landlord and tenant, and date of expiration, <b>exactly</b> as they appear on the lease:				
Landlord	Tenant	Expires		
b. Is a percentage of alcohol sales included as compensation to the landlord? If yes, complete question 16.		<input type="checkbox"/> <input type="checkbox"/>		
c. Attach a diagram that designates the area to be licensed in black bold outline (including dimensions) which shows the bars, brewery, walls, partitions, entrances, exits and what each room shall be utilized for in this business. This diagram should be no larger than 8½" X 11".				
16. Who, besides the owners listed in this application (including persons, firms, partnerships, corporations, limited liability companies) will loan or give money, inventory, furniture or equipment to or for use in this business; or who will receive money from this business? Attach a separate sheet if necessary.				
Last Name	First Name	Date of Birth	FEIN or SSN	Interest/Percentage
Last Name	First Name	Date of Birth	FEIN or SSN	Interest/Percentage
<b>Attach copies of all notes and security instruments and any written agreement or details of any oral agreement, by which any person (including partnerships, corporations, limited liability companies, etc.) will share in the profit or gross proceeds of this establishment, and any agreement relating to the business which is contingent or conditional in any way by volume, profit, sales, giving of advice or consultation.</b>				
17. Optional Premises or Hotel and Restaurant Licenses with Optional Premises:				<input type="checkbox"/> <input type="checkbox"/>
Has a local ordinance or resolution authorizing optional premises been adopted?				<input type="checkbox"/> <input type="checkbox"/>
Number of additional Optional Premise areas requested. (See license fee chart)				
18. For the addition of a Sidewalk Service Area per Regulation 47-302(A)(4), include a diagram of the service area and documentation received from the local governing body authorizing use of the sidewalk. Documentation may include but is not limited to a statement of use, permit, easement, or other legal permissions.				

Name	Type of License	Account Number		
<p><b>19.</b> Liquor Licensed Drugstore (LLDS) applicants, answer the following:</p> <p><b>a.</b> Is there a pharmacy, licensed by the Colorado Board of Pharmacy, located within the applicant's LLDS premise? <input type="checkbox"/> <input type="checkbox"/>  <b>If "yes" a copy of license must be attached.</b></p>				
<p><b>20.</b> Club Liquor License applicants answer the following: <b>Attach a copy of applicable documentation</b> <span style="float:right">Yes No</span></p> <p><b>a.</b> Is the applicant organization operated solely for a national, social, fraternal, patriotic, political or athletic purpose and not for pecuniary gain? <input type="checkbox"/> <input type="checkbox"/></p> <p><b>b.</b> Is the applicant organization a regularly chartered branch, lodge or chapter of a national organization which is operated solely for the object of a patriotic or fraternal organization or society, but not for pecuniary gain? <input type="checkbox"/> <input type="checkbox"/></p> <p><b>c.</b> How long has the club been incorporated?</p> <p><b>d.</b> Has applicant occupied an establishment for three years (three years required) that was operated solely for the reasons stated above? <input type="checkbox"/> <input type="checkbox"/></p>				
<p><b>21.</b> Brew-Pub, Distillery Pub or Vintner's Restaurant applicants answer the following:</p> <p><b>a.</b> Has the applicant received or applied for a Federal Permit? (Copy of permit or application must be attached) <input type="checkbox"/> <input type="checkbox"/></p>				
<p><b>22.</b> Campus Liquor Complex applicants answer the following:</p> <p><b>a.</b> Is the applicant an institution of higher education? <input type="checkbox"/> <input type="checkbox"/></p> <p><b>b.</b> Is the applicant a person who contracts with the institution of higher education to provide food services? <input type="checkbox"/> <input type="checkbox"/>  <b>If "yes" please provide a copy of the contract with the institution of higher education to provide food services.</b></p>				
<p><b>23.</b> For all on-premises applicants.</p> <p><b>a.</b> For all Liquor Licensed Drugstores (LLDS) the Permitted Manager must also submit a Manager Permit Application - DR 8000 and fingerprints.</p>				
Last Name of Manager		First Name of Manager		
<p><b>24.</b> Does this manager act as the manager of, or have a financial interest in, any other liquor licensed establishment in the State of Colorado? If yes, provide name, type of license and account number. <span style="float:right">Yes No</span></p> <p style="text-align:right"><input type="checkbox"/> <input type="checkbox"/></p>				
<p><b>25.</b> Related Facility - Campus Liquor Complex applicants answer the following: <span style="float:right">Yes No</span></p> <p><b>a.</b> Is the related facility located within the boundaries of the Campus Liquor Complex? <input type="checkbox"/> <input type="checkbox"/>  If yes, please provide a map of the geographical location within the Campus Liquor Complex.  If no, this license type is not available for issues outside the geographical location of the Campus Liquor Complex.</p> <p><b>b.</b> Designated Manager for Related Facility- Campus Liquor Complex</p>				
Last Name of Manager		First Name of Manager		
<p><b>26.</b> Tax Information. <span style="float:right">Yes No</span></p> <p><b>a.</b> Has the applicant, including its manager, partners, officer, directors, stockholders, members (LLC), managing members (LLC), or any other person with a 10% or greater financial interest in the applicant, been found in final order of a tax agency to be delinquent in the payment of any state or local taxes, penalties, or interest related to a business? <input type="checkbox"/> <input type="checkbox"/></p> <p><b>b.</b> Has the applicant, including its manager, partners, officer, directors, stockholders, members (LLC), managing members (LLC), or any other person with a 10% or greater financial interest in the applicant failed to pay any fees or surcharges imposed pursuant to section 44-3-503, C.R.S.? <input type="checkbox"/> <input type="checkbox"/></p>				
<p><b>27.</b> If applicant is a corporation, partnership, association or limited liability company, applicant must list all <b>Officers, Directors, General Partners, and Managing Members</b>. In addition, applicant must list any stockholders, partners, or members with <b>ownership of 10% or more in the applicant</b>. <b>All persons listed below</b> must also attach form DR 8404-I (Individual History Record), and make an appointment with an approved State Vendor through their website. See application checklist, Section IV, for details.</p>				
Name	Home Address, City & State	DOB	Position	%Owned
Name	Home Address, City & State	DOB	Position	%Owned
Name	Home Address, City & State	DOB	Position	%Owned
Name	Home Address, City & State	DOB	Position	%Owned
Name	Home Address, City & State	DOB	Position	%Owned

