

## Title 8

### ALCOHOL BEVERAGES

#### Chapters:

- 8.02 General Provisions.**
- 8.04 Local Licensing Authority.**
- 8.06 Optional Premises Liquor Licenses.**
- 8.08 Alcohol Beverage Tastings.**
- 8.10 Special Event Permits.**

#### Chapter 8.02

##### GENERAL PROVISIONS

###### Sections:

- 8.02.010 State law applicable.**
- 8.02.020 Definitions.**

###### **8.02.010 State law applicable.**

If any of the laws established in this Title 8, or any of the rules, regulations, or procedures established in accordance with this Title 8, conflict with the Colorado Beer Code, the Colorado Liquor Code, or Article 48 of Title 12, C.R.S., or the rules and regulations of the state licensing authority pertaining thereto, the provisions of state law or the rules and regulations of the state licensing authority shall govern. Notwithstanding the foregoing, if state law and the rules and regulations of the state licensing authority are silent on a matter addressed in this Title 8, then this Title 8 shall govern.

###### **8.02.020 Definitions.**

- A. When used in this Title 8, the following words and phrases shall have the meanings ascribed to them in this section:
  - 1. “Administrative application” means an application for a local liquor license or permit that may be granted or denied administratively by the City Clerk.
  - 2. “Applicant” shall mean any person who is applying for or has applied for a license or permit to sell, dispense, or serve malt, vinous, or spirituous liquors or fermented malt beverages, but is not yet licensed by the local licensing authority.
  - 3. “Colorado Beer Code” shall mean the laws set forth in Article 46 of Title 12, C.R.S., as amended.
  - 4. “Colorado Liquor Code” shall mean the laws set forth in Article 47 of Title 12, C.R.S., as amended.
  - 5. “License” shall mean the local licensing authority’s grant to a licensee to sell, dispense, or serve malt, vinous, or spirituous liquors or fermented malt beverages as evidenced by a city-issued license or permit.
  - 6. “Licensed premises” shall mean the premises specified in an application for a license approved by the local licensing authority that is owned or is in the possession of the licensee within which such licensee is authorized to sell, dispense, or serve malt, vinous, or spirituous liquors or fermented malt beverages.
  - 7. “Licensee” shall mean a person licensed by the local licensing authority to sell, dispense, or serve malt, vinous, or spirituous liquors or fermented malt beverages.
  - 8. “Local licensing authority” shall mean the local licensing authority established by the city council in Section 8.04.010 pursuant to state law.
  - 9. “Secretary” shall mean the city clerk of the City of Loveland, or his or her designee.
  - 10. “Tasting(s)” shall mean the sampling of malt, vinous, or spirituous liquors that may occur on the premises of a retail liquor store licensee or liquor-licensed drugstore licensee by adult patrons of the

licensee pursuant to the provisions of C.R.S. Section 12-47-301(10), except as otherwise required by the provisions of this title.

11. “Tasting permit” shall mean a separate permit issued to a retail liquor store licensee or a liquor-licensed drugstore licensee by the local licensing authority to allow tastings to occur on a licensee’s licensed premises pursuant to the provisions of this title. (Ord. 6240 § 1, 2018)

## **Chapter 8.04**

### **LOCAL LICENSING AUTHORITY**

#### **Sections:**

- 8.04.010      Local licensing authority established.**
- 8.04.020      Secretary of the local licensing authority.**
- 8.04.030      Local rules and regulations; conduct of hearings.**
- 8.04.040      Local fees.**

#### **8.04.010      Local licensing authority established.**

There is established a local licensing authority consisting of the municipal judge. The duties and functions of the local licensing authority shall be to serve as the local licensing authority under the Colorado Beer Code, the Colorado Liquor Code, Article 48 of Title 12, C.R.S., and in all other matters involving the licensing of the sale, manufacture, and consumption of beverages containing alcohol. The local licensing authority shall have the authority to impose those penalties and sanctions as specified in Articles 46, 47, and 48 of Title 12, C.R.S., including the imposition of a fine in lieu of suspension under the provisions of C.R.S. Section 12-47-601(3). The local licensing authority shall have the authority, through the secretary, to issue subpoenas to require the presence of persons and the production of papers, books, and records necessary to the determination of any hearing which the local licensing authority is authorized to conduct. It is unlawful for any person to fail to comply with any subpoena issued by the secretary on behalf of the local licensing authority.

