



Liquor License

Application Packet

*City Clerk's Office
1290 S. Public Road
Lafayette, CO 80026
303-661-1222*

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Dear Applicant:

Applications for a Lafayette Liquor or 3.2% Beer License must be approved by the Lafayette Liquor Authority and the Liquor Enforcement Division at the State of Colorado. This packet contains forms required by the local and State authorities. Please submit your completed application in duplicate, along with the required licensing fees for the City and State.

You must make an appointment with the City Clerk to schedule a review of your completed application. It will be scheduled for approval by the Lafayette Liquor Authority before it is sent to the State for their approval. The entire process can take up to 90 days. You may submit your New License application with an additional fee for concurrent review. This will shorten the process by 2-3 weeks.

Transfer license applicants may obtain a Temporary License which allows you to operate your business while the transfer is being processed. Transfer License applicants are not eligible for a concurrent review

Liquor licenses must be renewed annually. The renewal forms are mailed from the State approximately 90 days before your expiration date. The completed renewal form, along with local and State fees must be returned to the City Clerk. Local sales tax payments must be made on time and in full to avoid possible delay of your renewal.

The Lafayette Liquor Authority requires strict adherence to State and local regulations regarding the sale of alcoholic beverages. A copy of the City's penalties for violation of the liquor code is included with this packet. The State Liquor and Beer Code Regulations are available at www.revenue.state.co.us/liquor_dir/home.asp under Online Services.

The Colorado Clean Indoor Air Act of 2006 applies to Lafayette restaurants and bars. Information is available at www.smokefreecolorado.org A brochure about the law is included for your information.

The Lafayette City Clerks are ready to help you with questions about the licensing process, but highly recommend that you seek an attorney's assistance and advice when completing your application.

We look forward to working with you!

A handwritten signature in cursive script that reads "Susan Koster".

Susan Koster, CMC
City Clerk

Susan Barker, CMC
Deputy City Clerk

LIQUOR LICENSING QUESTIONS & ANSWERS

What types of licenses are available? There are ten (12) types of licenses available within the City of Lafayette. Generally the type of license to pursue will depend on what type of beverages are to be sold, as well as food service requirements for each license type.

- Hotel & Restaurant (With optional premise)
- Tavern
- Art License
- Drugstore
- Liquor Store
- Beer & Wine
- 3.2% Beer
- Brew Pub
- Special Events Permit
- Temporary Permit
- Club License
- Mini bar License

How much does it cost to get a liquor license? Each license type carries its own City and State fees. There are application fees, as well as renewal fees on an annual basis following approval by the local and State Authorities. Refer to enclosed fee schedule.

What are the requirements to obtain a liquor license? The requirements for obtaining a liquor license depend on what type of applicant is named on the license. Requirements for an individual applicant will differ from those of a corporation, a partnership, or a limited liability company. In all cases, however, the needs and desires of the affected neighborhood and the moral character of the applicant will be considered.

How long does it take to get a liquor license? Because liquor licensing is a two-tier process, consideration at both the local and State licensing authority levels, it takes approximately 60-90 days to process a completed application.

What is the process once a new application has been submitted? After submitting an application for a liquor license, the Lafayette Liquor Authority will set a public hearing date to be held at least 30 days after receiving the application. At the public hearing, the applicant will be asked to provide testimony as to the needs and desires of the neighborhood, moral character, and ability to hold the license. Parties in interest may offer testimony, and the Liquor Authority will discuss and provide a decision on the application. If approved, the application will be forwarded to the State for consideration. If approved at that level, the City Clerk's Office will issue the license.

What questions might the Authority be asking at the Public Hearing? Aside from the needs and desires of the neighborhood, the Authority may inquire as to the applicant's experience in the liquor industry, funding sources for the proposed establishment, formal training plans for employees and managers, and any other questions relative to the applicant's ability to hold a liquor license. If the applicant has a police record which may arise during a background check which could indicate poor moral character, the applicant may be asked to explain this history and demonstrate rehabilitation.

My license application is denied, are my fees refundable? All State fees and City *license fees* will be returned to the applicant upon denial of an application at the local level. City *application fees* will be retained for the processing of the application up to that point. The State may not refund any fees associated with conducting a Concurrent Review.

This information has been provided as a courtesy by the City of Lafayette and is only a guide. This may not be all that is involved in obtaining a liquor license, other agencies are involved, and information contained herein may change from time to time. This information is not intended to be legal advice, and applications are encouraged to contact a private attorney for answers to legal questions or concerns.

LIQUOR LICENSE APPLICATION PROCESS AT A GLANCE

- Step 1 Acquire a *Liquor Application Packet* from City Clerk's Office and Review
- Step 2 Complete Liquor Application Packet
- Step 3 Make an Appointment to Submit completed Liquor Application Packet in duplicate to the City Clerk's Office for processing (keeping an additional copy for your records)
- Step 4 City Clerk's Office schedules the Public Hearing Date (not less than 30 days from date of application submittal), and notifies applicant of both in writing when the application is certified complete
- Step 5 Applicant proceeds with proving the neighborhood needs and desires, utilizing *Neighborhood Needs and Desires Guidelines*, and provides such evidence at Public Hearing. The boundary of the "neighborhood" is established by the City Clerk.
- Step 6 Applicant will post a Notice of Public Hearing on property proposed for liquor licensure (not less than 10 days prior to Public Hearing Date/Notice provided by City Clerk's Office)
- Step 7 City Clerk's Office processes Liquor Application, publishes Notice of Public Hearing, and provides applicant with Clerk's Administrative Report and Findings (not less than five days prior to Public Hearing Date)
- Step 8 Local Licensing Authority considers liquor license application at Public Hearing and approves, denies, or continues consideration of the application.
- Step 9 Upon approval of application by the local Licensing Authority, application is forwarded to State Liquor Enforcement Division for consideration.
- Step 10 Upon approval of application by the State Licensing Authority, a State Liquor License and a City Liquor License will be issued by the City Clerk's Office upon determination that all applicable codes for proposed establishment have been met.

BEER/LIQUOR LICENSE APPLICATION DOCUMENTS CHECKLIST

I. APPLICATION AND OTHER SUPPORTING INFORMATION:

- Original and one (1) copy
- Complete all appropriate sections
- Attach appropriate fees

II. PROPERTY POSSESSION:

- Name on Deed must correspond with the name of the applicant exactly. (Line 2 on Form DR 8404)
- Name on Lease must correspond with the name of the applicant exactly. (Line 2 on Form DR 8404)
- Lease assignment in the name of the Applicant, signed by the Landlord and the Applicant.

III. DIAGRAM OF THE PREMISES

- No larger than 8 ½” x 11”
- Dimensions included (doesn't have to be to scale) Exterior areas should show control (fence, walls, etc.) Separate diagram for each floor. Outline area to be licensed in red.
- Identify Kitchen, coolers, restrooms, office, doors and any place that liquor would be stored.
- Identify outside service area (patio, balcony, porch, etc.)

IV. BACKGROUND INFORMATION AND FINANCIAL DOCUMENTS FOR ALL APPLICANTS

- Individual History Record(s) (Form DR 8404-1) – must be submitted by anyone holding more than 10% interest in the business (principals)
- All principals must be fingerprinted by Lafayette Police Department
- Purchase Agreement, stock transfer agreement, and /or authorization to transfer license
- List investments in the business as follows in Form DR 8404-1: TOTAL PURCHASE PRICE of Business in Field 14(a)-1; How much the ENTITY is investing in the business, in Field 14-(a)-2; and How much the INDIVIDUAL is investing in the Business in 14(b).
- List of all notes and loans.

