

Chapter 2

ALCOHOLIC BEVERAGES AND MEDICAL MARIJUANA CENTERS

3-2-1: DEFINITIONS:

As used in this chapter, the following words or phrases shall have the following meanings unless the text otherwise requires:

APPLICANT: Any person, partnership or corporation who is applying for, or has applied for, a license to sell malt, vinous, spirituous liquors or fermented malt beverages, but is not yet licensed as a licensee.

EMPLOYEE: Any employee of a licensee involved in the sale, dispensing or serving of malt, vinous, spirituous liquors or fermented malt beverages.

LICENSEE: A person licensed by law to sell fermented malt beverages, or malt, vinous or spirituous liquors at retail, and who is engaged at any time during the calendar year in such operation within the city.

LOCAL LICENSING AUTHORITY: City's licensing authority as created in section [2-2-1](#) of this code, except as otherwise provided herein.

Other definitions not specifically enumerated herein shall be as defined in title 12, articles 46, 47 and 48, Colorado Revised Statutes. (Ord. 8, Series of 1990; amd. Ord. 3, Series of 2010)

3-2-2: LICENSE REQUIRED:

Unless otherwise provided by state law, it shall be unlawful for any person within the city to manufacture, sell, or possess for sale any malt, vinous, spirituous liquors or fermented malt beverages unless licensed to do so as provided by both this chapter and applicable provisions of title 12, articles 46, 47 and 48, Colorado Revised Statutes, and said licenses required are in full force and effect and applicable fees and taxes have been paid in full. (Ord. 19, Series of 1985)

3-2-3: ANNUAL LICENSE FEES AND OCCUPATION TAX:

(A) Annual license fees shall be paid to the city as provided by state law.

Annual license fees shall be paid in advance and shall not be rebated or discounted on a

proportionate basis for any license in existence or issued for less than a year. Said fees shall be in addition to any annual license fees required to be paid to the state. (Ord. 19, Series of 1985)

(B) The business of selling at retail any fermented malt beverage, malt, vinous or spirituous liquors, is hereby defined and separately classified as an occupation as specified below. The following annual occupation taxes are hereby established and shall be paid by the applicant or licensee to the city:

1.	Retail liquor store licensee	\$720.00
2.	Liquor licensed drugstore licensee	720.00
3.	Beer and wine licensee	1,080.00
4.	Hotel and Restaurant licensee	1,080.00
5.	Tavern licensee	1,080.00
6.	Club licensee	1,080.00
<u>7.</u>	<u>Lodging and entertainment licensee</u>	<u>1,080.00</u>
7. <u>8.</u>	Arts licensee	60.00
8. <u>9.</u>	All licensees licensed to sell fermented malt beverages for consumption both on and off the premises	2,280.00
9. <u>10.</u>	All licensees, except those specified in subsection (B) 11 of this section, licensed to sell only fermented malt beverages by the drink for consumption on the premises	2,280.00
10. <u>11.</u>	All licensees licensed to sell only fermented malt beverages in their original containers for consumption off the premises	720.00
11. <u>12.</u>	All licensees licensed to sell fermented malt beverages for consumption on the premises where the business conducted on the premises is of a tax supported educational institution	60.00
12.	All licensees licensed to sell malt, vinous and spirituous liquor for consumption on the premises after the hour of 8:00 P.M. and until 12:00 midnight on Sundays and Christmas either as hotels or restaurants, taverns, racetracks or clubs, shall pay as an additional occupation tax	480.00

Said taxes shall be in addition to the annual license fees paid to the city and the state and shall be paid prior to the issuance or renewal of the city license. No refund of any tax paid in accordance with this chapter shall be made to any person who discontinues or sells his business during the duration of the license; provided, however, that the new owner of any establishment, when approved as the new licensee, shall be credited on a monthly basis for any occupation tax paid by the previous owner for the unexpired term of the previous owner's license.