#### **8.04.020      Secretary of the local licensing authority.**

- A. The City Clerk, or a designee of the City Clerk, shall serve as the secretary of the local licensing authority. The local licensing authority may assign any administrative function pursuant to the Colorado Beer Code, the Colorado Liquor Code, Article 48 of Title 12, C.R.S., and other appropriate matters involving the licensing of the sale, manufacturing, and consumption of beverages containing alcohol, which may be processed administratively, including administrative applications, to the City Clerk, or a designee of the City Clerk.
- B. The secretary shall:
  - 1. Receive and process all applications for licenses;
  - 2. Issue all licenses granted by the local licensing authority upon receipt of such fees and taxes required by state law and Chapter 3.20 of the City Code;
  - 3. Establish a calendar of regular meetings for the local licensing authority, which calendar may be modified by the local licensing authority;
  - 4. Set the agenda for meetings of the local licensing authority, and remove requests for new licenses, license renewals, modifications, or transfers from the agenda when the secretary, in consultation with the city attorney, determines that such applications are incomplete or information included in such applications lacks legal sufficiency;
  - 5. Keep a record of all meetings of the local licensing authority; and
  - 6. Issue subpoenas to require the presence of persons and the production of papers, books, and records necessary.
- C. The secretary, subject to the delegation and secondary review by the local licensing authority, may process the following administrative applications without review by the local licensing authority:
  - 1. Special event permits to applicants who have previously been granted a special event permit pursuant to Article 48 of Title 12, C.R.S., provided that there are no written objections filed for said permit;

2. Annual Colorado Liquor Code and Colorado Beer Code license renewals, provided that the licensee has no pending actions, is not the subject of any official investigation, or had any adjudicated violations or stipulations within the preceding year, concerning provisions of the Colorado Liquor or Beer Codes and associated relations or local ordinances;
3. Changes in shareholders, officers, directors or trade names of a licensee, provided that any investigation conducted by the City does not reveal information that may reasonably form the basis of a determination that the applicant is not qualified to hold the respective license;
4. Changes in registered manager of a licensee, provided that any investigation conducted by the City does not reveal information that may reasonably form the basis of determination that the proposed manager is not qualified to hold the position;
5. The issuance of temporary permits pursuant to and in compliance with the provision of Section 12-47-303, C.R.S.;
6. The issuance and renewal of tasting permits as authorized by and pursuant to Article 47, Title 12, C.R.S.

D. The local licensing authority, with the assistance of the City Clerk and the City Attorney, may adopt such administrative application processing procedures, and rules and regulations concerning the same, as necessary or convenient to implement the provision of this Title 8. All such procedures, rules and regulations shall not conflict with state liquor laws.

E. Any processed administrative application is subject to an appeal to the local licensing authority by the City, or by the licensee. Any such appeal shall be noticed to the local licensing authority within ten (10) business days following receipt of notice regarding an administrative application being granted, denied, or otherwise being acted upon. The local licensing authority may then hold a hearing or otherwise rule on the merits of the appeal.

1. F. The secretary may refer any licensing determination, authorized under subsection (C) of this section, to the local licensing authority if, in the secretary's sole discretion, the matter should be presented to the local licensing authority. (Ord. 6240 § 2, 2018)

#### **8.04.030 Local rules and regulations; conduct of hearings.**

The local licensing authority shall have the power to adopt rules and regulations concerning the application process, procedures for hearings before it, and the presentation of evidence at such hearings. All hearings before the local licensing authority shall be public and shall be conducted in accordance with the rules and regulations concerning the procedures for hearings adopted by the local licensing authority.

#### **8.04.040 Local fees.**

All local fees permitted or required by the Colorado Beer Code, the Colorado Liquor Code, or Article 48 of Title 12, C.R.S., shall be set by the local licensing authority.

## **Chapter 8.06**

### **OPTIONAL PREMISES LIQUOR LICENSES**

#### **Sections:**

- 8.06.010      Optional premises licenses.**
- 8.06.020      Eligible facilities.**
- 8.06.030      Minimum size.**
- 8.06.040      Number.**
- 8.06.050      Application.**

#### **8.06.010      Optional premises licenses.**

The local licensing authority shall have the authority to issue optional premises licenses and optional premises for hotel and restaurant licenses pursuant to the provisions of the Colorado Liquor Code and the provisions of this chapter. The provisions of this chapter shall be considered in addition to all other standards applicable to the issuance of licenses under the Colorado Liquor Code for optional premises license or for optional premises for a hotel and restaurant license. These two types of licenses for optional premises shall collectively be referred to as "optional premises" unless otherwise specified.

#### **8.06.020      Eligible facilities.**

An optional premises may only be approved when that premises is located on or adjacent to an outdoor sports and recreational facility as defined in C.R.S. Section 12-47-103.

