



*Liquor License*

*Application Packet*

*City Clerk's Office  
1290 S. Public Road  
Lafayette CO 80026*

To: All Liquor/3.2% Beer License Applicants

This notebook contains general liquor/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 arranged to review this notebook before you begin the process and to submit the 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.*

As a prospective liquor industry business owner, I urge you to obtain a copy of the State Liquor and Beer Code Regulations, the Colorado 3.2% Beer Code (Article 46), and the Liquor Code (Article 47). Information regarding the statutes is available on line on the State Liquor Enforcement Web Page: [www.revenue.state.co.us/liquor\\_dir/toc.htm](http://www.revenue.state.co.us/liquor_dir/toc.htm)

The State forms are also available on line at:  
[www.revenue.state.co.us/liquor\\_dir/liqforms.html](http://www.revenue.state.co.us/liquor_dir/liqforms.html).

In addition the City of Lafayette has adopted local ordinances which are included in the packet. The City has also adopted sanction guidelines to establish penalties for violation. Please review carefully these documents included in the packet.

Good luck with your application process! Should you need additional information or have any questions, please feel free to contact Susan Koster at 303-665-5588 X3313.

Sincerely,

Susan Koster  
City Clerk

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## LIQUOR LICENSING QUESTIONS & ANSWERS

***What types of licenses are available?*** There are ten (10) 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

***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 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.

*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
- Step 6 Applicant asked in writing to post 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.

## **LIQUOR LICENSE APPLICATION DOCUMENTS CHECKLIST**

### **APPLICATION AND OTHER SUPPORTING INFORMATION**

- ✓ Original and one (1) copy
- ✓ Complete all appropriate sections
- ✓ Authorized signature
- ✓ Attach appropriate fees
- ✓ State sales tax number
- ✓ City sales tax number
- ✓ Trade name registration
- ✓ Affidavit of transfer consent (transfers only)

### **PROPERTY POSSESSION:**

- ✓ Fully Executed Deed or Lease (lease must cover entire license period, one year minimum)
- ✓ Or Lease Assignment (must include acceptance by applicant, consent by landlord)
- ✓ Floor diagram of premises (8 ½ x 11 maximum) with area to be licensed outlined in red

### **FINANCIAL DOCUMENTS:**

- ✓ Purchase agreement or stock transfer agreement
- ✓ Loan Documents

### **BACKGROUND INFORMATION:**

- ✓ Individual History Record(s)
- ✓ Fingerprints taken at police department

### **IF MANAGER IS OTHER THAN APPLICANT (Hotel/Restaurant & Tavern applicants):**

- ✓ Manager's Registration Form and \$75 fee
- ✓ Individual History Record
- ✓ Written Management Agreement, if applicable

### **CORPORATE APPLICANT (if a corporation):**

- ✓ Certificate of Good Corporate Standing.
- ✓ Certificate of Authorization (if foreign corporation)
- ✓ Articles of Incorporation
- ✓ Minutes of Meeting electing current officers.
- ✓ Stock Certificate (100% issued)
- ✓ List of Officers, stockholders, and directors of parent corporation (if applicable)

### **PARTNERSHIP APPLICANT (if a partnership):**

- ✓ Partnership agreement (general or limited partner, except for husband/wife)
- ✓ Certificate of Co-partnership (if applicable)
- ✓ Diagram or flow chart of ownership (general or limited partner)
- ✓ Articles of Organization (limited liability company or limited partner)
- ✓ Operating Agreement (limited liability company or limited partner)
- ✓ Name of Responsible party (limited liability company or limited partner)
- ✓ List of members/managers (limited liability company or limited partner)
- ✓ Articles of Incorporation (general or limited partner)
- ✓ Minutes if meeting electing current officers (general or limited partner)

### **LIMITED LIABILITY COMPANY APPLICANT (if a limited liability company):**

- ✓ Articles of Organization

- ✓ Acknowledgement from Secretary of State's Office
- ✓ Copy of Operating Agreement
- ✓ Minutes of Meeting reflecting members of company

## **GENERAL INFORMATION**

This notebook contains general liquor/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 before you begin the process or submit your 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 and incomplete application.**

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 303-665-5588 x3313.