V. CORPORATE APPLICANT INFORMATION

- Certificate of Incorporation (and/or)
- Certificate of Good Standing if incorporated more than 2 years ago.
- Certificate of Authorization, if foreign corporation
- List of officers, directors and stockholders of Parent Corporation (designate one person as “principal officer”)
- Articles of Incorporation
- Minutes of meeting electing current officers
- Stock certificates
- State Master File letter, if applicable

VI. PARTNERSHIP INFORMATION

- Partnership agreement (general or limited, except for husband/wife)
- Certificate of Co-partnership (if applicable)
- Diagram or flow chart of ownership – General or LTD partner
- Articles of Organization – LLC or LTD partner
- Articles of Incorporation – General or LTD partner
- Minutes of meeting electing current officers – General or LTD partner

VII. LIMITED LIABILITY COMPANY INFORMATION

- Copy of Articles of Organization
- Copy of Operating Agreement
- Certificate of Authority (if foreign company)

VIII. MANAGER REGISTRATION

- Manager Registration Form (DR 8442)
- \$75 Manager Registration Fee (State requires manager registration for Hotel & Restaurant and Tavern License only).
- Individual History Record (Form DR 8404-1)

IX. SOLE PROPRIETOR

- Lawful Presence Affidavit
- Copy of Colorado Driver's License or Waiver

X. OTHER

- City Sales Tax License
- Lafayette Questionnaire / Attachment to Liquor/3.2% Beer Retail License Application
- Affidavit of Transfer and Statement of Compliance
- Amusement Devices (pool tables, video games, pinball games)

GENERAL INFORMATION

This packet contains general liquor and beer licensing information, as well as all local and State forms necessary to apply for such licenses. An appointment with the City Clerk's Office must be made when you are ready to submit your completed application.

All forms must be typed or printed in black ink, accurate complete in all aspects, and properly executed. *All applications must be submitted in duplicate along with City and State application and license fees.* **The City Clerk's Office cannot process an incomplete application.**

You may want to contact the following Departments/Divisions for information regarding additional information and/or licenses that might be required as part of your liquor license application:

- Finance Department (Sales Tax) 303-661-1244
- Community Development (Signage) 303-661-1262
- Community Development (Planning/Zoning/Building Permits) 303-661-1270
- Lafayette Police Department (Fingerprinting) 303-661-1406
- Boulder County Health Department 303-441-1150

Good luck with your application process! Should you need additional information or have any questions, please feel free to contact the City Clerk's Office at 303-661-1222.

LIQUOR LICENSE TRANSFER

If you sell your business or buy an existing business the new owner must acquire their own liquor or beer license by filing an application with the local licensing authority. The license application can be started while you are in the process of purchasing the business. A temporary permit may be granted (discretionary) upon filing of a completed application for a permanent annual license. "It is unlawful for the current owner to allow anyone to "use" your license and it is unlawful for the prospective owner to use your license". No alcohol may be sold until there is a Temporary Permit in place. Please contact the City Clerk's office to obtain a liquor packet when buying a business.

LIQUOR LICENSING AUTHORITY MEETING SCHEDULE

The City of Lafayette City Council sits as the Authority and meets the first and third Tuesday of every month at 6:30 p.m. in the City Council Chambers at 1290 S. Public Road.

PUBLIC HEARING DATE

The Public Hearing date for new applications will be set not less than 30 days from the date of a complete submittal of the application, as provided by Section 12-47-136, of the Colorado Revised Statutes, and the applicant must be present at the public hearing to offer testimony and

answer any questions posed by the Liquor Licensing Authority. Please refer to **Procedural Order** below for information expected to be presented by the applicant.

A transfer of an existing license does not generally require a formal Public Hearing but the Local Licensing Authority will consider the application and hear all evidence from staff and the applicant.

PROCEDURAL ORDER

City Staff Presentation: The City Clerk's Office will provide the Clerk's Administrative Report, which will include completeness of application, fees paid and due, proper notice of public hearing, conformance with applicable City codes and Health Department regulations, status of sales tax application, applicant's receipt of Written Advisement regarding public hearing procedures, and proper communication of investigative results to applicant.

The City Clerk's Office will report on the evidence of proper legal possession of the premises to be licensed, proper circulation of the petition and will also address any legal issues as a result of the administrative review of your application.

Staff will then be available for questions from the Liquor Authority relative to the reports provided prior to your presentation.

Applicant's Presentation: You as applicant, or your manager or representative, will then be provided the opportunity to respond to any issues or concerns reported by City staff, to provide your past experience ie: the sale/service of alcohol beverages and that of your manager in charge of day-to-day operation, financial backers of proposed establishment, description of the character of the neighborhood of proposed site, proximity of the site to area schools and universities, and evidence, including any petitions, regarding the reasonable requirements and the desires of the inhabitants of the neighborhood for the outlet proposed.

In addition to the above information, you should also be prepared to discuss in detail the answers you provided in the **Attachment to Liquor License Application** regarding the description of the nature of the proposed business operations such as days and hours of operation, entertainment number of employees, security plans, if any, training and operating procedures employees will follow in the safe and legal sale/service of alcohol beverages, and the evidence relating to the likelihood that you will conduct this proposed operation in accordance to applicable laws and codes.

You should then remain available for questions from the Liquor Authority and/or City staff and rebuttal following any evidence from interested parties.

Evidence from Interested Parties: Interested parties are defined by law as residents of the neighborhood under consideration, owners or managers of businesses located in the neighborhood, and you, the applicant.

Liquor Authority Discussion and Decision: Motion approving, denying, or continuing consideration of your application.

NEIGHBORHOOD NEEDS AND DESIRES GUIDELINES

The Lafayette City Clerk will set boundaries of the neighborhood considered affected by the proposed location of a new liquor license. Criteria for establishing boundaries include population density; the nature of the area such as rural, residential, commercial or retail; and the proximity of the proposed site to physical barriers, geographic feature or the city limits. The Clerk's Office usually sets a ½ mile radius around the premises. Do not begin the petitioning process until you have been provided a Boundary Map by the Clerk's office.

Before approving a liquor license application, the Lafayette Liquor Licensing Authority must consider the reasonable requirements of the neighborhood and the desires of the adult inhabitants as evidenced by petitions, remonstrance's, or other evidence submitted by you. The burden of producing such evidence is placed upon you, the applicant. Although the law does not require that an applicant petition the neighborhood, it is the most common form of evidence presented. If you choose to use the petitioning method for proving neighborhood needs and desires, the enclosed survey petition may be used in this process. There are professional survey firms that you may employ however; the decision to use any such firm is entirely yours. Counter-top petitions are not acceptable.

Signatures obtained from petitioning must be from residents of the neighborhood and owners/managers of businesses within the designated neighborhood boundaries set by the Clerk and who all must be at least 21 years of age. *There is no set number of required signatures you must obtain on a petition, but you must provide the Authority with sufficient evidence to support its findings that 1) the reasonable requirements of the neighborhood establish a need for the issuance of the requested license; and 2) that the desires of the inhabitants dictate the issuance of the license. The Authority will also be looking to assure that a good sampling of the designated neighborhood was taken.*

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

If the petitioning method is used for proving neighborhood needs and desires, your petition packet must be submitted to the City Clerk's Office no later than 8 days prior to the scheduled public hearing date for review. The applicant will then have an opportunity to amend the petition, obtain additional signatures, etc., if desired. An amended petition for the Authority's review and consideration must be filed the Monday prior to the scheduled public hearing.

This information is meant only as a guideline provided as a courtesy by the City of Lafayette. Applicants are encouraged to consult a private attorney for answers to legal questions or concerns

FINGERPRINTING / BACKGROUND INVESTIGATION PROCEDURES

The Lafayette Police Department will complete a local background investigation of the applicant, officers, directors, shareholders and/or partners for a new or transferring liquor license. A criminal history investigation will be conducted by the Colorado Bureau of Investigation and the Federal Bureau of Investigation. Fingerprinting is done at the Lafayette Police Department located at 451 N. 111th Street, Monday-Friday 8 am-4 pm. Please bring with you to the Lafayette Police Department:

- Valid Photo ID such as a driver's license, ID card, etc.
- Receipt of payment from the City Clerk

OUTDOOR LIQUOR SERVICE

If you are planning on serving alcohol on a patio, deck or other outside area, please include it in the diagram of the proposed licensed premises. (See question #11 on application form DR 8404.) If the exterior area is new construction, you must contact the Planning Department to ensure that your plans meet the current building code.

The State Liquor Enforcement Division requires that outdoor licensed premises be "defined" by a fence, railing, hedge, or some other type of barrier. The barrier must completely enclose the outdoor service area, separating it from sidewalks, adjacent businesses, parking lots, and the like. A gate or opening is permissible where the enclosure would block entry to the licensed establishment. The Licensee must provide direct access from the indoor licensed premise to the outdoor service area.