#### **8.06.030      Minimum size.**

There shall be no minimum size requirement for the outdoor sports and recreational facilities which may be eligible for the approval of an optional premises license. However, the local licensing authority may consider the size of the particular outdoor sports or recreational facility in relationship to the number of optional premises requested for the facility.

#### **8.06.040      Number.**

There are no restrictions on the number of optional premises which any one licensee may have on the outdoor sports or recreational facility. However, any applicant requesting approval of more than one optional premises shall demonstrate the need for each optional premises in relationship to the outdoor sports or recreational facility and its guests.

#### **8.06.050      Application.**

When submitting a request for the approval of an optional premises, an applicant shall also submit the following information:

- A. A map or other drawing illustrating the outdoor sports or recreational facility boundaries and the approximate location of each optional premises requested.
- B. A legal description of the approximate area within which the optional premises shall be located.
- C. A description of the method which shall be used to identify the boundaries of the optional premises when it is in use.
- D. 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.
- E. Advance notification. No alcohol beverages may be served on the optional premises until the licensee has provided written notice to the state and local licensing authorities twenty days prior to serving alcohol 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 licensee may specify in each notice. However, no notice may specify any date of use which is more than one hundred eighty days from the notice date.

## **Chapter 8.08**

### **ALCOHOL BEVERAGE TASTINGS**

#### **Sections:**

- 8.08.010      Tastings authorized.**
- 8.08.020      Tastings permit required.**
- 8.08.030      Limitations on tastings.**
- 8.08.040      Violations.**
- 8.08.050      Licensed wineries.**

#### **8.08.010      Tastings authorized.**

Tastings on the licensed premises of a retail liquor store licensee or of a liquor-licensed drugstore licensee are authorized to be conducted within the city in accordance with C.R.S. Section 12-47-301(10) and subject to the provisions of this chapter.

#### **8.08.020      Tasting permit required.**

- A. The local licensing authority is authorized to issue tasting permits in accordance with the requirements of this chapter.
- B. It shall be unlawful for any person to conduct tastings within the city without having first received a tasting permit issued in accordance with this chapter.
- C. Retail liquor store licensees and liquor-licensed drugstore licensees desiring to conduct tastings shall submit a tasting permit application to the secretary accompanied by the required application fee.
- D. The local licensing authority shall establish the procedures for obtaining a tasting permit, which procedures shall include, without limitation, conducting a noticed public hearing before the local licensing authority at which hearing the applicant must establish that the applicant is able to conduct tastings without violating the provisions of this chapter. The local licensing authority may deny the application if it finds that the applicant has not established the ability to conduct tastings in accordance with the provisions of this chapter or if the local licensing authority finds that the proposed tastings would create a public safety risk to the neighborhood. The notice required for the public hearing shall be the posted and published notices required by C.R.S. Section 12-47-311.
- E. The forms for the tasting permit application, the renewal application, and the tasting permit shall be those proscribed by the local licensing authority. These forms shall include, without limitation, a schedule of the proposed, and in the case of the permit the approved, schedule of dates and times of the tastings to be conducted on the licensed premises. The licensee may deviate from the approved schedule provided that: (1) the licensee gives the secretary seven days prior written notice of such deviation; and (2) such deviation does not violate any provision of this chapter. An applicant for a tasting permit must also include with the filing of the initial and any renewal application, and keep current with the secretary at all times, written proof that the licensee and each employee of the licensee who will be conducting the tastings has completed a server training program for tastings that meets the standards required by state law.
- F. Renewal of tasting permits shall be concurrent with the renewal of licenses for retail liquor stores and liquor-licensed drugstores. A licensee's initial tasting permit shall expire on the same date as the date that the licensee's retail liquor store or liquor-licensed drugstore license expires. The initial tasting permit application fee shall not be prorated if the permit expires in less than a year. Tasting permit renewal forms shall be submitted to the secretary accompanied by a renewal fee.
- G. Tasting permits shall be conspicuously and prominently posted by the licensee on the licensed premises at all times during business hours.

H. A tasting permit shall only be issued to a retail liquor store or a liquor-licensed drugstore licensee whose license is valid, not subject to a current or pending enforcement action by the city or the state, and in full force and effect.