## **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 7:30 p.m. in the City Council Chambers at 1290 S. Public Road.

Unlike some jurisdictions with defined neighborhoods, the entire City limits is "the neighborhood" for proving needs and desires. Therefore no acceptance of boundaries is required per Regulation 47-107.1( c ) of the Colorado Liquor and Beer Code.

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 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 I 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 form 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**

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 survey petition and summary may be used in this process. There are professional survey firms that you may contract with however, the decision to use any such firm is entirely yours. After you have completed your application.

Signatures obtained from petitioning should be from residents of the neighborhood and/or owners/managers of businesses within the designated neighborhood boundaries (the City limits of Lafayette is considered one neighborhood) 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*

## **APPLICANT FINGERPRINTING PROCEDURES**

Fingerprinting is done at the Lafayette Police Department located at City Hall, 1290 South Public Road, between the hours of 8:00 a.m. and 4:00p.m. Delays may occur if you attempt to be fingerprinted during the 12:00 to 1:00 p.m. lunch hour.

Please bring with you to the Lafayette Police Department:

Valid Photo ID such as a driver's license, ID card, etc.

Copy of Individual History Record for each person being fingerprinted (form contained in the application packet – Form #8404-1)

**Insert a hyperlink to Lafayette Code of Ordinances - Chapter 10 Alcoholic Beverages**

## LAFAYETTE SANCTION 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.

**TRAINING OF LICENSEE EMPLOYEES** - (Code § 10-6):

1. Each individual licensee, or employee of a licensee, shall successfully complete a liquor training program approved by the Chief of Police within sixty (60) days of the approval of an initial or renewed license application.

2. Each employee of a licensee hired after the date of license approval or renewal shall successfully complete a liquor training program approved by the Chief of Police within sixty (60) days of the employees first day of employment.

**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 is the "owner" of a license, 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. § 12-47-106(1)(b), and § 12-46-106(13)):

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.

The City does not send and reminders. 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, 303-665-5588 x3313 or the State Liquor Enforcement Division, 303-205-2300 to obtain the required renewal forms. It is important that you do this since failure to renew by that date will result in expiration of your licenses. A new license would have to be applied for which would involve new fees, new applications, demonstration of the needs and desires of the defined neighborhood, etc.

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.

In addition the City of Lafayette requires that the licensee and all employees serving/selling liquor must attend a recognized liquor serving class once a year. As part of the renewal process, you are additionally required to submit the following:

- Affidavit Listing the Names of Persons Employed During the Past Year
- Copy of State Workers Compensation Filing

Your renewal will be considered by the Local Licensing Authority at the next available meeting.

## Special Event Permit Policies and Guidelines

These policies and guidelines have been established by the Lafayette Liquor Licensing Authority to assist your organization in having a successful event and to assure that it is run in an efficient manner enabling you to obtain permits for future events.

### Qualifications

In order to qualify for a special event permit, an applicant must be non-profit and registered with the Secretary of State for purposes of social, fraternal, patriotic, political, or athletic nature, and not for pecuniary gain; or which is a regularly chartered branch, lodge, or chapter of a national organization or society organized for such purposes; or which is a regularly established religious or philanthropic institution; and to any political candidate who has filed the necessary reports and statements with the Secretary of State. Organizations are limited to ten (10) special event permits in one calendar year.

### Application

- Submit a fully completed application.
- Complete Special Event Permit Questionnaire, sign, and notarize.
- Attach 8 ½" x 11" diagram showing where liquor and/or beer will be served and consumed and indicating entrances and exits.
- Attach Certificate of good Corporate Standing (non-profit) dated within the last two (2) years.
- If a political candidate, attach reports and statements filed with the Secretary of State.
- Attach deed, lease or written permission to use premises in applicant's name.

In an effort to process applications more efficiently for the applicant, incomplete applications cannot be accepted.

### Fees

Fees must be submitted in two separate checks; one to the Colorado Department of Revenue and one to the City of Lafayette.