Name	Type of License	Account Number
<p>** If applicant is owned 100% by a parent company, please list the designated principal officer on above.  ** Corporations - the President, Vice-President, Secretary and Treasurer must be accounted for above (Include ownership percentage if applicable)  ** If total ownership percentage disclosed here does not total 100%, applicant must check this box:  <input type="checkbox"/> Applicant affirms that no individual other than these disclosed herein owns 10% or more of the applicant and does not have financial interest in a prohibited liquor license pursuant to Article 3 or 5, C.R.S.</p>		
<b>Oath Of Applicant</b>		
I declare under penalty of perjury in the second degree that this application and all attachments are true, correct, and complete to the best of my knowledge. I also acknowledge that it is my responsibility and the responsibility of my agents and employees to comply with the provisions of the Colorado Liquor or Beer Code which affect my license.		
Authorized Signature	Printed Name and Title	Date
<b>Report and Approval of Local Licensing Authority (City/County)</b>		
Date application filed with local authority	Date of local authority hearing (for new license applicants; cannot be less than 30 days from date of application)	
<b>For Transfer Applications Only</b> - Is the license being transferred valid?		Yes <input type="checkbox"/> No <input type="checkbox"/>
The Local Licensing Authority Hereby Affirms that each person required to file DR 8404-I (Individual History Record) or a DR 8000 (Manager Permit) has been: <input type="checkbox"/> Fingerprinted <input type="checkbox"/> Subject to background investigation, including NCIC/CCIC check for outstanding warrants That the local authority has conducted, or intends to conduct, an inspection of the proposed premises to ensure that the applicant is in compliance with and aware of, liquor code provisions affecting their class of license (Check One) <input type="checkbox"/> Date of inspection or anticipated date _____ <input type="checkbox"/> Will conduct inspection upon approval of state licensing authority		
<input type="checkbox"/> Is the Liquor Licensed Drugstore (LLDS) or Retail Liquor Store (RLS) within 1,500 feet of another retail liquor license for off-premises sales in a jurisdiction with a population of > 10,0000?		Yes <input type="checkbox"/> No <input type="checkbox"/>
<input type="checkbox"/> Is the Liquor Licensed Drugstore(LLDS) or Retail Liquor Store (RLS) within 3,000 feet of another retail liquor license for off-premises sales in a jurisdiction with a population of < 10,0000?		Yes <input type="checkbox"/> No <input type="checkbox"/>
<b>NOTE:</b> The distance shall be determined by a radius measurement that begins at the principal doorway of the LLDS/RLS premises for which the application is being made and ends at the principal doorway of the Licensed LLDS/RLS.		
<input type="checkbox"/> Does the Liquor-Licensed Drugstore (LLDS) have at least twenty percent (20%) of the applicant's gross annual income derived from the sale of food, during the prior twelve (12) month period?		Yes <input type="checkbox"/> No <input type="checkbox"/>
The foregoing application has been examined; and the premises, business to be conducted, and character of the applicant are satisfactory. We do report that such license, if granted, will meet the reasonable requirements of the neighborhood and the desires of the adult inhabitants, and will comply with the provisions of Title 44, Article 4 or 3, C.R.S., and Liquor Rules. <b>Therefore, this application is approved.</b>		
Local Licensing Authority for	Telephone Number	<input type="checkbox"/> Town, City <input type="checkbox"/> County
Signature	Print	Title
Signature	Print	Title
		Date
		Date