#### **8.08.030 Limitations on tastings.**

Tastings within the city shall be subject to the following limitations:

- A. Tastings shall be conducted only by a person who has completed a server training program that meets the standards established by the liquor enforcement division of the Colorado Department of Revenue and who is either a retail liquor store licensee or a liquor-licensed drugstore licensee, or an employee of a licensee, and only on a licensee's licensed premises;
- B. The alcohol used in tastings shall be purchased through a licensed wholesaler, licensed brew pub, or winery licensed pursuant to C.R.S. Section 12-47-403 at a cost that is not less than the laid-in cost of such alcohol;
- C. The size of an individual alcohol sample shall not exceed one ounce of malt or vinous liquor or one-half of one ounce of spirituous liquor;
- D. Tastings shall not exceed a total of five hours in duration per day, which need not be consecutive;
- E. Tastings shall be conducted only during the operating hours in which the licensee on whose premises the tastings occur is permitted to sell alcohol beverages, and in no case earlier than 11:00 a.m. or later than 7:00 p.m.;
- F. The licensee shall prohibit patrons from leaving the licensed premises with an unconsumed sample;
- G. The licensee shall promptly remove all open and unconsumed alcohol beverage samples from the licensed premises or shall destroy the samples immediately following the completion of the tastings;
- H. The licensee shall not serve a person who is under twenty-one years of age or who is visibly intoxicated;
- I. The licensee shall not serve more than four individual samples to a patron during a tasting;
- J. Alcohol samples shall be in open containers and shall be provided to a patron free of charge;
- K. Tastings may occur on no more than four of the six days from a Monday to the following Saturday, not to exceed one hundred and four days per year;
- L. The licensee shall maintain on the licensed premises a log of all tastings on forms proscribed by the local licensing authority to be submitted to the secretary each year with the tasting permit renewal application and at all business hours the log shall be subject to inspection by city and state officials authorized to enforce the Colorado Liquor Code and/or the Loveland Municipal Code; and
- M. No manufacturer of spirituous or vinous liquor shall induce a licensee through free goods or financial or in-kind assistance to favor the manufacturer's products being sampled at a tasting and the licensee shall bear the financial and all other responsibility for a tasting. (Ord. 6024 § 1, 2016)

#### **8.08.040 Violations.**

- A. A violation of a limitation specified in Section 8.08.030 or in C.R.S. Section 12-47-301(10) by a retail liquor store or a liquor-licensed drugstore licensee, whether by the licensee's employees, agents, or otherwise, shall be the responsibility of the retail liquor store or liquor-licensed drugstore licensee who is conducting the tasting.
- B. Retail liquor store and liquor-licensed drugstore licensees conducting a tasting shall be subject to the same revocation, suspension, and enforcement provisions as otherwise apply to those licensees.

**8.08.050      Licensed wineries.**

Nothing in this chapter shall affect the ability of a Colorado winery licensed pursuant to C.R.S. Section 12-47-402 or 12-47-403 to conduct a tasting pursuant to the authority of C.R.S. Section 12-47-402(2) or 12-47-403(2)(e). (Ord. 5376 § 9, 2008)

## **Chapter 8.10**

### **SPECIAL EVENT PERMITS**

#### **Sections:**

- 8.10.010      Special event permits authorized**
- 8.10.020      Qualifications of organizations for permit--qualifications of municipalities or municipalities owning arts facilities--qualifications of candidates**
- 8.10.030      Grounds for issuance of special event permits**
- 8.10.040      Fees for special event permits**
- 8.10.050      Restrictions related to permits**
- 8.10.060      Grounds for denial of special event permit**
- 8.10.070      Applications for special event permit**
- 8.10.080      Exemptions**

#### **8.10.010      Special event permits authorized**

The local licensing authority, as defined in Section 8.04.010 of this Code, may issue a special event permit for the sale, by the drink only, of fermented malt beverages, as defined in C.R.S. Section 12-46-103, or the sale, by the drink only, of malt, spirituous, or vinous liquors, as defined in C.R.S. Section 12-47-103, to organizations and political candidates qualifying under this chapter, subject to the applicable provisions of articles 46 and 47 of title 12, C.R.S., and to the limitations imposed by this chapter.

#### **8.10.020      Qualifications of organizations for permit--qualifications of municipalities or municipalities owning arts facilities--qualifications of candidates**

- A. A special event permit issued under this chapter may be issued to an organization, whether or not presently licensed under articles 46 and 47 of title 12, C.R.S., which has been incorporated under the laws of this state for purposes of a 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. For purposes of this chapter, a state institution of higher education includes each principal campus of a state system of higher education.
- B. A special event permit may be issued to any City owned arts facilities at which productions or performances of an artistic or cultural nature are presented for use at such facilities, subject to the provisions of this chapter.