In addition to any other remedy provided in this chapter, the city shall have the right to recover all sums due and owing under this chapter by any civil remedy available under existing law. (Ord. 47, Series of 1985)

3-2-4: MANAGER'S LICENSE REQUIRED:

Each licensee shall manage the licensed facility or special event himself or shall have a separate and distinct manager who shall be registered by the licensee with the local licensing authority. When a licensee ceases to be the manager of the facility himself, or his manager of record ceases to be the manager of said facility, the licensee shall notify the city clerk within five (5) days and shall designate a new registered manager within thirty (30) days. It shall be unlawful for the licensee to fail to comply with the requirements of this section. (Ord. 19, Series of 1985)

3-2-5: FEES:

Application fees for fermented malt and liquor licenses shall be payable to the city as follows:

- (A) In addition to any state fees, accompanying an application for a liquor or fermented beverage license or amendment or renewal thereto shall be a local fee to cover expenses of processing said application and issuing the requested license in such amounts as are set by state statute and regulation, and the city will amend its fees by resolution to follow state statutes. (Ord. 37, Series of 2009)

3-2-6: RECEIPT FOR FEES; DISPLAY:

Upon receipt of the taxes and license fees imposed by this chapter, the city's finance department shall issue a receipt showing the name of the person paying the same, the annual period for which the tax is paid and the location of the place of business for which the same is paid. The person operating the business shall at all times during the year keep the receipt posted in a conspicuous place on the premises. (Ord. 19, Series of 1985)

3-2-7: LICENSE DISPLAY:

Once issued a temporary or permanent liquor license, it shall be unlawful for the licensee to fail to display said license in a prominent location within the licensed premises. (Ord. 19, Series of 1985)

3-2-8: EMPLOYEES OF ESTABLISHMENT:

It shall be unlawful for any licensee to have in his employ any employee who has been convicted of any felony under the laws of this or any other state or of the United States, involving the possession or sale of any controlled substance as same is defined in ~~part 3 of article 22 of title 12~~ part 102 of article 18 of title 18 Colorado Revised Statutes, or to employ any employee who has been convicted of any felony involving gambling, prostitution or pimping, or any felony under the Colorado organized crime control act, section 18-17- 101 et seq., Colorado Revised Statutes. (Ord. 19, Series of 1985)

3-2-9: SPECIAL EVENTS PERMIT FEES:

The local licensing authority shall impose a fee for posting, investigation, and issuance of any special event permit as follows:

- (A) ~~In addition to any state fees, a~~ Accompanying an application for a special event liquor ~~or fermented beverage~~ license ~~or amendment or renewal thereto~~ shall be a local fee to cover expenses of processing said application and issuing the requested license in such amounts as are set by state statute and regulation, and the city will amend its fees by resolution to follow state statutes. (Ord. 37, Series of 2009)

3-2-10: PROHIBITED ACTS:

- (A) **Illegal Carrying:** It shall be unlawful for any person to carry on or about his person, or for any person to engage or employ any other person to so carry, in any quantity, any fermented malt beverages or any malt, vinous or spirituous liquors for the purpose of selling, bartering, exchanging or illegally delivering the same in the city. (Ord. 19, Series of 1985)
- (B) **Possession In Public Places:** It shall be unlawful for any person to have in his possession or under his control in any public place any malt, vinous or spirituous liquors in any container of any kind or description which is not sealed or on which the seal is broken, except that malt or vinous liquors may be possessed and consumed in public places in the city pursuant to and in accordance with a special events permit issued by the city pursuant to provisions of state law and section [3-2-23](#) of this chapter. (Ord. 12, Series of 2010)
- (C) **Definition Of Public Place**¹: (Rep. by Ord. 8, Series of 1988)¹
- (D) **Possession In Or Upon Unlicensed Premises:** It shall be unlawful for the ~~licensee or~~ or his agent of a restaurant ~~or his agent~~ to permit, or for any person to have in his possession or under his control, any fermented malt beverages or any malt, vinous or spirituous liquors in any container of any kind or description which is not sealed or on which the seal is broken, in any restaurant which is not licensed pursuant to the Colorado liquor and beer codes.
- (E) **Possession In Licensed Premises:** It shall be unlawful to consume or for any person to have in his possession or under his control, any fermented malt beverage or malt, vinous, or spirituous liquor at any time in any licensed premises other than such that is purchased from such licensed premises.
- (F) **Sale To Intoxicated Persons:** It shall be unlawful for any person to sell, serve, give away, dispose of, exchange, or deliver or permit the sale, serving, giving, or procuring of any fermented malt beverages, malt, vinous, or spirituous liquors to or for any person visibly intoxicated or known to be a habitual drunkard.
- ~~(G) **Distribution Of Legal Information With Kegs Of Beer:** It shall be unlawful for any licensee and his employees to fail to distribute legal information regarding beer to any person who purchases any size keg of fermented malt beverage or malt liquor from any licensee. Copies of the legal information to be distributed shall be made available free of charge from the city and shall be affixed to each keg sold. It shall be the responsibility of each licensee to obtain sufficient copies from the city so as to comply with the requirements of this section. (Ord. 19, Series of 1985)~~
- (H)(G) **Minors Prohibited In Taverns:** It shall be unlawful for any person who is the proprietor or keeper of a tavern to permit any minor under the age of eighteen (18) years to frequent or be in or about such place unless accompanied by a parent, or to drink any intoxicating liquors or beer or any other fermented malt beverage in or about the same. (Ord. 31, Series of 1988; amd. Ord. 14, Series of 2012)