The Licensee must "secure" the defined area through monitoring by wait staff or by other means. It is unlawful to allow a customer to leave the licensed premise with an alcoholic beverage (see exception below for Hotel & Restaurant Licensees). Customers seated outdoors must present proper identification before being served alcohol.

C.R.S. 12-47-411(3.5) Notwithstanding any provision of this article to the contrary, a hotel and restaurant licensed pursuant to this section may permit a customer of the hotel or restaurant to reseal and remove from the licensed premises one opened container or partially consumed vinous liquor purchased on the premises so long as the original container did not contain more than 750 milliliters of vinous liquor.

Chapter 10 ALCOHOLIC BEVERAGES*

***Cross reference(s)**--Licenses and business regulations, Ch. 55.

State law reference(s)--Fermented malt beverages, § 12-46-101 et seq. C.R.S. 1973; alcoholic beverages, § 12-47-101 et seq.; liquors--special event permits, § 12-48-101 et seq.; taxation of businesses, § 31-15-501, C.R.S. 1973.

ARTICLE I. IN GENERAL

Sec. 10-1. Application fees for sale of alcoholic beverages.

Each application submitted to the city for a license or a temporary permit for the sale of alcoholic beverages or alcoholic liquors, as defined by the Colorado Liquor Code, shall be accompanied by an application fee in an amount to cover actual and necessary expenses in accordance with the following schedule:

- (1) New license--Five hundred dollars (\$500.00).
- (2) Transfer of location or ownership of a license--Five hundred dollars (\$500.00).
- (3) Renewal of an existing license--Fifty dollars (\$50.00).
- (4) Lake renewal of an existing license--Five hundred dollars (\$500.00).
- (5) Temporary permit authorizing the sale of alcoholic beverages or alcoholic liquors pending the review of a transfer application--One hundred dollars (\$100.00).

(Ord. No. 686, § 1, 9-7-76; Ord. No. 1984-33, § 1, 9-18-84; Ord. No. 1989-51, § 1, 11-9-89; Ord. No. 1991-21, § 1, 9-3-91; Ord. No. 1998-8, § 1, 1-20-98)

State law reference(s)--Colorado Liquor Code, § 12-47-101 et seq., C.R.S. 1973; definitions, § 12-47-103; application for local license, § 12-47-135.

Sec. 10-2. Application fees for sale of fermented malt beverages.

Each application submitted to the city for a license or a temporary permit for the sale of fermented malt beverages, as defined by the Colorado Beer Code, shall be accompanied by an application fee in an amount to cover actual and necessary expenses in accordance with the following schedule:

- (1) New license--Five hundred dollars (\$500.00).
- (2) Transfer of location or ownership of a license--Five hundred dollars (\$500.00).
- (3) Renewal of an existing license--Fifty dollars (\$50.00).
- (4) Late renewal of an existing license--Five hundred dollars (\$500.00).
- (5) Temporary permit authorizing the sale of fermented malt beverages pending the review of a transfer application--One hundred dollars (\$100.00).

(Ord. No. 686, § 1, 9-7-76; Ord. No. 1984-33, § 2, 9-18-84; Ord. No. 1991-21, § 2, 9-3-91; Ord. No. 1998-8, § 1, 1-20-98)

Sec. 10-2.5. Application fee for special event permit.

In addition to the fees provided by C.R.S. 12-48-104, applications for a special event permit shall be accompanied by a fee of twenty-five dollars (\$25.00) for the investigation and issuance of the permit.

(Ord. No. 1984-33, § 3, 9-18-84)

Sec. 10-3. Application fee of hotel or restaurant manager.

Every holder of a hotel and restaurant license, as defined by the Colorado Liquor Code, shall, upon the presentment of an application to register the manager, pay to the city the sum of seventy-five dollars (\$75.00) to cover the actual and necessary expenses. This fee shall be in addition to any fees paid to the state for the registration of the manager.

(Ord. No. 685, § 1, 9-7-76)

State law reference(s)--Colorado Liquor Code, § 12-47-101 et seq., C.R.S. 1973; hotel and restaurant license, § 12-47-119.

Sec. 10-3.1. Distance restrictions for hotel and restaurant licenses.

All distance restrictions for hotel and restaurant liquor license applications are abolished and, therefore, an application for same shall be received and acted upon if the building within which the malt, vinous, or spirituous is located within five hundred (500) feet of a public or parochial school or the principal campus of any college, university or seminary. Where the city council grants an application for a liquor license to a restaurant or hotel located less than five hundred (500) feet from any public or parochial school, principal campus of any college, university or seminary, the city council may impose conditions including, but not limited to, approval by the city council of an acceptable traffic plan; and such other reasonable restrictions or conditions as the city council, in its discretion, may impose to protect any school children, college, university or seminary students from the close presence of a liquor establishment.

(Ord. No. 1994-31, § 1, 10-18-94; Ord. No. 1998-8, § 2, 1-20-98)

Sec. 10-4. Definition.

For the purposes of sections 10-6--10-9, the word "licensee" shall mean any person duly licensed to sell spirituous, vinous or malt liquors or beverages in the city or any agent, servant or employee of such licensee.

(Ord. No. 728, § 2, 6-7-77; Ord. No. 1998-8, § 3, 1-20-98)

Sec. 10-5. Condition of license approval.

Compliance with all applicable provisions of this chapter shall be a condition of each license approved by the city council, as local licensing authority, for the sale of alcoholic beverages or alcoholic liquors as defined by the Colorado Liquor Code, or for the sale of fermented malt beverages, as defined by the Colorado Beer Code.

(Ord. No. 1994-35, § 1, 10-20-94; Ord. No. 1998-8, § 4, 1-20-98)

Sec. 10-6. Training of licensee employees.

Each licensee, whether an initial licensee or a renewed licensee, shall require each of its

employees to successfully complete a liquor training program approved by the chief of police for the city within sixty (60) days of the approval of an initial or renewed license application. Each licensee that is an individual person, whether an initial licensee or renewed licensee, shall successfully complete a liquor training program approved by the chief of police of the city within sixty (60) days of the approval of an initial or renewed license application. Each licensee shall require each of its employees hired after the date of license approval or renewal to successfully complete a liquor training program approved by the chief of police of the city within sixty (60) days of the employee's first day of employment at the licensed establishment.

(Ord. No. 1994-35, § 1, 10-20-94)

Sec. 10-7. Prohibited acts.

- (a) It shall be unlawful for any licensee to permit any disturbance or unlawful or disorderly act or conduct to be committed by any person or group of persons upon any premises licensed for the sale of spirituous, vinous or malt liquors or beverages.
- (b) It shall be unlawful for a licensee, in any manner to encourage or participate in any disturbance or unlawful or disorderly act or conduct upon premises selling spirituous, vinous or malt liquors or beverages; provided, however, that such licensee may use such lawful means as may be proper to protect his person or property from damage or injury.

(Ord. No. 728, § 1, 6-7-77; Ord. No. 1994-35, 10-20-94)

State law reference(s)--Disorderly conduct, § 18-9-106, C.R.S. 1973.

Sec. 10-8. Warning sign.

Each licensee shall post and keep at all times visible to the public, in a conspicuous place on the premises, a sign to be furnished by the city clerk's office, which sign shall be in the following form: "WARNING" LAFAYETTE CITY POLICE MUST BE NOTIFIED OF ALL DISTURBANCES IN THIS ESTABLISHMENT."

(Ord. No. 728, § 4, 6-7-77; Ord. No. 1994-35, 10-20-94)

Cross reference(s)--Offenses, Ch. 75.

Sec. 10-9. Reports.

Any licensee shall immediately report to the police department any unlawful or disorderly act, conduct or disturbance committed on the premises.

(Ord. No. 728, § 3, 6-7-77; Ord. No. 1994-35, 10-20-94)

Sec. 10-10. Tax--Levied.

There is hereby levied and assessed for each year an annual occupation tax upon those businesses located within the city which sell malt, vinous or spirituous liquors and further provide nude entertainment or allow nude entertainment for the customers of said businesses, in the sum of five thousand dollars (\$5,000.00) per year.

(Ord. No. 883, § 1, 8-5-80; Ord. No. 1994-35, 10-20-94)

Sec. 10-11. Same--Definition.