#### **8.10.030      Grounds for issuance of special event permits**

- A. (1) A special event permit may be issued under this chapter notwithstanding the fact that the special event is to be held on premises licensed under the provisions of C.R.S. sections 12-47-403, 12-47-403.5, 12-47-416, 12-47-417, or 12-47-422. The holder of a special event permit issued pursuant to this chapter shall be responsible for any violation of article 47 of title 12, C.R.S.  
(2) If a violation of article 48 or of article 47 of title 12, C.R.S. occurs during a special event wine festival and the responsible licensee can be identified, such licensee may be charged and the appropriate penalties may apply. If the responsible licensee cannot be identified, the local licensing authority may send written notice to every licensee identified on the permit applications and may fine each the same dollar amount. Such fine shall not exceed twenty-five dollars per licensee or two hundred dollars in the aggregate. No joint fine levied pursuant to this subparagraph (b) shall apply to the revocation of a limited wineries license under C.R.S. section 12-47-601.
- B. Nothing in this chapter shall be construed to prohibit the sale or dispensing of malt, vinous, or spirituous liquors on any closed street, highway, or public byway for which a special event permit has been issued.

#### **8.10.040 Fees for special event permits**

- A. Special event permit fees shall be set at one hundred dollars (\$100.00) for each permit issued.
- B. All fees are payable in advance to the City Clerk's Office for applications for special event permits submitted to the local licensing authority for approval.

#### **8.10.050 Restrictions related to permits**

- A. Each special event permit shall be issued for a specific location and is not valid for any other location.
- B. A special event permit authorizes sale of the beverage or the liquors specified only during the following hours:
  1. Between the hours of five a.m. of the day specified in a malt beverage permit and until twelve midnight on the same day;
  2. 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.
- C. The local licensing authority shall not issue a special event permit to any organization for more than fifteen days in one calendar year.
- D. No issuance of a special event 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.
- E. 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.

#### **8.10.060 Grounds for denial of special event permit**

- A. The local licensing authority may deny the issuance of a special event permit upon the grounds that the issuance would be injurious to the public welfare because of the nature of the special event, its location within the community, or the failure of the applicant in a past special event to conduct the event in compliance with applicable laws.
- B. Public notice of the proposed permit and of the procedure for protesting issuance of the permit shall be conspicuously posted at the proposed location for at least ten days before approval of the permit by the local licensing authority.

#### **8.10.070 Applications for special event permit**

- A. Applications for a special event permit shall be made with the local licensing authority on forms provided by the state licensing authority and shall be verified by oath or affirmation of an officer of the organization or of the political candidate making application.
- B. An applicant shall include payment of the fee established by the local licensing authority, not to exceed one hundred dollars, for both investigation and issuance of a permit. In reviewing an application, the local licensing authority shall apply the same standards for approval and denial applicable to the state licensing authority.
- C. 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. Any protest shall be filed by affected persons within ten days after the date of notice pursuant to section 8.10.060(2) of this code. Any hearing required by this subsection (3) or any hearing held at the discretion of the local licensing authority shall be held at least ten days after the initial posting of the notice, and notice thereof shall be provided the applicant and any person who has filed a protest.
- D. The local licensing authority may assign all or any portion of its functions under this chapter to an administrative officer.
- E. (1) The local licensing authority is not required to notify the state licensing authority to obtain the state licensing authority's approval or disapproval of an application for a special event permit. The local licensing authority is only required to report to the liquor enforcement division, within ten days after it issues a permit, the name of the organization to which a permit was issued, the address of the permitted location, and the permitted dates of alcohol beverage service.

- (2) The local licensing authority shall promptly act upon each application and either approve or disapprove each application for a special event permit.
- (3) The state licensing authority has established and maintains a web site containing the statewide permitting activity of organizations that receive permits. In order to ensure compliance with C.R.S. section 12-48-105(3), which restricts the number of permits issued to an organization in a calendar year, the local licensing authority shall access information made available on the web site of the state licensing authority to determine the statewide permitting activity of the organization applying for the permit. The local licensing authority shall consider compliance with C.R.S. section 12-48-105(3) before approving any application.

#### **8.10.080      Exemptions**

An organization otherwise qualifying under section 8.10.020 of this code shall be exempt from the provisions of this chapter and shall be deemed to be dispensing gratuitously and not to be selling fermented malt beverages or malt, spirituous, or vinous liquors when it serves, by the drink, fermented malt beverages or malt, spirituous, or vinous liquors to its members and their guests at a private function held by such organization on an unlicensed premises so long as any admission or other charge, if any, required to be paid or given by any such member as a condition to entry or participation in the event is uniform as to all without regard to whether or not a member or such member's guest consumes or does not consume such beverages or liquors. For purposes of this section, all invited attendees at a private function held by a state institution of higher education shall be considered members or guests of the institution. (Ord. 5658 § 1, 2011; Ord. 5102 § 1, 2006; Ord. 3743 § 1, 1991)

\*\*\*End Title 8\*\*\*