- Fermented Malt Beverage (3.2%)  
State: \$10.00/day    City: \$10.00/day
- Malt, Vinous, & Spirituous Liquor  
State: \$25.00/day    City: \$25.00/day

### Posting

**The City Clerk's Office will provide a notice of application, which the applicant will be required to post at the premises where the event is to be held no less than ten (10) days prior to consideration of an application by the**

**Lafayette Liquor Authority. The applicant will also be required to sign an Affidavit of Posting.**

### **Premises**

- Applicant shall provide security personnel. It is suggested that one for every 100 expected attendees be provided.
- For events held outdoors, applicant shall provide one portable toilet for every 50 expected attendees.
- For events held outdoors, a fence boundary or some other mutually acceptable and clearly marked boundary will be required

### **Other Conditions**

- Alternate beverages and light snacks shall be provided by the applicant.
- Event organizers shall market event in such a manner as to promote responsible alcohol consumption and help ensure that excessive consumption does not occur.
- Certified seller/server training is strongly encouraged for all volunteers involved in the distribution of alcohol beverages.

Good luck with your Event! Should you have any questions or need additional information, please feel free to contact the City Clerk's Office, 1290 South Public Road, Lafayette, CO 80026, (303) 665-5588.

### **Sales Tax Remittance**

The City of Lafayette is supportive of charitable organizations in the community, and as such, attempts to provide sales tax collecting and reporting relief for those organizations which hold an Internal Revenue Service 501(c)(3) qualification letter and have a Colorado exemption certificate, to be exempt from collecting and remitting city taxes on sales made if total sales made during the calendar year are less than \$25,000 and sales are conducted by the charitable organization a total of twelve (12) days or less each calendar year.

If you are an organization that does not meet the criteria to qualify for the above exemption, filing a sales tax application will be required.

Should you have any questions or need additional information regarding this sales tax deposit, please feel free to contact Wade Nickerson at the Sales Tax Division of the Finance Department at 303-665-5588 x3317.

### **Alcohol Beverage Selling and Serving Guidelines**

The dispensing of alcohol beverages is a highly regulated venture and merits awareness of the laws and practices governing these beverages. The two key areas are *selling to underage individuals* and *selling to intoxicated individuals*.

Recognizing the responsibility and liability associated with serving an alcohol beverage, those responsible for selling/serving alcohol beverages should:

➤ **Not serve to a person who is under the age of 21 years:**

Anyone appearing to be under the age of 21 should be asked for picture identification, preferably a valid driver's license, before being served.

➤ **Not serve to a person who appears to be intoxicated:**

Responsible consumption is encouraged and event organizers should not knowingly allow guests to enter the event if obviously intoxicated, or allow a guest to become intoxicated at the event.

Serving an intoxicated person is illegal and can subject the seller to both civil and criminal liability.

Those responsible for selling/serving should monitor the amount of alcohol consumed by guests and should be aware of any behavior changes that may occur as a result of drinking alcohol.

Certified seller/server training is available for volunteers of organized events.

Information can be obtained by contacting the Lafayette Police Department at 303-665-5588 x3304.

*It is the responsibility of the license holder for a special event to obey all State and local laws regarding the service of alcohol. The above-mentioned information is meant only as a guideline provided as a courtesy by the City of Lafayette. It does not relieve the license holder from any responsibility of obeying all applicable codes, statutes, or regulations.*

**SPECIAL EVENT PERMIT QUESTIONNAIRE**

1. What type of an event is planned (i.e., annual, quarterly, benefit, etc.)?

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2. Explain in detail the nature of your organization, its' function, and who or what benefits from it's operations (attach separate sheet if necessary)

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3. Who or what organization will be the recipient of funds derived from this event?

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4. How many attendees are expected at this event? \_\_\_\_\_

5. Describe the premises at which this event will take place.

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6. What type of security will be provided at this event?

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7. How many security personnel will be on hand? \_\_\_\_\_

8. How will security personnel be identified?

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9. If this event is being held outdoors, how will the exterior boundaries of the premises be marked (i.e., roped, fenced, etc.)?