For the purpose of sections 10-10--10-14, nude entertainment shall mean the displaying of pubic hair, anus, vulva or genitals; nude entertainment shall also be defined as the displaying of the post-pubertal human female breast below a point immediately above the top of the areola, or the displaying of the post-pubertal human female breast where the nipple only or the nipple and areola only are covered.

(Ord. No. 883, § 2, 8-5-80; Ord. No. 1994-35, 10-20-94; Ord. No. 1998-8, § 5, 1-20-98)

Sec. 10-12. Same--Payment.

- (a) The occupational tax levied in section 10-10 shall be due and payable to the director of finance on January first of each year and shall be delinquent on February fifteenth of the same year. Upon receipt of the tax, the director of finance shall execute and deliver to the licensee paying the tax a receipt showing the name of the licensee, the date of payment, the annual period for which such taxes paid and the place at which said licensee conducts business. All persons who pay the above-mentioned occupational tax shall, at all times, post a receipt of payment in a conspicuous place in the place of business stated in the receipt.
- (b) Whenever any new licensee begins business with a new license subsequent to January first of any year, the occupational tax required herein shall be pro-rated on a monthly basis for the remaining portion of the year; no refund shall be made to any person who has discontinued business under a license prior to the expiration of the period covered by the occupational tax.
- (c) All licenses issued hereunder shall be nontransferable.

(Ord. No. 883, § 3, 8-5-80; Ord. No. 1994-35, 10-20-94; Ord. No. 1998-8, § 6, 1-20-98)

Sec. 10-13. Same--Purpose.

The purpose of the occupational tax levied in section 10-8 is for revenue purposes.

(Ord. No. 883, § 4, 8-5-80; Ord. No. 1994-35, 10-20-94; Ord. No. 1998-8, § 7, 1-20-98)

Sec. 10-14. Same--Violations.

It shall be unlawful for any person to operate any business selling malt, vinous or spirituous liquors which business also provides or allows nude entertainment as defined in section 10-11 for customers within the city limits of the city without paying the tax imposed by section 10-10; and any person doing so shall be guilty of a violation of such section and upon conviction of such offense in the municipal court shall be fined in a sum not less than three hundred dollars (\$300.00). This offense is not punishable by imprisonment.

(Ord. No. 883, § 5, 8-5-80; Ord. No. 1994-6, § 3, 4-19-94; Ord. No. 1994-35, 10-20-94; Ord. No. 1998-8, § 8, 1-20-98)

Sec. 10-15. Temporary permits pending the review of an application to transfer a license.

- (a) The city clerk shall be the local licensing authority for the purpose of issuing a temporary permit authorizing the sale of alcoholic beverages, alcoholic liquors or fermented malt beverages, as authorized by the Colorado Liquor Code and the Colorado Beer Code, pending review of an application to transfer a license to sell the same. Issuance by the city clerk of a temporary permit shall be subject to approval by the city council at its next regular meeting. Should the city council fail to approve the city clerk's issuance of a temporary permit, the temporary permit shall have no

further force or effect. This delegation of local licensing authority pertains strictly to the issuance of said temporary permits, subject to approval of the city council, and shall not be construed to vest the city clerk with any other form of local licensing authority.

- (b) Any temporary permit issued by the city clerk under subsection (a) shall only be valid until such time as the underlying application to transfer the license is granted or for sixty (60) days, whichever shall first occur. Extensions beyond sixty (60) days shall not be considered.

(Ord. No. 1991-21, § 3, 9-3-91; Ord. No. 1994-35, 10-20-94)

Sec. 10-16. Optional premises license.

- (a) An annually renewable optional premises license for the sale or service of alcoholic beverages may be issued by the city council for any outdoor sports and recreational facility which charges a fee for the use of such facility so long as such facility is located on or adjacent to an existing or new hotel and restaurant licensed premises. Any optional premise licensed issued shall permit the licensee to sell or serve alcoholic beverages only on the optional premises specified in the license.
- (b) Except for the issuance of a special events permit pursuant to section 12-48-101 et seq., C.R.S., as amended, it shall be unlawful for any person to sell or dispense alcoholic beverages at an outdoor sports and recreational facility without having first obtained a valid optional premises license to do so as provided by this section, or in violation of any provision, restriction or limitation of the license if one has been issued.
- (c) The types of outdoor sports and recreational facilities which may be considered for an optional premises license include but are not limited to the following:
 - (1) Country club.
 - (2) Golf courses and driving ranges.
- (d) Number of optional premises. There are no restrictions on the number of optional premises which any one licensee may have on his outdoor sports or recreational facility. However, any applicant requesting approval of more than one optional premises shall demonstrate the need for each optional premise in relationship to the outdoor sports or recreational facility and its guests.
- (e) Submittal requirements. When submitting a request for the approval of an optional premises, an applicant shall also submit the following information:
 - (1) A map or other drawing illustrating the outdoor sports recreational facility boundaries and the approximate location of each optional premises requested.
 - (2) A legal description of the approximate area within which the optional premises shall be located.
 - (3) A description of the method which shall be used to identify the boundaries of the optional premises when it is in use.
 - (4) A description of the provisions which have been made for storing malt, vinous and spirituous liquors in a secured area on or off the optional premises for the future use on the optional premises.
- (f) An application for a new hotel and restaurant license with optional premises shall be processed in the same manner as any other hotel and restaurant license application. If an application to use optional premises is filed in connection with an existing hotel and restaurant license, then the application shall be processed in the same manner as an application to modify or expand licensed

premises. No fee shall be required in connection with an application for an optional premises license relating to an existing hotel and restaurant license.

- (g) No alcoholic beverages may be served on the optional premises until the licensee has provided written notice to the state and city council forty-eight (48) hours prior to servicing alcoholic beverages on the optional premises. Such notice must contain the specific days and hours on which the optional premises are to be used. In this regard, there is no limitation on the number of days which a license may specify in each notice.
- (h) In addition to or in lieu of any enforcement actions which the city council takes against the adjacent hotel and restaurant license for violations of this Code or the Colorado Liquor Code and regulations adopted pursuant thereto, the city council may decline to renew the optional premises license for good cause shown, subject to judicial review. In addition, the city council may suspend or revoke the optional premises license in accordance with the procedures specified in the Colorado Liquor Code Regulations.
- (i) This ordinance [section] adopted herein shall be considered in addition to the Colorado Liquor Code regarding the issuance of licenses under the same for optional premises licenses.

(Ord. No. 1993-23, § 1, 7-20-93; Ord. No. 1994-35, 10-20-94)

Sec. 10-17. Fines in lieu of license suspension.

- (a) Prior to the operative date of any suspension, a licensee may petition the city council, as local licensing authority, for permission to pay a fine in lieu of having his or her license suspended whenever the local licensing authority issues a final decision suspending a licensee's license for fourteen (14) days or less.
- (b) The local licensing authority may stay the proposed suspension, cause any investigation to be made which it deems desirable and may, in its sole discretion, grant the petition if it is satisfied:
 - (1) That the public welfare and morals would not be impaired by permitting the licensee to operate during the period set for suspension and that the payment of the fine will achieve the desired disciplinary purposes;
 - (2) That the books and records of the licensee are kept in such a manner that the loss of sales of alcohol beverages that the licensee would have suffered had the suspension gone into effect can be determined with reasonable accuracy therefrom; and
 - (3) That the licensee has not had his or her license suspended or revoked, nor had any suspension stayed by payment of a fine, during the two (2) years immediately preceding the date of the motion or complaint which has resulted in a final decision to suspend the license.
- (c) The fine accepted shall equal twenty (20) percent of the licensee's estimated gross revenues from the sales of alcoholic beverages during the period of the proposed suspension, provided, however that such fine shall not be less than two hundred dollars (\$200.00) nor more than five thousand dollars (\$5,000.00). Payment shall be in the form of cash, certified check or cashier's check.
- (d) Upon payment of any fine, the local licensing authority shall enter its further order permanently staying the imposition of the suspension. Any money collected under this section 10-17 shall be paid into the general fund.
- (e) Any stay granted under this section 10-17 is limited to such stay as is necessary for the local licensing authority to complete its investigation and make its findings and, if it makes such

findings, to the granting of an order permanently staying the imposition of the entire suspension or that portion of the suspension not otherwise conditionally stayed.

- (f) If the local licensing authority does not make the finding required in subsection (b) of this section and does order the suspension permanently stayed, the suspension shall go into effect on the operative date finally set by the local licensing authority.