¹ [Definition of "public place" is covered in Title 1 - Definitions](#)
http://www.sterlingcodifiers.com/codebook/index.php?book_id=504

3-2-11 CONDUCT IN ESTABLISHMENTS:ⁱ

(A) Compliance With Applicable Laws And Regulations; Standards Of Conduct: It shall be unlawful for any licensee or his employees to fail to comply with the requirements of this section.

1. No licensee or employee shall install, maintain or operate, or permit the installation, maintenance or operation of, within or upon the licensed premises, any gambling table, establishment, device, machine, apparatus or other thing contrary to this chapter or to the laws of this state or which is kept or used for the purpose of gambling either directly or indirectly. This chapter shall not be construed to prohibit the use of bona fide amusement devices which do not and cannot be adjusted to pay anything of value, and which may not be used for gambling, directly or indirectly, and for the scoring, achievement, use or operation of which no prize, reward or thing of value is offered or paid by any person.
2. Each licensee and employee shall conduct his establishment in a decent, orderly and respectable manner and shall not permit within or upon the licensed premises the loitering of habitual drunkards or intoxicated persons, lewd or indecent displays, profanity, rowdiness, undue noise or other disturbance or activity offensive to the senses of the average citizen or the residents of the neighborhood in which the establishment is located. Any licensee hereunder, and any manager or agent or employee of a licensee hereunder, shall immediately report to the city's police department any unlawful or disorderly act or conduct committed on the licensed premises.
3. No licensee or employee shall permit the consumption of malt, vinous or spirituous beverages or fermented malt beverages on the licensed premises at any time when the sale of such beverages is prohibited by law.
4. No licensee or employee shall employ or permit upon any licensed premises any employee, waiter, waitress, host or hostess to mingle with patrons and personally beg, procure or solicit the purchase or sale of drinks or beverages for the use of the one begging, procuring or soliciting, or for the use of any other employee.
5. No licensee or employee shall permit anyone to loiter in or about said licensed premises for the purpose of begging and soliciting any patron or customer of, or visitor in, such premises, to purchase any drinks or beverages of any type or nature whatsoever, for the one soliciting or begging.
6. No licensee or employee shall permit any person or persons to appear in a state of nudity or simulated nudity within or upon the premises.
7. No licensee or employee shall permit the showing of film, still pictures, electronic reproduction, or other visual reproductions, depicting any act or live performance prohibited by this section.ⁱⁱ

(B) Definitions: For purposes of this section the following definitions shall apply:

LEWD OR INDECENT DISPLAYS: Performing acts of or acts which simulate:

1. Sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation or any sexual acts which are prohibited by law;
2. The touching, caressing or fondling of the breast, buttocks, anus or genitals;

3. The display of pubic hair, anus, vulva or genitals;

4. The displaying of the postpubertal human female breast below a point immediately above the top of the areola, or the displaying of the postpubertal human female breast where the nipple only or the nipple and areola only are covered.

