



City of Lone Tree

Special Events Permit Information

GENERAL INFORMATION

What is a Special Events Permit?

Special Events Liquor License Permits are issued by the City of Lone Tree (as the local liquor licensing authority) and allow qualified non-profit entities or political candidates to sell, serve, or distribute alcohol beverages in connection with fund raising events. Because of their temporary nature, needs and desires (reasonable requirements of the neighborhood) are not considered by the local licensing authority as a condition of issuance. Application for a Special Events Permit is made directly to the local licensing authority (i.e. City of Lone Tree) having jurisdiction over the place of the event.

Who can qualify for a permit?

A special events permit may be issued to an organization, whether or not presently licensed under articles 46 and/or 47 of title 12:

- which has been incorporated under the laws of this 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 and being nonprofit in nature, OR
- which is a regularly established religious or philanthropic institution, OR
- which is a state institution of higher education, AND
- to any political candidate who has filed the necessary reports and statements with the secretary of state pursuant to article 45 of title 1, C.R.S.

A special events permit may also be issued to any municipality owning arts facilities at which productions or performances of an artistic or cultural nature are presented for use at such facilities.

How many Special Events Permits can a qualified non-profit organization obtain?

Fifteen (15) days per calendar year.

Grounds for issuance of a Special Events Permit (12-48~103, C.R.S.)

A special events permit may not be issued for the sale of malt, vinous or spirituous liquors where the premises upon which the alcohol beverage is to be sold is located within five hundred feet of any public or parochial school or the principal campus of any college, university or seminary. However, this restriction does not apply to events that

are held during those hours in which no school classes are scheduled. (See Regulation 47-1020).

Nothing shall be construed to prohibit the sale or dispensing of malt, vinous, or spirituous liquor on any closed street, highway, or public byway for which a special events permit has been issued (See Section 12-48-103(3), C.R.S.).

A special events permit may be issued under this section even though the event is to be held on premises licensed under the provisions of section 12-47-403 (Limited Winery License), 12-47-103.5 (Wine Festival Permit), 12-47-416 (Club License) or 12-47-417 (Arts License).

The holder of a special events permit issued pursuant to this section shall be responsible for any violation of Article 47 of Title 12, of the Colorado Revised Statutes (commonly known as the Colorado Liquor Code).

The application process

Application for a Special Events Permit must be made on forms provided by the Liquor Enforcement Division, Department of Revenue. Forms (DR8439) can be downloaded from the Department of Revenue website (<http://www.colorado.gov/cs/Satellite/Rev-Liquor/LIQ/1209635768193>). All permit applications must be verified by oath or affirmation through an officer of the applicant and submitted to the City Clerk (local licensing authority) at least 30 days prior to the date of the event and must include the following:

- Proof of qualified non-profit status. Certificate of non-profit status and authority to do business in Colorado, as issued by the Colorado Secretary of State, OR
- Copy of the organization's charter
- A diagram of the area for which the permit will be issued. This diagram must reflect the physical structure (i.e., bars, walls, partitions, entrances, exits, etc.) and a narrative of how this area will be controlled, (i.e., fences, ropes, barbed wire, walls, etc.).
 - Applicants must be able to demonstrate that all alcohol beverages will remain within the proposed licensed area and that all other "private" alcohol beverages will NOT be brought onto the licensed area.
- Evidence that the applicant has possession of, or authorization to use, the premises for which the permit is sought (i.e. deed, lease, letter, etc.).
 - The applicant must have possession or written authorization to use the premises for the entire duration for which the permit is issued.
- A check for the appropriate permit fee made payable to the City of Lone Tree.

Even though these permits are issued to non-profit organizations, the retail sale of alcohol beverages to consumers is still subject to state and local sales taxes. Applicants should contact the Department of Revenue at (303) 238-7378 to determine the correct method of remitting the state sales tax.

Filing of the application

The application and required attachments, as noted above, must be filed with the City of Lone Tree City Clerk (local licensing authority) not less than 30 days prior to the date of the special event. The local licensing authority may waive this time frame for good cause shown (Regulation 47-1002).

Restrictions related to permits.

- (1) Each special events permit shall be issued for a specific location and is not valid for any other location.
- (2) A special events permit authorizes sale of the beverage or the liquors specified only during the following hours:
 - (a) Between the hours of five a.m. of the day specified in a malt beverage permit and until twelve midnight on the same day;
 - (b) Between the hours of seven a.m. of the day specified in a malt, vinous, and spirituous liquor permit and until two a.m. of the day immediately following.
- (3) The state or a local licensing authority shall not issue a special events permit to any organization for more than fifteen days in one calendar year.
- (4) No issuance of a special events permit shall have the effect of requiring the state or local licensing authority to issue such a permit upon any subsequent application by an organization.
- (5) Sandwiches or other food snacks shall be available during all hours of service of malt, spirituous, or vinous liquors, but prepared meals need not be served.