(Ord. No. 1998-8, § 9, 1-20-98)

Secs. 10-18--10-20. Reserved.

ARTICLE II. MINORS

Sec. 10-21. Definitions.

For the purpose of this article the following words and phrases shall have the meaning indicated:

Alcoholic beverages or *alcoholic liquors* shall be construed to mean malt, vinous or spirituous liquors.

Bowling alley or establishment means an establishment having bowling facilities and in which fermented malt beverages may be sold.

Fermented malt beverages shall be construed to mean any beverages obtained by the fermentation of any infusion or decoction of barley, malt, hops or any similar product or any combination thereof in water containing not more than three and two-tenths ($3\frac{2}{10}$) percent alcohol by weight.

Food means any solid substance and nonalcoholic beverage, consumed or eaten for the purpose of nourishment and to sustain life, an assortment or variety of which when taken together may constitute a meal.

Liquor licensed drug store means any drug store licensed by the Board of Pharmacy of the State of Colorado, which has also applied for and has been granted a license by the state and local licensing authority to sell malt, vinous and spirituous liquors in original sealed containers for consumption off the premises.

Pool hall or Billiard hall means an establishment having billiards and pool facilities and in which fermented malt beverages may be sold.

Restaurant portion means an establishment provided with a special place and accommodations where in consideration of payment, food, drinks, tobacco and candies are furnished guests, and in which room or special place nothing is sold except food, drinks, tobacco and candies and where malt, vinous and spirituous liquors shall not be served, except at tables.

Retail liquor store means an establishment engaged only in the sale of malt, vinous and spirituous liquors and soft drinks and mixers, all in sealed containers for consumption off the premises and in the sale of tobaccos, tobacco products and smokers' supplies.

(Ord. No. 446, § 1, 4-16-68)

State law reference(s)--State board of pharmacy, § 12-22-103, C.R.S. 1973; pharmacy license, § 12-22-113 et seq.

Sec. 10-22. Violations.

Whoever shall violate any of the provisions of this article, upon conviction, shall be fined in a sum not less than twenty-five dollars (\$25.00) for each offense. This offense is not punishable by imprisonment.

(Ord. No. 446, § 3, 4-16-68; Ord. No. 1994-6, § 3, 4-19-94)

Sec. 10-23. Unlawful to permit entry.

It shall be unlawful for any person who owns, operates or manages an establishment dispensing alcoholic beverages as defined in this article to permit any person under twenty-one (21) years of age to be present in any establishment dispensing alcoholic beverages.

(Ord. No. 446, § 2, 4-16-68)

State law reference(s)--Selling fermented malt beverages to minor, § 12-46-112.

Sec. 10-24. Unlawful to enter.

It shall be unlawful for any person under the age of twenty-one (21) years to be in establishments dispensing alcoholic beverages, as defined in this article, which alcoholic beverages are being dispensed, except as stated in section 10-26 hereof.

(Ord. No. 446, § 2, 4-16-68)

Sec. 10-25. Duty of parent or guardian.

It shall be unlawful for any parent or parents or lawful guardian to allow any minor under the age of twenty-one (21) years to loiter in, frequent or remain in any establishment dispensing alcoholic beverages.

(Ord. No. 446, § 2, 4-16-68)

Sec. 10-26. When admitted.

Sections 10-23, 10-24 and 10-25 shall not apply to:

- (1) Any person over the age of sixteen (16) years who is an employee of an establishment dispensing alcoholic beverages.
- (2) Any person over the age of sixteen (16) years who is performing as an entertainer either by himself or with a group or as a member of a group of entertainers.
- (3) Any person under twenty-one (21) years accompanied by one of his parents or by his lawful guardian.
- (4) Any person under twenty-one (21) years while in a liquor-licensed drug store, bowling alley, poolroom, billiard hall or retail liquor store, as defined in this article.
- (5) Any person under twenty-one (21) years while in the restaurant portion of any establishment dispensing alcoholic beverages, as defined in this article, for the purpose of purchasing and being served food, for consumption on the premises, but not otherwise.
- (6) Any person under twenty-one (21) years of age while in a "club" having a "club" license as defined in section 12-47-103 of the Colorado Revised Statutes 1973, pursuant to any civic or youth program or benefit sponsored by said club, during such time as said

activities are being conducted.

(Ord. No. 446, § 2, 4-16-68)

State law reference(s)--Complaints against liquor-licensed drug stores, § 12-47-125, C.R.S. 1973; power of city to regulate billiard tables, pin alleys and ball alleys, § 31-15-501, C.R.S. 1973.

CITY OF LAFAYETTE

Penalty Guidelines For Liquor and Beer Code Violations

The following are policy guidelines adopted by the Lafayette City Council, sitting as the Lafayette Liquor and Fermented Malt Beverage Licensing Authority, to assist the Authority in treating all licensees as equitably as possible in imposing sanctions for violations of the liquor and beer codes. The Authority will analyze the circumstances of each individual case and consider any aggravating or mitigating circumstances before imposing sanctions against the licensee. The actual sanctions imposed against a licensee may vary from the guidelines set forth herein, **depending upon the circumstances of each case.**

When the City Attorney files a complaint with the Liquor Authority, it is not generally the licensee's first offense. At the time of the show cause hearing, the City Attorney and the City Clerk will advise the Liquor Authority of any prior violations and warnings received by the licensee. In the case of a first offense, the licensee may receive a written warning from the Police Department and/or attend a meeting with representatives from the Police Department and City Clerk's Office. At the meeting, the specific violations are discussed in detail and the licensee is advised of the City's liquor training program.

Sometimes, when a suspension is imposed against a licensee for a violation, a number of days of the suspension are held in abeyance for one year. If a subsequent offense occurs within that year, the licensee should serve the days held in abeyance for the prior violation in addition to any sanctions imposed for the subsequent offense.

When a suspension is imposed, a licensee may petition to pay a fine in lieu of the suspension. Pursuant to C.R.S. § 12-46-107 or C.R.S. § 12-47-110, and Lafayette Code § 10-17, the Liquor Authority has the discretion to allow or deny the petition. To grant a petition, the Authority must find:

1. The public welfare and morals will not be impaired and a fine will achieve the desired disciplinary result.
2. The licensee's books and records are kept in such a manner that the amount of the fine can be calculated.

3. The licensee has not had his license suspended or revoked, or paid a fine in lieu of a suspension within the two years preceding the date of the complaint.

4. The suspension imposed is for fourteen or less days.

All offenses are cumulative; that is, a "second offense" need not be a violation of the same regulation as the "first offense," and so on. All prior violations will be considered a part of a licensee's record, except that if a licensee maintains a violation free record for three (3) years, then no violations more than three (3) years old will be considered in imposing sanctions.

CONDUCT OF PREMISES (Regulation 47-105.1; Regulation 46-105.1 Code § 10-7):

1. A licensee must conduct the licensed premises in a decent, orderly, and respectable manner.

2. A licensee cannot permit the serving or loitering of an apparently intoxicated person or habitual drunkard on the licensed premises.

3. A licensee may not permit profanity, rowdiness, undue noise, and other disturbances or activities which are offensive to the senses of the average citizen or residents of the neighborhood.

4. A licensee cannot engage in or permit exposure or touching of sexual body parts on the licensed premises.

5. A licensee cannot permit entertainment on the licensed premises which displays or simulates sexual acts.

FIRST OFFENSE: Ten (10) days suspension with five (5) days held in abeyance for (1) year; allow a fine in lieu of a suspension.

SECOND OFFENSE: Fourteen (14) days suspension with seven (7) days held in abeyance for one (1) year; no fine in lieu of a suspension. In the event a second offense occurs within one (1) year of the first offense, any days held in abeyance from the first offense will be imposed in addition to separate sanctions for the second offense.

THIRD OFFENSE: Thirty (30) days suspension with no days held in abeyance; no fine in lieu of a suspension. In the event a third offense occurs within one (1) year of the second offense, any days held in abeyance from the second offense will be imposed in addition to separate sanctions for the third offense.

FOURTH OFFENSE: Sixty (60) days suspension to revocation; no fine in lieu of a suspension.

FAILURE TO REPORT - (Code § 10-9):

Any licensee shall immediately report to the Police Department any lawful or disorderly act, conduct or disturbance committed on the premises.