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10. What type of entertainment will be provided, if any, for this event?

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11. What method will be used in checking identification for proper age of attendees (i.e., at the door, at the bar, etc.) and how will underage patrons be identified so as not to be served alcohol beverages (i.e., stamp or mark on the hand, etc.)

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12. How will the conduct and level of intoxication of attendees be monitored and by whom?

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13. Have volunteers or members of your organization been trained in the sale/service of alcohol beverages? If yes, what training have they received and by whom?

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14. What types of alternate beverages and food/snacks will be available?

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15. Has a State and City Sales Tax Number been initiated by you or a member of your organization? If so, provide those numbers in the space provided.

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16. Explain how this event will be marketed describing what kinds of advertising material will be distributed and the targeted recipients of such material.

I hereby certify, under penalty of perjury, that the information provided to the Lafayette Liquor Licensing Authority contained in this affidavit is true and accurate to the best of my knowledge.

---

Applicant's Signature

---

Date

STATE OF COLORADO  
COUNTY OF BOULDER  
CITY OF LAFAYETTE

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.  
Witness my hand and official seal.

---

Notary Public

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My commission expires

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# FORMS

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Hyperlink to the Department of Revenue page to obtain the state developed forms at [www.revenue.state.co.us/liquor\\_dir/liqforms.html](http://www.revenue.state.co.us/liquor_dir/liqforms.html). Forms 8404 and 8404-1 are required for all applications. The following forms are generated by the City of Lafayette and accompany those applications.

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## Attachment to Liquor/3.2% Beer Retail License Application

(Please type or print legibly)

1. Describe the nature of the proposed establishment and the target market.  
(restaurant, tavern, sports bar, families, college students, etc.)  

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2. What are the proposed hours and days of operation for this establishment?  

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3. How many individual will be employed at this proposed establishment and how many will be full time versus part time? (please provide responsibilities, for example, manager, assistant manager, bartender, waitstaff, etc.)  

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4. Describe your past training and experience in the sale/service of alcohol beverages. (include any special or certified training received)  

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5. Describe your proposed operating manager's past training and experience in the sale/service of alcohol beverages. (include any special or certified training received)  

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6. What type of training is proposed for employees at this establishment in the safe and legal sale/service of alcohol beverages?  

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7. Describe any other types of training or operating procedures that employees will be following in the day-to-day operation of the proposed establishment.

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8. What methods will be used in checking identification for proper age of patrons (at the door, at the bar, etc.) and how will underage patrons be identified so as not to be served alcohol beverages (stamp, mark on the hand, etc.)?

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- 
9. What types of entertainment will be offered, if any, at this proposed establishment? (for example, music, pool, darts, etc.)

- 
10. What type of security, if any, will be provided at this proposed establishment?

- 
11. If security is planned, who will provide such service, and have all applicable licenses been obtained?

- 
12. What types of alternate beverages and food/snacks will be provided at this proposed establishment?

- 
13. What is the estimated ratio of food sales to alcohol beverage sales at this Establishment?
- 

I hereby certify, under penalty of perjury, that the information provided to the Lafayette Liquor Licensing Authority contained in this Affidavit is true and accurate to the best of my knowledge.

---

Applicant's Signature

---

Date



**AFFIDAVIT OF TRANSFER  
AND STATEMENT OF COMPLIANCE**

Current Licensee: \_\_\_\_\_

dba \_\_\_\_\_

Location of License: \_\_\_\_\_

Type of License: \_\_\_\_\_

Name of Applicant (Buyer): \_\_\_\_\_

1. Pursuant to the requirements of 12-47-303(3)(b), Colorado Revised Statutes, 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.

\_\_\_\_\_ Licensee hereby certifies that the following is a complete list of accounts for alcohol beverages that are unpaid:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Licensee and Applicant agree that all accounts will be paid for from the proceeds at closing by the: \_\_\_\_\_ **Licensee** \_\_\_\_\_ **Applicant**

\_\_\_\_\_ Applicant will assume full responsibility for payment of the outstanding accounts as listed above.