## Tax Check Authorization, Waiver, and Request to Release Information

I,

am signing this Tax Check Authorization, Waiver and Request to Release Information (hereinafter

“Waiver”) on behalf of

(the “Applicant/Licensee”)

to permit the Colorado Department of Revenue and any other state or local taxing authority to release information and documentation that may otherwise be confidential, as provided below. If I am signing this Waiver for someone other than myself, including on behalf of a business entity, I certify that I have the authority to execute this Waiver on behalf of the Applicant/Licensee.

The Executive Director of the Colorado Department of Revenue is the State Licensing Authority, and oversees the Colorado Liquor Enforcement Division as his or her agents, clerks, and employees. The information and documentation obtained pursuant to this Waiver may be used in connection with the Applicant/Licensee’s liquor license application and ongoing licensure by the state and local licensing authorities. The Colorado Liquor Code, section 44-3-101. et seq. (“Liquor Code”), and the Colorado Liquor Rules, 1 CCR 203-2 (“Liquor Rules”), require compliance with certain tax obligations, and set forth the investigative, disciplinary and licensure actions the state and local licensing authorities may take for violations of the Liquor Code and Liquor Rules, including failure to meet tax reporting and payment obligations.

The Waiver is made pursuant to section 39-21-113(4), C.R.S., and any other law, regulation, resolution or ordinance concerning the confidentiality of tax information, or any document, report or return filed in connection with state or local taxes. This Waiver shall be valid until the expiration or revocation of a license, or until both the state and local licensing authorities take final action to approve or deny any application(s) for the renewal of the license, whichever is later. Applicant/Licensee agrees to execute a new waiver for each subsequent licensing period in connection with the renewal of any license, if requested.

By signing below, Applicant/Licensee requests that the Colorado Department of Revenue and any other state or local taxing authority or agency in the possession of tax documents or information, release information and documentation to the Colorado Liquor Enforcement Division, and its duly authorized employees, to act as the Applicant’s/Licensee’s duly authorized representative under section 39-21-113(4), C.R.S., solely to allow the state and local licensing authorities, and their duly authorized employees, to investigate compliance with the Liquor Code and Liquor Rules. Applicant/Licensee authorizes the state and local licensing authorities, their duly authorized employees, and their legal representatives, to use the information and documentation obtained using this Waiver in any administrative or judicial action regarding the application or license.

Name (Individual/Business)

Social Security Number/Tax Identification Number

Home Phone Number

Business/Work Phone Number

Street Address

City

State

ZIP Code

Printed name of person signing on behalf of the Applicant/Licensee

Applicant/Licensee's Signature (Signature authorizing the disclosure of confidential tax information) Date Signed

### Privacy Act Statement

Providing your Social Security Number is voluntary and no right, benefit or privilege provided by law will be denied as a result of refusal to disclose it. § 7 of Privacy Act, 5 USCS § 552a (note).

## Fermented Malt Beverage/Fermented Malt Beverage and Wine Retailer License Application

This application only applies to Fermented Malt Beverage On-Premises, Fermented Malt Beverage On/Off-Premises, and Fermented Malt Beverage and Wine Retailer.