FIRST OFFENSE: Ten (10) days suspension with five (5) days held in abeyance for (1) year; allow a fine in lieu of a suspension.

SECOND OFFENSE: Fourteen (14) days suspension with seven (7) days held in abeyance for one (1) year; no fine in lieu of a suspension. In the event a second offense occurs within one (1) year of the first offense, any days held in abeyance from the first offense will be imposed in addition to separate sanctions for the second offense.

THIRD OFFENSE: Thirty (30) days suspension with no days held in abeyance; no fine in lieu of a suspension. In the event a third offense occurs within one (1) year of the second offense, any days held in abeyance from the second offense will be imposed in addition to separate sanctions for the third offense.

FOURTH OFFENSE: Sixty (60) days suspension to revocation; no fine in lieu of a suspension.

SALE OR SERVICE TO VISIBLY INTOXICATED PERSONS - (C.R.S. § 12-47-128(1)(a), § 12-47-128(5)(a)(I), Regulation 47-105.1(A), 12-46-112(1)(b)(I)):

A licensee may not serve or permit the service of beer or alcoholic beverages to a visibly intoxicated person.

FIRST OFFENSE: Ten (10) days suspension with five (5) days held in abeyance for one (1) year; allow a fine in lieu of a suspension.

SECOND OFFENSE: Fourteen (14) days suspension with seven (7) days held in abeyance for one (1) year; no fine in lieu of a suspension. In the event a second offense occurs within one (1) year of the first offense, any days held in abeyance from the first offense will be imposed in addition to separate sanctions for the second offense.

THIRD OFFENSE: Thirty (30) days suspension with no days held in abeyance; no fine in lieu of a suspension. In the event a third offense occurs within one (1) year of the second offense, any days held in abeyance from the second offense will be imposed in addition to separate sanctions for the third offense.

FOURTH OFFENSE: Sixty (60) days suspension to revocation; no fine in lieu of a suspension.

SALE TO A MINOR (C.R.S. § 12-47-128(1)(a), § 12-47-128(5)(a)(1), § 12-46-112(1)(a), §12-46-112(1)(b)(I)):

A licensee may not serve or permit the service of beer or alcoholic beverages to any person under twenty-one (21) years of age.

FIRST OFFENSE: Ten (10) days suspension with five (5) days held in abeyance for one (1) year; allow a fine in lieu of a suspension.

SECOND OFFENSE: Fourteen (14) days suspension with seven (7) days held in abeyance for one (1) year; no fine in lieu of a suspension. In the event a second offense occurs within one (1) year of the first offense, any days held in abeyance from the first offense will be imposed in addition to separate sanctions for the second offense.

THIRD OFFENSE: Thirty (30) days suspension with no days held in abeyance; no fine in lieu of a suspension. In the event a third offense occurs within one (1) year of the second offense, any days held in abeyance from the second offense will be imposed in addition to separate sanctions for the third offense.

FOURTH OFFENSE: Sixty (60) days suspension to revocation; no fine in lieu of a suspension.

BAD MORAL CHARACTER (C.R.S. § 12-47-111, § 12-46-108(1)(b), and Regulation No. 46-108.1).

A liquor or beer license may not be held by:

1. A person who is not of good moral character.
2. Any corporation whose officers, directors, or stockholders holding over ten percent (10%) of the stock are not of good moral character.
3. Partnership, association or company whose officers or members holding over ten percent (10%) interest are not of good moral character.
4. Any person employing, assisted by, or financed by a person not of good moral character and reputation satisfactory to the licensing authority.
5. Any person unless his/her character, record, and reputation is satisfactory to the Licensing Authority.

ANY OFFENSE: Denial of an application or revocation of an existing license unless the person of bad moral character is removed from the license or from employment within thirty (30) days.

HOURS OF SERVICE (C.R.S. § 12-47-128(5)(c), § 12-46-112(1)(a) and Regulation 46-112.1):

A licensee may not sell or serve beer or alcoholic beverages at any time other than during the hours permitted by the liquor and beer codes.

FIRST OFFENSE: Five (5) days suspension with four (4) days held in abeyance for one (1) year; allow a fine in lieu of a suspension.

SECOND OFFENSE: Five (5) days suspension with three (3) days held in abeyance for one (1) year; allow a fine in lieu of a suspension. In the event a second offense occurs within one (1) year of the first offense, any days held in abeyance from the first offense will be imposed in addition to separate sanctions for the second offense.

THIRD OFFENSE: Thirty (30) days suspension with fifteen (15) days held in abeyance; no fine in lieu of a suspension. In the event a third offense occurs within one (1) year of the second offense, any days held in abeyance from the second offense will be imposed in addition to separate sanctions for the third offense.

FOURTH OFFENSE: Sixty (60) days suspension to revocation; no fine in lieu of a suspension. In the event a fourth offense occurs within one (1) year of the third offense, any days held in abeyance from the third offense will be imposed in addition to separate sanctions for the fourth offense. The time held in abeyance is moot if the sanction for the fourth offense is revocation.

UNLAWFUL FINANCIAL INTERESTS / UNLAWFUL CONTROL - (C.R.S. § 12-47-106(3), and § 12-47-129; Regulation 47-129.2, and 12-46-113):

1. A person may hold only one of the following liquor licenses: beer and wine, retail liquor store, drug store, club, optional premises (alone).
2. A person may hold multiple licenses of the following types of liquor licenses: hotel and restaurant, tavern, hotel and restaurant with optional premises, tavern, race track, arts, public transportation (airline).
3. A person may hold multiple 3.2% licenses, or a 3.2% and a tavern license, or a 3.2% and a hotel and restaurant license, or a 3.2% and public transportation license (airline).
4. A person may not hold a hotel and restaurant license with a race track license.
5. A person licensed to sell at retail may not receive any direct or indirect financial assistance, furniture, equipment, fixtures, chattels, or furnishings from a manufacturer, wholesaler, importer, or limited winery licensee.
6. No person or corporation (including stockholders, directors, and officers) holding any liquor license may make a loan to or be a stockholder, director, or officer, or be interested directly or indirectly in any other liquor license, except a hotel and restaurant liquor license. Banks are excepted from this prohibition.
7. In determining who the “owner” of a license is, or who is acting as an "owner," elements to be considered are:
 - a. Who bears the risk of loss other than as an insurer?
 - b. Who has the opportunity to gain profit?
 - c. Who has the right to possession of the premises?

- d. Who guarantees the debts?
- e. Who is the beneficiary under the insurance policies?
- f. Who is responsible for the taxes?

The intent of the statutes is to prevent control of a liquor license by anyone other than the licensee.

FIRST OFFENSE: Fourteen (14) days suspension with no days held in abeyance; the licensee must remove the unlawful interest; no fine in lieu of a suspension.

SECOND OFFENSE: Thirty (30) days suspension with no days held in abeyance; the licensee must remove the unlawful interests; no fine in lieu of a suspension.

THIRD OFFENSE: Sixty (60) days suspension to revocation; the licensee must remove the unlawful interest; no fine in lieu of a suspension.

LATE RENEWAL (C.R.S. § 12-47-302):

An application for renewal of a beer or liquor license must be filed with the Liquor Authority not less than forty-five (45) days prior to the expiration date of the license. A licensee filing a renewal with the City Clerk which is between one to seven days late, will receive a warning letter regarding the late renewal. A second late renewal or renewal more than seven (7) days late will result in a complaint being filed by the City Attorney.

FIRST OFFENSE: Two (2) days suspension with two (2) days held in abeyance for one (1) year; if any suspension is imposed, allow a fine in lieu of a suspension.

SECOND OFFENSE: Five (5) days suspension with two (2) days held in abeyance for one (1) year; no fine in lieu of a suspension. In the event a second offense occurs within one (1) year of the first offense, any days held in abeyance from the first offense will be imposed in addition to separate sanctions for the second offense.

ANY SUBSEQUENT OFFENSE: Five (5) days suspension with no time in abeyance; no fine in lieu of a suspension. In the event a subsequent offense occurs within one (1) year of a prior offense, any days held in abeyance from the subsequent offense will be imposed in addition to the separate sanctions for the prior offense.