When the application is filed:

The licensing clerk will review the application to ensure it is complete, that the applicant has not exceeded their 15 day permit(s) and the application includes the following:

- Completed Special Events Application
- Local Permit Fee
- Deed, Lease, or written authorization to use premises
- Diagram of premises with a written narrative describing how the applicant will control the area.
- Certificate of Incorporation, as issued by the Colorado Secretary of State, dated within the last 2 years preceding the date of the application, verifying that the applicant is a qualified non-profit organization and is in good standing within the State of Colorado.

The licensing clerk will coordinate with the City Clerk and set a date for the hearing (the hearing must be at least 10 days after the property is posted).

The licensing clerk will notify the applicant of a final decision.

FAQ Section

Is a Formal Hearing Required?

The local licensing authority "shall" cause a hearing to be held IF, after investigation and upon review of the contents of any protest filed by affected persons, sufficient grounds appear to exist for denial of a permit. Protests must be filed within 10 days from the date of the posting. Any hearing held shall be held at least 10 days after the initial posting of the notice, AND notice thereof shall be provided to the applicant AND any person who has filed a protest. The requirements for a hearing (record creation, etc.) are the same as for other administrative hearings. In summary, you do NOT have to hold a hearing if no one has protested the permit or your investigation did NOT disclose other sufficient grounds to deny it. However, it is suggested that upon a determination of no opposition, the applicant be advised of its responsibility to comply with the Colorado Liquor Code. This advisement should include, but may not be limited to issues such as:

- Licenses/permits required and the posting requirements
- Hours and location of the event
- Establishment of control over the areas of storage, service, consumption and possession of alcohol beverages
- Types of alcohol beverages that may be sold or served for ON premises consumption only
- Age requirements
- Visible intoxication prohibitions
- Other local requirements (zoning, local permits required, etc.) (See 12-48-107(3), C.R.S.)

What can a Special Events Permit holder sell?

Depending on which permit the organization applies for, a Special Events Permit holder is authorized to sell EITHER 3.2% beer (fermented malt beverages) OR malt, vinous and spirituous liquors. Beverages are sold by the drink, for consumption ON the premises only (See Section 12-48-101, C.R.S.).

The Colorado Liquor Code does not prohibit Special Events Permit holders from selling other lawful items of commerce in connection with a Special Events Permit. However, permit holders may NOT sell alcohol beverages in sealed containers and/or allow removal of the beverages from the licensed area.

When is a Special Events Permit NOT required, even though alcohol beverages are going to be sold or served?

Section 12-48-108, C.R.S. contains an exemption for a qualified organization when it serves alcohol beverages to members of the organization and their guests, **ONLY**, at a private function held by the organization on unlicensed premises. Any admission or other charge required to be paid, or given, as a condition of entry or participation in the event must be uniform to all, regardless of whether the member or their guests decide to consume alcohol beverages. Non-profit organizations holding fundraising events at permanently licensed retail premises, with public access, are not required to obtain a Special Events Permit. In this case, authorized alcohol beverage suppliers must invoice

all alcohol beverages to the retail licensee, not the non-profit organization. A Club licensee which only allows access to its members and guests, and an Arts licensee, which only sells or serves alcohol beverages during artistic or cultural performances, are required to obtain a Special Events Permit at the Club or Arts licensed premises when they hold events that allow public access. (See Section 12-48-103(2) C.R.S.)

Can a licensee accept donated alcohol beverages to sell or serve at their special events permit?

Alcohol beverages may be donated by Colorado-licensed wholesalers, micro-breweries, brewpubs, vintner's restaurants, and in-state wineries, if such beverages are used for hospitality and/or fund raising purposes, and are not resold by the drink. Alcohol beverages received from other non-licensed or private sources may not be sold, served or consumed at a special events permit. Colorado Suppliers may provide financial support and/or services for public-service or nonprofit fund raising activities to those organizations that qualify for a special events permit. However, no support may be conditioned upon the present or future purchase of alcohol beverages or the exclusive sale of a supplier's products at future events. Suppliers may also share in the costs of advertisements, signs, promotional materials and items of a similar nature used in connection with a non-profit special events permit. Suppliers may also rent dispensing equipment to a special events permittee at fair market value and may sell glassware, cups and similar items at a minimum of cost (See Regulation 47-1010).

Can a special events permit be issued in connection with a casino or poker night? NO. Casino nights (*an event involving the payment or risking of something of value, for a chance to win something*) were determined by the court as illegal gambling. (*See the Central City Opera House v. Dept of Revenue, et al.*). Texas Hold-'Em Tournaments may also constitute illegal gambling. Non-profits should contact the appropriate district attorney as what activities that attorney deems illegal gambling. Raffles, however, may be conducted if the non-profit organization has acquired a Bingo and Raffles license from the Department of State, Licensing and Elections Division.

Are Posting of Permits and Licenses Required?

All licenses and permits required must be posted in a conspicuous place on the licensed area for the general public to observe. The licenses and permits required include, but are not limited to the following:

- Special Events Permit License
- Minor Warning Sign
- State Sales Tax License