\* Note that the Division will not accept cash     Paid by check     Paid online    **Uploaded to Movelt on** Date

**New License**                       **New-Concurrent**                       **Transfer of Ownership**

- All answers must be printed in black ink or typewritten
- Applicant must check the appropriate box(es)
- Local license fee \$ \_\_\_\_\_
- Applicant should obtain a copy of the Colorado Liquor, Beer and Wine Code: [SBG.Colorado.gov/Liquor](http://SBG.Colorado.gov/Liquor)

1. Applicant is applying as a/an

Corporation                                       Partnership (includes Limited Liability and Husband and Wife Partnerships)

Individual     Limited Liability Company                       Association or Other

2. Applicant(s) If an LLC, name of LLC; if partnership, at least 2 partners' names; if corporation, name of corporation    FEIN

2a. Trade Name of Establishment (DBA)                      State Sales Tax No.                      Business Telephone

3. Address of Premises (specify exact location of premises)

City	County	State	ZIP Code
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4. Mailing Address (Number and Street)	City or Town	State	ZIP Code
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5. Email Address	Home Phone Number
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6. If the premises currently has a liquor or beer license, you MUST answer the following questions

Present Trade Name of Establishment (DBA)	Present State License No.	Present Class of License	Present Expiration Date
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Section A      Nonrefundable Application Fees	Section B      Fermented Malt Beverage License Fees
<input type="checkbox"/> Application Fee for New License                      \$1,100.00	<input type="checkbox"/> Retail Fermented Malt Beverage On-Premises (City)                      \$96.25
<input type="checkbox"/> Application Fee for New License - w/Concurrent Review    \$1,200.00	<input type="checkbox"/> Retail Fermented Malt Beverage On-Premises (County)                      \$117.50
<input type="checkbox"/> Application Fee for Transfer                      \$1,100.00	<input type="checkbox"/> Retail Fermented Malt Beverage and Wine (City)                      \$96.25
	<input type="checkbox"/> Retail Fermented Malt Beverage and Wine (County)                      \$117.50
	<input type="checkbox"/> Retail Fermented Malt Beverage On/Off-Premises (City)                      \$96.25
	<input type="checkbox"/> Retail Fermented Malt Beverage On/Off-Premises (County)    \$117.50
	<input type="checkbox"/> Master File Location Fee ..... \$25.00 x _____ Total _____
	<input type="checkbox"/> Master File Background ..... \$25.00 x _____ Total _____

Questions? Visit [SBG.Colorado.gov/Liquor](http://SBG.Colorado.gov/Liquor) for more information  
 Do Not Write In This Space - For Department Of Revenue Use Only

### Liability Information

License Account Number	Liability Date:	License Issued Through: (Expiration Date)	<b>Total</b>
			<b>\$</b>

## Application Documents Checklist and Worksheet

**Instructions:** This checklist should be utilized to assist applicants with filing all required documents for licensure. **All** documents must be properly signed and correspond with the name of the applicant exactly. **All** documents must be typed or legibly printed. Upon final State approval the license will be mailed to the local licensing authority. Application fees are nonrefundable.