2. Licensee hereby authorizes the transfer of its Colorado Retail Liquor License to the Applicant, its agent, or company, corporation, partnership or other business entity to be formed by the Applicant.

\_\_\_\_\_  
**Licensee (Seller)                      Date**

\_\_\_\_\_  
**Applicant (Buyer)                      Date**

Signed and sworn to before me this  
\_\_\_\_\_ day of \_\_\_\_\_, 200\_\_  
by \_\_\_\_\_  
at (City) \_\_\_\_\_  
(County) \_\_\_\_\_ (State) \_\_\_\_\_  
Notary Public \_\_\_\_\_  
My Commission Expires \_\_\_\_\_

Signed and sworn to before me this  
\_\_\_\_\_ day of \_\_\_\_\_, 200\_\_  
by \_\_\_\_\_  
at (City) \_\_\_\_\_  
(County) \_\_\_\_\_ (State) \_\_\_\_\_  
Notary Public \_\_\_\_\_  
My Commission Expires \_\_\_\_\_



## Summary

Date(s) of Petitioning \_\_\_\_\_

Total Contacts: \_\_\_\_\_

# Not at Home: \_\_\_\_\_

# Not Qualified to Sign: \_\_\_\_\_

Refusals to Sign: \_\_\_\_\_

Needs & Desires Met: \_\_\_\_\_

Religious Objections: \_\_\_\_\_

Would not Sign: \_\_\_\_\_

Remained Neutral: \_\_\_\_\_

Usage Objections: \_\_\_\_\_

Other: \_\_\_\_\_

Number of Signatures in Favor: \_\_\_\_\_

This is only a sample of what a Summary might include. It is not intended to be legal advice and is offered as a courtesy by the City of Lafayette

**AFFIDAVIT of CIRCULATOR**

I, \_\_\_\_\_, do hereby certify that I was the circulator of the attached petitions and further, that I personally witnessed each signature appearing on petitions. To the best of my knowledge, each signature thereon is the signature of the person whose name it purports to be, each address given opposite each name is the true address of the person that signed, that each person who signed the petition represented to be 21 years of age or older, and that each person who signed the petition had the opportunity to read, or have read to them, the petition in its entirety and understand its meaning. I also hereby affirm that no promises, threats, or inducements were employed whatsoever in connection with the presentation of this petition and that every signature appearing hereon was completely free and voluntarily given.

\_\_\_\_\_  
Circulator

**STATE OF COLORADO**

COUNTY OF BOULDER

Subscribed and sworn to before me this \_\_\_\_\_  
of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Notary Public

\_\_\_\_\_  
Commission Expires

**CITY of LAFAYETTE**  
**TEMPORARY LIQUOR PERMIT APPLICATION**

The following must accompany this Temporary Permit Application:

- \$100 Application Fee
- Transfer of Ownership Application

Name of Applicant (exactly as it appears on Transfer of Ownership application):

\_\_\_\_\_

Trade Name of Establishment (dba): \_\_\_\_\_

Address of Premises (exactly as it appears on Transfer of Ownership application):

\_\_\_\_\_

Business Phone: \_\_\_\_\_

Authorized  
Signature \_\_\_\_\_

Title \_\_\_\_\_

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



For Office Use Only:

Fee Paid \_\_\_\_\_ Date Issued \_\_\_\_\_ Permit Exp. \_\_\_\_\_

Date Ratified by Council \_\_\_\_\_

Mayor's Signature \_\_\_\_\_

## LAFAYETTE LIQUOR LICENSING AUTHORITY

### Applicant's Written Advisement Public Hearing Procedures

You will be appearing before the Liquor Licensing Authority of the City of Lafayette for a public hearing to determine whether or not your liquor license application should be granted or denied. This hearing is scheduled for 7:30 P.M. on Tuesday, \_\_\_\_\_, 2001 in the City Council Chambers, 1290 S. Public Road and will be conducted according to the laws of the State of Colorado and the Ordinances and procedures of the City of Lafayette.