MODIFICATION OF PREMISES (Regulation 47-106.2, and 12-46-106.3):

Prior consent of the Liquor Authority is required to:

1. Increase or decrease the total size or capacity of the licensed premises;
2. Seal off, create, or relocate a doorway;
3. Substantially enlarge or relocate a bar;
4. Make any material change which affects the basic character or physical structure of the licensed premises.

FIRST OFFENSE: Two (2) days suspension with two (2) days held in abeyance for one (1) year; if a suspension is imposed, allow a fine in lieu of a suspension.

SECOND OFFENSE: Four (4) days suspension with two (2) days held in abeyance for one (1) year; allow a fine in lieu of a suspension. In the event a second offense occurs within one (1) year of the first offense, any days held in abeyance from the first offense will be imposed in addition to separate sanctions for the second offense.

ANY SUBSEQUENT OFFENSE: Five (5) days suspension with no time in abeyance; no fine in lieu of a suspension. In the event a subsequent offense occurs within one (1) year of a previous offense, any days held in abeyance from the previous offense will be imposed in addition to the separate sanctions for the subsequent offense.

Approved November 8, 1999 by Lafayette Local Licensing Authority Resolution 99-01

City of Lafayette License Renewal Process

Liquor licenses are valid for one year from the date of the approval by the Colorado Liquor Enforcement Division and must be renewed each year.

Approximately 90 days prior to expiration date, you will receive a two-page renewal application from the Colorado Liquor Enforcement Division for you to:

- a. complete and have signed by an authorized agent
- b. attach appropriate State and local fees (2 separate checks)
- c. submit to the **Lafayette City Clerk's Office**, 1290 S. Public Road, Lafayette CO 80026, for processing by the Lafayette Liquor Licensing Authority and the State Liquor Enforcement Division.

Renewal applications must be accompanied by **both** City and State fees and be submitted no later than 45 days before license expiration.

If you do not receive your renewal application from the State and your expiration date is near, contact the City Clerk's Office, 303-661-1222 or the State Liquor Enforcement Division, http://www.revenue.state.co.us/liquor_dir/home.asp to obtain the required renewal forms. It is important that you do this, since failure to renew by that date will result in a late fee of \$500 in addition to usual fees for renewal.

Any changes in the following must be reported to the City Clerk's Office for the consideration by both the local and State Licensing Authorities:

- | | |
|---|--|
| Change in Operating Manager | Change of Location |
| Change in Corporate or Trade Name | Change or Transfer of Ownership |
| Change in corporate partner, director, or stockholder | Change in limited liability company member |
| Change in partnership | Modification of licensed premises |

Licensee must maintain possession of the premises for entire licensed period by virtue of a lease, sublease, or deed to the licensed premises.

Public Opinion Survey Companies

These Companies offer petitioning services related to neighborhood surveys:

Oedipus, Inc. (303) 661-0638 phone
Petition & Telephone Surveys (303) 604-2862 fax
Liquor Licensing
Rezoning
Opinion Poll
Venue
Special Tax Districts

Esquire Petitioning Services (303) 331-8600 phone
Liquor Licensing Specialists
Petitions
Applications
Signs
Transfers

Liquor Licensing Professionals (719) 390-8844 phone
Neighborhood Survey Company (719) 685-5570 fax

LiquorPros@msn.com

Liquor Service, Sales, Bartending, Waitpersons Age Restrictions

Based upon the class of liquor license, age restrictions differ for persons to serve, sell or bartend.

At least 21 years old

Tavern (not serving full meals regularly)

Retail liquor store (stock persons may be 18, but they are not allowed to sell)

At least 18 years old (with supervisor on duty who is 21 or older)

Hotel & Restaurant

Golf Courses

Tavern (serving full meals regularly)

3.2% On/Off Premises

At least 18 years old (no supervision required)

Beer & Wine

C.R.S. 12-47-901(5)(a)(I)

Local Training Programs Alcohol Beverage Tastings

These entities offer programs for Seller & Server Training.

Lafayette Police Department

451 N. 111th St.
Lafayette, CO 80026
Contact: Carol Wurtz-Sellers 303-661-1382

Oedipus, Inc.

Max Scott and Tina Scott
PO Box 38
Louisville, Colorado 80027
Phone: 303-661-0638
Fax: 303-604-2862 E-mail: exleg@comcast.net
Website: <http://member.expertpages.com/oedipusinc>
Training classes in English & Spanish

ServSafe Alcohol

Colorado Restaurant Association - Education Fund
Maureen McNamara, Phone: 303-830-2972
430 E. 7th Avenue, Denver, CO 80203 website: www.coloradorestaurant.com

Larimer County Sheriff's Office

Sergeant Gerald Baker
2501 Midpoint Drive
Ft. Collins, Colorado 80525

Loveland Police Department

Joe Berdin
810 East 10th Street, Suite 100
Loveland, Colorado 80537-4942
Phone: 970-667-2151 website: www.ci.loveland.co.us

TIPS - Training for Intervention Procedures

Craig Stevens
1101 Wilson Blvd, Suite 1700, Arlington, VA 22209
Phone: 800-GET-TIPS website: www.gettips.com

LIQUOR LICENSE FEE LIST
City of Lafayette / State of Colorado
1/1/2015

License Type	Application fee	License Fee	Total Local Fees	Application Fee (State)	License Fee (State)	Total State Fees
Beer & Wine						
New	\$ 750.00	\$ 48.75	\$ 798.75	\$ 600.00	\$ 351.25	\$ 951.25
Transfer	\$ 750.00	\$ 48.75	\$ 798.75	\$ 600.00	\$ 351.25	\$ 951.25
Renewal	\$ 100.00	\$ 48.75	\$ 148.75	N/A	\$ 351.25	\$ 351.25
H & R						
New	\$ 750.00	\$ 75.00	\$ 825.00	\$ 600.00	\$ 500.00	\$ 1,100.00
Transfer	\$ 750.00	\$ 75.00	\$ 825.00	\$ 600.00	\$ 500.00	\$ 1,100.00
Renewal	\$ 100.00	\$ 75.00	\$ 175.00	N/A	\$ 500.00	\$ 500.00
Tavern						
New	\$ 750.00	\$ 75.00	\$ 825.00	\$ 600.00	\$ 500.00	\$ 1,100.00
Transfer	\$ 750.00	\$ 75.00	\$ 825.00	\$ 600.00	\$ 500.00	\$ 1,100.00
Renewal	\$ 100.00	\$ 75.00	\$ 175.00	N/A	\$ 500.00	\$ 500.00
Liquor Store						
New	\$ 750.00	\$ 22.50	\$ 772.50	\$ 600.00	\$ 227.50	\$ 827.50
Transfer	\$ 750.00	\$ 22.50	\$ 772.50	\$ 600.00	\$ 227.50	\$ 827.50
Renewal	\$ 100.00	\$ 22.50	\$ 122.50	N/A	\$ 227.50	\$ 227.50
3.2% Beer Off Premises						
New	\$ 750.00	\$ 3.75	\$ 753.75	\$ 600.00	\$ 96.25	\$ 696.25
Transfer	\$ 750.00	\$ 3.75	\$ 753.75	\$ 600.00	\$ 96.25	\$ 696.25
Renewal	\$ 100.00	\$ 3.75	\$ 103.75	N/A	\$ 96.25	\$ 96.25
3.2% Beer On Premises						
New	\$ 750.00	\$ 3.75	\$ 753.75	\$ 600.00	\$ 96.25	\$ 696.25
Transfer	\$ 750.00	\$ 3.75	\$ 753.75	\$ 600.00	\$ 96.25	\$ 696.25
Renewal	\$ 100.00	\$ 3.75	\$ 103.75	N/A	\$ 96.25	\$ 96.25
Club License						
New	\$ 750.00	\$ 41.25	\$ 791.25	\$ 600.00	\$ 308.75	\$ 908.75
Transfer	\$ 750.00	\$ 41.25	\$ 791.25	\$ 600.00	\$ 308.75	\$ 908.75
Renewal	\$ 100.00	\$ 41.25	\$ 141.25	N/A	\$ 308.75	\$ 308.75
Arts License						
New	\$ 750.00	\$ 41.25	\$ 791.25	\$ 600.00	\$ 308.75	\$ 908.75
Transfer	\$ 750.00	\$ 41.25	\$ 791.25	\$ 600.00	\$ 308.75	\$ 908.75
Renewal	\$ 100.00	\$ 41.25	\$ 141.25	N/A	\$ 308.75	\$ 308.75
Brew Pub License						
New	\$ 750.00	\$ 75.00	\$ 825.00	\$ 600.00	\$ 750.00	\$ 1,350.00
Transfer	\$ 750.00	\$ 75.00	\$ 825.00	\$ 600.00	\$ 750.00	\$ 1,350.00
Renewal	\$ 100.00	\$ 75.00	\$ 175.00	N/A	\$ 750.00	\$ 750.00
Liquor-Licensed Drugstore						
New	\$ 750.00	\$ 22.50	\$ 772.50	\$ 600.00	\$ 227.50	\$ 827.50
Transfer	\$ 750.00	\$ 22.50	\$ 772.50	\$ 600.00	\$ 227.50	\$ 827.50
Renewal	\$ 100.00	\$ 22.50	\$ 122.50	N/A	\$ 227.50	\$ 227.50