**Questions? Visit: [SBG.Colorado.gov/Liquor](http://SBG.Colorado.gov/Liquor) for more information.**

<b>Items Submitted, Please Check all Appropriate Boxes Completed or Documents Submitted</b>	
<b>I.</b>	<p><b>Applicant Information</b></p> <p><input type="checkbox"/> A. Applicant/Licensee identified</p> <p><input type="checkbox"/> B. State sales tax license number listed or applied for at time of application</p> <p><input type="checkbox"/> C. License type or other transaction identified</p> <p><input type="checkbox"/> D. Submit originals to local authority</p> <p><input type="checkbox"/> E. Additional information required by the local licensing authority</p>
<b>II.</b>	<p><b>Diagram of the Premises</b></p> <p><input type="checkbox"/> A. No larger than 8 1/2" X 11"</p> <p><input type="checkbox"/> B. Dimensions included (does not have to be to scale). Exterior areas should show control (fences, walls, etc.)</p> <p><input type="checkbox"/> C. Separate diagram for each floor (if multiple levels)</p> <p><input type="checkbox"/> D. Bold/Outlined licensed premises</p>
<b>III.</b>	<p><b>Proof of Property Possession (One Year Needed)</b></p> <p><input type="checkbox"/> A. Deed in name of the applicant ONLY (or) (matching question #2) date stamped/filed with County Clerk</p> <p><input type="checkbox"/> B. Lease in the name of the applicant ONLY (matching question #2)</p> <p><input type="checkbox"/> C. Lease Assignment in the name of the applicant (ONLY) with proper consent from the Landlord and acceptance by the applicant</p> <p><input type="checkbox"/> D. Other agreement if not deed or lease</p>
<b>IV.</b>	<p><b>Background Information (DR 8404-I) and Financial Documents</b></p> <p><input type="checkbox"/> A. Individual History Record(s) (Form DR 8404-I) Complete DR 8404-I for each principal (individuals with more than 10% ownership, officers, directors, partners, members)</p> <p><input type="checkbox"/> B. Fingerprints taken and submitted to the appropriate Local Licensing Authority through an approved state vendor. Master File applicants submit results to the State.</p> <p style="margin-left: 20px;"><b>Do not complete fingerprint cards prior to submitting your application.</b></p> <p style="margin-left: 20px;">The Vendors are as follows:</p> <p style="margin-left: 20px;"><b>IdentoGO</b> – <a href="https://uenroll.identogo.com/">https://uenroll.identogo.com/</a> Phone: (844) 539-5539 (toll-free)</p> <p style="margin-left: 20px;"><b>Colorado Fingerprinting</b> – <a href="http://www.coloradofingerprinting.com">http://www.coloradofingerprinting.com</a> Appointment Scheduling Website: <a href="http://www.coloradofingerprinting.com/cabs/">http://www.coloradofingerprinting.com/cabs/</a> Phone: (720) 292-2722 Toll Free: (833) 224-2227</p> <p style="margin-left: 20px;"><b>Details about the vendors and fingerprinting in Colorado can be found on CBI's website here:</b> <a href="https://cbi.colorado.gov/sections/biometric-identification-and-records-unit/employment-and-background-checks">https://cbi.colorado.gov/sections/biometric-identification-and-records-unit/employment-and-background-checks</a></p> <p><input type="checkbox"/> C. Purchase agreement, stock transfer agreement, and/or authorization to transfer license</p> <p><input type="checkbox"/> D. List of all notes and loans.</p>
<b>V.</b>	<p><b>Sole Proprietor/Husband and Wife Partnership (if applicable)</b></p> <p><input type="checkbox"/> A. Form DR 4679</p> <p><input type="checkbox"/> B. Copy of State Issued Driver's License or Identification Card for each Applicant</p>
<b>VI.</b>	<p><b>Corporate Applicant Information (If Applicable)</b></p> <p><input type="checkbox"/> A. Certificate of Incorporation</p> <p><input type="checkbox"/> B. Certificate of Good Standing</p> <p><input type="checkbox"/> C. Certificate of Authorization if foreign corporation (out of state applicants only)</p>
<b>VII.</b>	<p><b>Partnership Applicant Information (If Applicable)</b></p> <p><input type="checkbox"/> A. Partnership Agreement (general or limited).</p> <p><input type="checkbox"/> B. Certificate of Good Standing</p>
<b>VIII.</b>	<p><b>Limited Liability Company Applicant Information (If Applicable)</b></p> <p><input type="checkbox"/> A. Copy of Articles of Organization</p> <p><input type="checkbox"/> B. Certificate of Good Standing</p> <p><input type="checkbox"/> C. Copy of Operating Agreement (if applicable)</p> <p><input type="checkbox"/> D. Certificate of Authorization if foreign LLC (out of state applicants only)</p>