The purpose of this hearing is to receive information, data, and testimony by interested parties, in order to enable the Liquor Licensing Authority to make findings and reach the conclusions required to be made by State law as to whether or not the application should be approved or denied. A principal question which the Authority will be concerned with throughout the hearing relates to the reasonable requirements of the neighborhood and the desires of the inhabitants of that neighborhood with respect to the outlet proposed. The Liquor Licensing Authority authorized that the entire City limits is defined as the neighborhood pertinent to this application. You, as applicant, have accepted the city limits as the boundary as part of the application. Those persons who will be heard during the hearing are *parties in interest*, who are defined by State law as being the applicant, adult residents of the neighborhood, and owners/managers of businesses located in the defined neighborhood.

The hearing will be conducted as it is listed in the *Procedural Order*. In summary, this publication sets forth that:

1. That the Clerk's Administrative Report will be summarized;
2. The City Attorney will provide a report of findings;
3. You, as applicant, will present your case, meaning that you will be given an opportunity to present testimony, exhibits, petitions, or other relevant matters;
4. You, as applicant, will be given an opportunity to provide matters in rebuttal
5. That the Liquor Licensing Authority will make a decision or take the matter under advisement in Executive Session.

In that latter event, the Liquor Licensing Authority will schedule another date to which this hearing will be continued for announcement of the Liquor Licensing Authority's decision.

All testimony shall be given under oath, which will be administered by the City Clerk. All exhibits shall be marked by the Clerk and then identified before being offered to the Chairperson for admission into the record of proceedings. The Chairperson will rule on the question of admissibility of all exhibits and testimony and this ruling will stand unless objected to by a member of the Authority during the hearing, in which case the question of admissibility will be decided by the majority of the members of the Authority present. The Clerk's official files will be hereby admitted into the record of the hearing.

As witnesses complete their testimony, they should remain standing until any cross-examination of them by other interested parties or by members of the Liquor Licensing Authority has been completed. Redirect examination of witnesses also shall be allowed. Any interested party may be represented by legal counsel. The Liquor Licensing Authority, in its discretion, may limit the

presentation of evidence and cross-examination, so as to prevent repetitive and cumulative evidence or examination.

I verify that I have been made aware of and received a copy of this Written Advisement regarding Public Hearing Procedures before the Lafayette Liquor Licensing Authority.

Applicant: \_\_\_\_\_ Date: \_\_\_\_\_

Name/Address            of            Premises            to            be            Licensed:  
\_\_\_\_\_

<b>Application Fee</b>	<b>Local Fee</b>	<b>State Fee</b>
New License Application Fee	\$500.00	\$850.00
Transfer of Ownership	\$500.00	\$850.00
Concurrent Review	\$500.00	\$850.00
Annual Renewal Application Fee	\$50.00 plus license fee	See applicable state fee
<b>License Fees</b>		
<b>Hotel and Restaurant</b>	<b>Local Fee</b>	<b>State Fee</b>
Resort Complex Facility Permit (each)	\$100.00	\$50.00
Tavern	\$75.00	\$475.00
Optional Premises	\$75.00	\$475.00
Club or Arts	\$41.25	\$283.75
Liquor Store	\$22.50	\$202.50
Beer & Wine	\$48.75	\$326.25
3.2 Beer	\$3.75	\$71.25
Drugstore	\$22.50	\$202.50
Special Events Permit (liquor)	\$25.00	\$25.00
Special Events Permit (3.2%)	\$10.00	\$10.00
<b>Other Fees</b>		
<b>Change of Location</b>	<b>Local Fees</b>	<b>State Fees</b>
Corp/LLCO change (per person) (local or state not both)	\$100.00	\$100.00
Change of Trade/Corporate Name	No charge	\$25.00
Modification of Premises	No charge	\$100.00
Manager Registration Fee (Tavern & H/R)	\$75.00	\$75.00
Temporary Permits	\$100.00	no charge
Duplicate License	no charge	\$25.00
Bed & Breakfast Permits	\$25.00	\$25.00