License Type	Application fee	License Fee	Total Local Fees	Application Fee (State)	License Fee (State)	Total State Fees
Art Gallery Permit						
New	\$ 100.00	\$ 3.75	\$ 103.75	\$ -	\$ 71.25	\$ 71.25
Renewal	\$ 100.00	\$ 3.75	\$ 103.75	\$ -	\$ 71.25	\$ 71.25
Bed & Breakfast Permit						
New	\$ 100.00	\$ 25.00	\$ 125.00	N/A	\$ 50.00	\$ 50.00
Renewal	\$ 100.00	\$ 25.00	\$ 125.00	N/A	\$ 50.00	\$ 50.00
Mini Bar Permit with H & R License						
New	N/A	\$ 325.00	\$ 325.00	N/A	N/A	N/A
Renewal	N/A	\$ 325.00	\$ 325.00	N/A	N/A	N/A
Optional Premises						
New	\$ 500.00	\$ 75.00	\$ 575.00	\$ 600.00	\$ 500.00	1100.00+
Transfer	\$ 500.00	\$ 75.00	\$ 575.00	\$ 600.00	\$ 500.00	1100.00+
Renewal	\$ 50.00	\$ 75.00	\$ 125.00	N/A	\$ 500.00	500.00+ 100.00+ /site
Alcohol Beverage Tasting	N/A	\$ 50.00	\$ 50.00			
Change of Location	\$ 750.00	N/A	\$ 750.00	\$ 150.00	N/A	\$ 150.00
Change of Tradename	\$ 50.00	N/A	\$ 50.00	\$ 50.00	N/A	\$ 50.00
Manager's Registration	\$ 75.00	N/A	\$ 75.00	\$ 75.00	N/A	\$ 75.00
Temporary Permit	\$ 100.00	N/A	\$ 100.00	N/A	N/A	N/A
Late Renewal	\$ 500.00	N/A	\$ 500.00	N/A	N/A	N/A
Modify Premises	\$ 150.00	N/A	\$ 150.00	\$ 150.00	N/A	\$ 150.00
Duplicate License	\$ 50.00	N/A	\$ 50.00	\$ 50.00	N/A	\$ 50.00
Special Event (liquor)	N/A	\$ 100.00	\$ 100.00	N/A	N/A	N/A
Special Event (3.2)	N/A	\$ 100.00	\$ 100.00	N/A	N/A	N/A
Concurrent Review	N/A	N/A	N/A	\$ 100.00	N/A	\$ 100.00
Corporate Report of Changes	\$ 100.00	N/A	\$ 100.00	N/A	N/A	N/A
Background Check	\$38.50 per person requiring fingerprints. Submit separate check payable to the City of Lafayette with completed liquor application.					

Nonfood items permitted to be sold by Retail Liquor Store Licensees

In accordance with C.R.S. 1973, 12-47-116(1) and Regulation 47-116.1, the following products are approved as nonfood items permitted to be sold by Retail Liquor Store Licensees.

- Bar Towels
- Bartender Guides
- Beer Brewing Kit (Equipment)
- Beer Brewing Kit (Ingredients) “Add water only” self contained and pre-mixed kit that is commercially packed, sealed and labeled
- Blenders
- Books or Magazines – primarily about alcoholic liquors or the industry
- Bottle Openers
- Bottle Neck Greeting Cards
- Can Openers
- Coasters
- Cocktail Garnishes – which are prepackaged, labeled, directly related to the consumption of alcohol and sold solely for the purpose of garnishing beverages up to 16 oz.
- Coolers – all types
- Cork screws
- Devices purporting to measure breath or blood alcohol
- Dispensers – all types
- Drink shakers
- Drip rings
- Flasks
- Fresh lemons or limes
- Fruit squeezers
- General bar equipment
- Gift Basket that contains alcohol beverage products and any of the permitted items listed in this document
- Glass holders
- Glass washing equipment
- Glasses – Mugs
- Hangover remedy – strictly limited to a product manufactured and labeled as a hangover reliever
- Herb bitters
- Ice buckets
- Ice crushers
- Ice machines
- Liquor filled candy
- Liquor travel cases
- Liters-Carafes-Decanters
- Maraschino Cherries
- Milk
- Mixes
- Nutrahol
- Olives
- Party clips (attaches wine glass to plate)
- Pitchers portable bars (home use)
- Prost and similar beverage magazines
- Shot measures
- Soda siphons or mixers
- Stir sticks
- Trays
- Topsy Teasers – gift wrap ribbon
- Wine Making Kits
- Wine Racks
- Wine Inventory Software (home use)

Smoke-Free Colorado

In the spring of 2006, Colorado lawmakers passed the Colorado Clean Indoor Air Act to protect the health of both the public and employees by reducing their exposure to secondhand smoke. Effective July 1, 2006, the law will result in healthier environments for employees, families and people statewide to enjoy Colorado's restaurants, bars and other indoor establishments. After July 1, you will find the food just as tasty, the beverages just as refreshing and the music just as sweet. The only thing missing will be the secondhand smoke. So please go out and enjoy Colorado's wonderful restaurants, bars and other indoor establishments with your family and friends.

What's Included In The Law

Beginning July 1, 2006, smoking will no longer be allowed in most indoor public places including (but not limited to):

- Restaurants, bars, gaming facilities such as bingo halls, billiard or pool halls, bowling alleys, public buildings, grocery stores or any food service establishment
- Theaters, museums, libraries, schools, educational institutions, and common areas of retirement facilities, publicly-owned housing facilities and nursing homes
- Lobbies, elevators, restrooms, reception areas, hallways and any other common-use areas in public and private buildings, condominiums and other multiple-unit residential facilities
- Indoor sports arenas, gymnasiums and auditoriums
- Health care facilities, hospitals, health care clinics, doctor's offices and child day care facilities
- Common areas in hotels and motels, and no less than 75% of hotel or motel sleeping quarters rented to guests
- Jury waiting and deliberation rooms, courtrooms and public meetings
- Government-owned mass transportation of any kind, taxicabs and limousines not under private hire
- Any place of employment not exempted. (See exemptions)

Entryways – The 15 Foot Rule

In addition, smoking will not be allowed within 15 feet of an establishment's main entryway unless defined differently by a local law. For more information, contact your local public health agency.

Exemptions From The Law

Smoking will still be permitted in the following locations:

- Private homes, residences and automobiles unless they are being used for child care or day care
- Limousines under private hire
- Up to 25% of rented hotel or motel rooms
- Retail tobacco businesses
- An establishment that met the definition of a “cigar-tobacco bar” as of December 31, 2005
- The outdoor area of any business as long as it is beyond the 15 foot radius around the main entryway
- The retail floor plan of casinos
- The airport smoking lounges at Denver International Airport
- Employers with three or fewer employees/volunteers who do not allow access to the public
- A private, non-residential building on a farm or ranch that has an annual gross income of less than \$500,000

Complying With The Law

Consumers, businesses and other establishments required to be smoke-free are responsible for complying with the law. If you observe a violation, you can call the non-emergency telephone number of your local law enforcement agency.

Penalties

As defined by the law, violators are subject to a \$200 fine for the first violation, a \$300 fine for the second violation and a \$500 fine for every violation per day thereafter within a calendar year.

Still Have Questions?

For more information about the smoke-free law, visit www.SmokeFreeColorado.org or call toll-free 1-888-701-2006.