<b>7.</b> Is the applicant (including any of the partners if a partnership; members or managers if a limited liability company; or officers, stockholders or directors if a corporation) or managers under the age of twenty-one years?	Yes	No		
	<input type="checkbox"/>	<input type="checkbox"/>		
<b>8.</b> Has the applicant (including any of the partners if a partnership; members or managers if a limited liability company; or officers, stockholders or directors if a corporation) or managers ever (in Colorado or any other state):				
(a) been denied an alcohol beverage license?	<input type="checkbox"/>	<input type="checkbox"/>		
(b) had an alcohol beverage license suspended or revoked?	<input type="checkbox"/>	<input type="checkbox"/>		
(c) had interest in another entity that had an alcohol beverage license suspended or revoked?	<input type="checkbox"/>	<input type="checkbox"/>		
If you answered yes to 8a, b or c, explain in detail on a separate sheet				
<b>9.</b> Has the premises to be licensed been denied within the preceding one year? If "yes," explain in detail.	<input type="checkbox"/>	<input type="checkbox"/>		
<b>10.</b> Is the proposed Fermented Malt Beverage and Wine Retailer license within 500 feet of any public or parochial school, the principal campus of any college, university, or seminary? NOTE: The distances are to be computed using the methods outlined under C.R.S. 44-3-313(1)(d)(II). Some limited exceptions apply under C.R.S. 44-3-313.	<input type="checkbox"/>	<input type="checkbox"/>		
<b>11.</b> Is the proposed Fermented Malt Beverage and Wine Retailer license, or On/Off premises license, within 500 feet of a Retail Liquor Store licensed under section 44-3-409 C.R.S.? Distance should be determined using guidelines outlined in 44-3-301(12)(c) C.R.S.	<input type="checkbox"/>	<input type="checkbox"/>		
<b>12.</b> Are you applying for a Fermented Malt Beverage On and Off Premises License? If yes, answer subparts a and b. If No, go to question 13.	<input type="checkbox"/>	<input type="checkbox"/>		
(a) The FMB On/Off is located in a county with a population of > 35,000.	<input type="checkbox"/>	<input type="checkbox"/>		
(b) The FMB On/Off is located in an "underserved area" within a county with population of < 35,000 but lies outside of a municipal boundaries or is a city or town with population of > 75,500.	<input type="checkbox"/>	<input type="checkbox"/>		
Note - The population is determined from the recently available United States Census Bureau.				
<b>13.</b> Has a liquor or beer license ever been issued to the applicant (including any of the partners, if a partnership; members or manager if a limited liability company; or officers, stockholders or directors if a corporation)? If yes, identify the name of the business and list any current or former financial interest in said business including any loans to or from a licensee.	<input type="checkbox"/>	<input type="checkbox"/>		
<b>14.</b> Does the applicant, as listed on line 2 of this application, have legal possession of the premises by virtue of ownership, lease or other arrangement?	<input type="checkbox"/>	<input type="checkbox"/>		
<input type="checkbox"/> Ownership <input type="checkbox"/> Lease <input type="checkbox"/> Other (Explain in Detail) _____				
a. If leased, list name of landlord and tenant, and date of expiration, EXACTLY as they appear on the lease:				
Landlord	Tenant	Expires		
<b>b.</b> Is a percentage of alcohol sales included as compensation to the landlord? If yes, complete question 13.				
<input type="checkbox"/> <input type="checkbox"/>				
<b>c.</b> Attach a diagram or designate the area to be licensed in black bold outline (including dimensions) which shows the bars, brewery, walls, partitions, entrances, exits and what each room shall be utilized for in this business. This diagram should be no larger than 8 1/2" X 11".				
<b>15.</b> Who, besides the owners listed in this application (including persons, firms, partnerships, corporations, limited liability companies) will loan or give money, inventory, furniture or equipment to or for use in this business; or who will receive money from this business? Attach a separate sheet if necessary.				
Last Name	First Name	Date of Birth	FEIN or SSN	Interest
Last Name	First Name	Date of Birth	FEIN or SSN	Interest
Attach copies of all notes and security instruments and any written agreement or details of any oral agreement, by which any person (including partnerships, corporations, limited liability companies, etc.) will share in the profit or gross proceeds of this establishment, and any agreement relating to the business which is contingent or conditional in any way by volume, profit, sales, giving of advice or consultation.				
<b>16. Name of Manager(s) for all on premises applicants.</b>				
Last Name	First Name	Date of Birth		
<b>17.</b> Does this manager act as the manager of, or have a financial interest in, any other liquor licensed establishment in the State of Colorado? If yes, provide name, type of license and account number.				
<input type="checkbox"/> <input type="checkbox"/>				

<b>18. Tax Information.</b>	Yes	No
<b>a.</b> Has the applicant, including its manager, partners, officer, directors, stockholders, members (LLC), managing members (LLC), or any other person with a 10% or greater financial interest in the applicant, been found in final order of a tax agency to be delinquent in the payment of any state or local taxes, penalties, or interest related to a business?	<input type="checkbox"/>	<input type="checkbox"/>
<b>b.</b> Has the applicant, including its manager, partners, officer, directors, stockholders, members (LLC), managing members (LLC), or any other person with a 10% or greater financial interest in the applicant failed to pay any fees or surcharges imposed pursuant to section 44-3-503, C.R.S.?	<input type="checkbox"/>	<input type="checkbox"/>

**19.** If applicant is a corporation, partnership, association or limited liability company, applicant must list all Officers, Directors, General Partners, and Managing Members. In addition, applicant must list any stockholders, partners, or members with ownership of 10% or more in the Applicant. All persons listed below must also attach form DR 8404-I (Individual History Record), and make an appointment to be fingerprinted by an approved State Vendor through the Vendor's website. See application checklist, Section IV, for details.

Name	Home Address, City & State	Date of Birth	Position	% Owned
Name	Home Address, City & State	Date of Birth	Position	% Owned
Name	Home Address, City & State	Date of Birth	Position	% Owned
Name	Home Address, City & State	Date of Birth	Position	% Owned

\*\* If applicant is owned 100% by a parent company, please list the designated principal officer on above.  
 \*\* Corporations - the President, Vice-President, Secretary and Treasurer must be accounted for above (Include ownership percentage if applicable)  
 \*\* If total ownership percentage disclosed here does not total 100%, applicant must check this box:   
 Applicant affirms that no individual other than these disclosed herein owns 10% or more of the applicant and does not have financial interest in a prohibited liquor license pursuant to Article 3 or 5, C.R.S.

**Oath of Applicant**

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

Authorized Signature	Printed Name and Title	Date

**Report and Approval of Local Licensing Authority (City/County)**

Date application filed with local authority	Date of local authority hearing – for new license applicants cannot be less than 30 days from date of application 44-3-311(1) C.R.S.

<b>For Transfer Applications Only</b> - Is the license being transferred valid?	Yes	No
	<input type="checkbox"/>	<input type="checkbox"/>

**Each person required to file DR 8404-I has been:**

Fingerprinted

Subject to background investigation, including NCIC/CCIC check for outstanding warrants

That the local authority has conducted, or intends to conduct, an inspection of the proposed premises to ensure that the applicant is in compliance with and aware of, liquor code provisions affecting their class of license.

(Check One)

Date of Inspection or Anticipated Date \_\_\_\_\_

Upon approval of state licensing authority

New Fermented Malt Beverage Off Premises licenses, and On/Off Premises licenses, distance requirements of 44-3-301 C.R.S. are satisfied  
 New Fermented Malt Beverage On/Off premises licenses must meet the qualifications of 44-4-104 C.R.S.

The foregoing application has been examined; and the premises, business to be conducted, and character of the applicant are satisfactory. We do report that such license, if granted, will meet the reasonable requirements of the neighborhood and the desires of the adult inhabitants, and will comply with the provisions of Title 44, Article 4 or 3, C.R.S. and Liquor Rules. **Therefore, this application is approved.**

Local Licensing Authority for	Telephone Number	<input type="checkbox"/> Town, City	<input type="checkbox"/> County
Signature	Printed Name	Title	Date
Signature (attest)	Printed Name	Title	Date

## Tax Check Authorization, Waiver, and Request to Release Information

I,

am signing this Tax Check Authorization, Waiver and Request to Release Information (hereinafter  
“Waiver”) on behalf of

(the “Applicant/Licensee”)

to permit the Colorado Department of Revenue and any other state or local taxing authority to release information and documentation that may otherwise be confidential, as provided below. If I am signing this Waiver for someone other than myself, including on behalf of a business entity, I certify that I have the authority to execute this Waiver on behalf of the Applicant/Licensee.

The Executive Director of the Colorado Department of Revenue is the State Licensing Authority, and oversees the Colorado Liquor Enforcement Division as his or her agents, clerks, and employees. The information and documentation obtained pursuant to this Waiver may be used in connection with the Applicant/Licensee’s liquor license application and ongoing licensure by the state and local licensing authorities. The Colorado Liquor Code, section 44-3-101. et seq. (“Liquor Code”), and the Colorado Liquor Rules, 1 CCR 203-2 (“Liquor Rules”), require compliance with certain tax obligations, and set forth the investigative, disciplinary and licensure actions the state and local licensing authorities may take for violations of the Liquor Code and Liquor Rules, including failure to meet tax reporting and payment obligations.

The Waiver is made pursuant to section 39-21-113(4), C.R.S., and any other law, regulation, resolution or ordinance concerning the confidentiality of tax information, or any document, report or return filed in connection with state or local taxes. This Waiver shall be valid until the expiration or revocation of a license, or until both the state and local licensing authorities take final action to approve or deny any application(s) for the renewal of the license, whichever is later. Applicant/Licensee agrees to execute a new waiver for each subsequent licensing period in connection with the renewal of any license, if requested.

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Name (Individual/Business)

Social Security Number/Tax Identification Number

Home Phone Number

Business/Work Phone Number

Street Address

City

State

ZIP Code

Printed name of person signing on behalf of the Applicant/Licensee

Applicant/Licensee's Signature (Signature authorizing the disclosure of confidential tax information) Date Signed

### Privacy Act Statement

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Providing your Social Security Number is voluntary and no right, benefit or privilege provided by law will be denied as a result of refusal to disclose it. § 7 of Privacy Act, 5 USCS § 552a (note).



## Wholesaler Affidavit of Compliance

### Section 44-3-303(1)(d), C.R.S.

Wholesaler Licensee Name (If an LLC; partnership; corporation or name of corporation)			License Number	
Trade Name of Establishment/Doing Business As (DBA)			Phone Number	
Physical Address	City	State	ZIP	
Email Address				
Transferor Retailer Licensee Name			License Number	
Trade Name of Establishment/Doing Business As (DBA)			Phone Number	
Physical Address	City	State	ZIP	
<p>The above wholesaler affirms that all alcohol beverages delivered to the above transferor retailer are:</p> <p><input type="checkbox"/> Paid in Full (only for the purposes of complying with section 44-3-303(1)(d), C.R.S.)</p> <p style="padding-left: 20px;"><b>Note:</b> If Paid in full is selected, the wholesaler may no longer extend credit to the transferee or transferor until the local and state licensing authorities have approved the transfer of the liquor license.</p> <p><input type="checkbox"/> Not Paid in Full</p>				
Wholesaler:				
Signature	Print	Title	Date	

## Individual History Record

To be completed by the following persons, as applicable: sole proprietors; general partners regardless of percentage ownership, and limited partners owning 10% or more of the partnership; all principal officers of a corporation, all directors of a corporation, and any stockholder of a corporation owning 10% or more of the outstanding stock; managing members or officers of a limited liability company, and members owning 10% or more of the company; and any intended registered manager of Hotel and Restaurant, Tavern and Lodging and Entertainment class of retail license

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**Notice:** This individual history record requires information that is necessary for the licensing investigation or inquiry. All questions must be answered in their entirety or the license application may be delayed or denied. If a question is not applicable, please indicate so by "N/A". **Any deliberate misrepresentation or material omission may jeopardize the license application.** (Please attach a separate sheet if necessary to enable you to answer questions completely)

Name of Business

Home Phone Number

Cellular Number

Your Full Name (last, first, middle)

List any other names you have used

Mailing address (if different from residence)

Email Address

**1. List current residence address. Include any previous addresses within the last five years. (Attach separate sheet if necessary)**

Current Street and Number

Current City, State, ZIP

From:

To:

Previous Street and Number

Previous City, State, ZIP

From:

To:

**Individual History Record (Continued)**

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**2. List all employment within the last five years. Include any self-employment. (Attach separate sheet if necessary)**

Name of Employer or Business

Address (Street, Number, City, State, ZIP)

Position Held

From:

To:

Name of Employer or Business

Address (Street, Number, City, State, ZIP)

Position Held

From:

To:

Name of Employer or Business

Address (Street, Number, City, State, ZIP)

Position Held

From:

To:

**3. List the name(s) of relatives working in or holding a financial interest in the Colorado alcohol beverage industry.**

Name of Relative

Relationship to You:

Position Held

Name of Licensee

Name of Relative

Relationship to You:

Position Held

Name of Licensee

**Individual History Record (Continued)**

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Name of Relative Relationship to You:

Position Held Name of Licensee

Name of Relative Relationship to You:

Position Held Name of Licensee

4. Have you ever applied for, held, or had an interest in a Colorado Liquor or Beer License, or loaned money, furniture, fixtures, equipment or inventory to any licensee? ..... Yes No  
(If yes, answer in detail.)

5. Have you ever received a violation notice, suspension, or revocation for a liquor law violation, or have you applied for or been denied a liquor or beer license anywhere in the United States?..... Yes No  
(If yes, answer in detail.)

6. Have you ever been convicted of a crime or received a suspended sentence, deferred sentence, or forfeited bail for any offense in criminal or military court or do you have any charges pending?..... Yes No  
(If yes, answer in detail.)

7. Are you currently under probation (supervised or unsupervised), parole, or completing the requirements of a deferred sentence?..... Yes No  
(If yes, answer in detail.)





**Personal and Financial Information (Continued)**

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Name of Lender Address

Term Security Amount

Name of Lender Address

Term Security Amount

Name of Lender Address

Term Security Amount

**Oath of Applicant**

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I declare under penalty of perjury that this application and all attachments are true, correct, and complete to the best of my knowledge.

Authorized Signature

Print Signature

Title Date (MM/DD/YY)