NUDITY: Uncovered, or less than opaquely covered, postpubertal human genitals, pubic areas, the postpubertal human female breast below a point immediately above the top of the areola, or the covered human male genitals in a discernibly turgid state. For the purposes of this definition, a female breast is considered uncovered if the nipple only or the nipple and areola only are covered. (Ord. 19, Series of 1985)

~~3-2-12: USE BY LOCAL LICENSING AUTHORITY OF FINANCIAL INFORMATION, AUTHORIZATION AND RELEASE:~~

~~Any applicant or licensee having applied for or having received a liquor license shall be required to execute an authorization and release for financial information in favor of the authority or its designated agent. Said authorization and release shall allow the authority or its designated agent, without further permission from the applicant or licensee, to inquire of and obtain financial information concerning the applicant or licensee from any source or sources. This section shall be applicable to any applicant or licensee whether he be sole proprietor, partner (whether limited or general), officer of a corporation, or stockholder of any corporation with the exception of any stockholders of any corporation which sells its shares to the public. (Ord. 19, Series of 1985)~~

~~3-2-133-2-12~~ : VIOLATIONS; PENALTY:

Penalties for violations of this chapter shall be as provided for in section [1-4-1](#) of this code and shall be in addition to any special penalty provided for in this chapter or by the laws of the state.

Notwithstanding any other penalty that may be levied, any licensee who violates, or any licensee whose employees violate, any of the terms of this chapter or of title 12, articles 46, 47 and 48 Colorado Revised Statutes, shall be subject to suspension or revocation of his liquor license pursuant to the laws of the state. A liquor licensee may be subject to a fine in lieu of suspension, pursuant to the terms and conditions set forth in Colorado Revised Statutes section 12-47-601. (Ord. 20, Series of 2011)

~~3-2-143-2-13~~ : HEARINGS; AGGRAVATING AND MITIGATING FACTORS:

In all cases where a hearing is held regarding the suspension, revocation or nonrenewal of any license issued, the licensing authority shall consider the following factors in mitigation or aggravation:

(A) Seriousness of the violation(s) (affront to the public);

(B) Corrective action(s) taken (if any);

(C) Prior violations and offenses at the licensed premises and effectiveness of prior corrective action;

- (D) Prior violations and offenses by this licensee or his employees;
- (E) Violation as a repeated course of conduct or as a single event;
- (F) Likelihood of recurrence;
- (G) All circumstances surrounding a violation;
- (H) Willfulness of the violation(s);
- (I) Hardship on this licensee for the sanction imposed;
- (J) Length of time a license has been held by this licensee;
- (K) Previous sanctions imposed against this licensee; and
- (L) Other factors making the situation with respect to the licensee or premises unique. (Ord. 19, Series of 1985)

3-2-153-2-14 : PARTIES IN INTEREST:

At any public hearing held by the authority for the purposes of establishing the needs, desires and requirements of the neighborhood, only a party in interest shall be allowed to present evidence, testify, or cross examine witnesses. As used in this section, "party in interest" means.ⁱⁱⁱ

- (A) The applicant;
- (B) An adult resident of the neighborhood under consideration;
- (C) The owner or manager of a business located in the neighborhood under consideration;
- (D) Any representative of an organized neighborhood group which encompasses part or all of the neighborhood under consideration so long as such representative resides within the neighborhood group's geographic boundaries and is a member of the neighborhood group;
- (E) Any member of the city's staff including, but not limited to, the city manager, the city attorney, or the chief of police; or (Ord. 19, Series of 1985)
- (F) The principal or designee of any school located within five hundred feet (500') of the premises for which the license is under consideration.

Provided however, that this section is not intended to and shall not be construed as a limitation on the power of the authority to cross examine or question witnesses or to take judicial notice of appropriate matters. (Ord. 8, Series of 1990)

3-2-163-2-15 : LICENSE RENEWAL PROCEDURES:

- (A) The city clerk's office shall review and forward any medical marijuana or liquor license renewal application to the city attorney prior to forwarding to the chairperson of the authority. The renewal application shall be accompanied by a police report containing information, if any, as to alleged violations of the Colorado liquor or beer codes or amendment 20 of the Colorado constitution and of this code by the licensee or any of his or her employees. (Ord. 3, Series of 2010)
- (B) The chairperson of the authority, or in his or her absence the vice chairperson, is hereby authorized to grant liquor or beer or medical marijuana center license renewals as provided herein. All applications for renewal shall initially come before the chairperson and may be approved by him or her so long as all applicable fees have been paid, all required procedures have been complied with, and no information regarding alleged violations of the Colorado liquor and beer codes or amendment 20 of the Colorado constitution or violations of this code have been referred to him or her by the police department or otherwise. (Ord. 3, Series of 2010; amd. Ord. 15, Series of 2010)
- (C) In all instances where alleged violations of the Colorado liquor or beer codes or amendment 20 of the Colorado constitution or this code have been referred to the chairperson of the authority, approval of the requested renewal shall not be granted by him or her and the application for renewal shall come before the authority and shall be processed in accordance with the provisions of state law and this code. (Ord. 3, Series of 2010)

3-2-173-2-16 : TEMPORARY PERMITS:

The chairperson of the local licensing authority, or in his or her absence the chairperson pro tem, shall have the discretionary authority to issue a temporary permit to a proposed transferee of a liquor or beer license for those purposes and in accordance with sections 12-46-106.5 and 12-47-106.5, Colorado Revised Statutes. (Ord. 34, Series of 1991)

3-2-183-2-17 : LOCAL LICENSING AUTHORITY PROCESS:

On behalf of the local licensing authority and upon application by the city, the licensee, or any party in interest, the city clerk is hereby authorized to issue subpoenas or subpoenas duces tecum 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. Unless a waiver of personal service is received by the city clerk, all subpoenas shall be served on the person ordered to appear in the same manner as a subpoena issued by the district court. A subpoena shall not be issued for any documents which can be obtained under the state public (open) records act, article 72 of title 24 Colorado Revised Statutes. (Ord. 20, Series of 1994)

3-2-193-2-18 : FAILURE TO APPEAR IN RESPONSE TO PROCESS:

- (A) It shall be unlawful for any person to fail to appear or produce materials in response to any local licensing authority subpoena. The municipal court shall enforce the subpoenas of the authority, and upon good cause shown, shall enter its orders compelling witnesses to attend and testify or produce books, records, or other evidence and shall impose penalties and punishment for

contempt in case of failure to comply with such orders.

(B) Upon failure of any witness to comply with such subpoena, the city attorney may, at the direction of the authority either:

1. Petition any judge of the municipal court, setting forth that due notice has been given of the time and place of attendance of the witness and the service of the subpoena, in which event the court, after hearing evidence in support of or contrary to the petition, may enter an order compelling the witness to attend and testify or produce books, records or other evidence under penalty of punishment for contempt in case of wilful failure to comply with such order of court; or
2. Petition the district court in and for the county~~yies~~ of Arapahoe, ~~or county of~~ Douglas, ~~or Jefferson~~ setting forth that due notice has been given of the time and place of attendance of the witness and service of the subpoena, in which event the court, after hearing evidence in support of or contrary to the petition, may enter an order as in other civil actions, compelling the witness to attend and testify or produce books, records, or other evidence, under penalty of punishment of contempt in case of ~~wilful~~ willful failure to comply with such order of court. (Ord. 32, Series of 1985)

3-2-203-2-19 : DISTANCE FROM SCHOOLS AND COLLEGES:

Notwithstanding any provision of the Colorado Revised Statutes to the contrary:

- (A) No minimum distance from vocational schools and colleges shall be required for application for the issuance of a hotel and restaurant liquor license.
- (B) The minimum distance from any public or parochial school shall be three hundred feet (300') for application for the issuance of any beer and wine license to be located in the CA zone district. (Ord. 2, Series of 2001)
1. Before the public hearing on any application under this section, the school board, governing body, the school principal, headmaster, as the case may be, of each school within five hundred feet (500') of the proposed location shall be notified and requested to give an opinion on the potential impacts of the proposed license on the school. (Ord. 7, Series of 2001)
 2. The authority shall make a specific finding as to the impact of granting the license on said school and may deny the license where the impact on the school is not compatible with the reasonable requirements of the neighborhood or the desires of the adult inhabitants thereof. (Ord. 2, Series of 2001)

3-2-213-2-20 : HOTEL AND RESTAURANT MANAGER, TRANSFER OF OWNERSHIP AND CHANGE OF CORPORATE STRUCTURE APPLICATIONS:

- (A) The city clerk's office shall review and forward any hotel and restaurant manager, transfer of ownership, or change of corporate structure applications to the chairperson of the authority. The applications shall be accompanied by a police report containing information, if any, as to the character, criminal record and reputation of the applicant.
- (B) The chairperson of the authority, or in his or her absence the vice chairperson, is hereby authorized to grant or deny such applications as provided herein. All applications shall initially

come before the chairperson and may be approved by him or her so long as all required documents have been submitted, all required procedures have been complied with, and no information regarding negative aspects of the applicant's character, record or reputation, or any other failure of conformance with Colorado Revised Statutes section 12-47-111, have been reported to him or her by the police department or otherwise.

- (C) In all instances where an apparent failure to conform with the requirements of Colorado Revised Statutes section 12-47-111 have been reported to the chairperson of the authority, approval of the requested manager's license shall not be granted by him or her and the application shall come before the authority and shall be processed in accordance with the provisions of state law and this code. (Ord. 8, Series of 1990)

3-2-223-2-21 : OPTIONAL PREMISES LICENSES:

- (A) An annually renewable optional premises license for the sale or service of alcoholic beverages may be issued by the authority for any outdoor sports and recreational facility which charges a fee for the use of such facility so long as such facility is located on or adjacent to a hotel and restaurant license. Any optional premises license issued shall permit the licensee to sell or serve alcoholic beverages only on the optional premises specified in the license.
- (B) It shall be unlawful for any person to sell or dispense alcoholic beverages at an outdoor sports and recreational facility without having first obtained a valid optional premises license to do so as provided by this section, or in violation of any provision, restriction or limitation of the license if one has been issued.
- (C) Nothing contained herein shall preclude the authority, in its discretion, from imposing conditions, restrictions or limitations on any optional premises license in order to serve the public health, safety and welfare. Any such conditions may be imposed when the license is initially issued or should any specific event or use of the optional premises so warrant.
- (D) Application for an optional premises license shall be made to the city clerk by an applicant for hotel and restaurant license or a hotel and restaurant licensee, upon forms to be furnished by the city clerk for that purpose, which forms shall contain the following information in addition to information required by the state licensing authority:
1. A detailed sketch of the outdoor sports and recreational facility indicating the locations desired to be optional premises;
 2. The proposed locations of the permanent, temporary, or movable structures or vehicles which are proposed to be used for the sale or service of alcoholic beverages; and
 3. Such other information as reasonably may be required to satisfy the authority that control the optional premises will be assured, and that the health, safety and welfare of the neighborhood and outdoor sports and recreational facility users will not be adversely affected should the license issue.
- (E) If the applicant does not own the proposed optional premises, he shall submit ~~to the~~ director as part of the application process a written statement by the owner of the premises approving the application sought.

- (F) The applicant shall provide the city clerk evidence that the state licensing authority has approved the location proposed to be optional premises, as required by the Colorado liquor code.
- (G) It shall be unlawful for any alcoholic beverages to be served on a licensed optional premises without the licensee having first provided written notice to the city clerk and the state licensing authority no less than forty eight (48) hours prior to such service of alcoholic beverages. Such notice shall contain specific days and hours on which the optional premises are to be used for the sale or service of alcoholic beverages. Nothing contained herein shall preclude written notice, submitted forty eight (48) hours in advance, from specifying that an optional premises may be utilized for a continuous or extended period of time. However, should any special or unusual event be anticipated to occur during any extended period of time, no less than forty eight (48) hours' written notice should be given to the city's chief of police, or his designee, who shall have the authority, on behalf of the local licensing authority, to impose any conditions reasonably related towards serving the public health, safety and welfare.
- (H) In addition to or in lieu of any enforcement actions which the authority takes against the adjacent hotel and restaurant license for violations of this code or the Colorado liquor code and regulations adopted pursuant thereto, the authority may decline to renew the optional premises license for good cause shown, subject to judicial review. In addition, the authority may suspend or revoke the optional premises license in accordance with the procedures specified in Colorado liquor code regulation 47-110.1, or as same may be amended from time to time, and upon consideration of the criteria specified in section [3-2-14](#) of this chapter. (Ord. 18, Series of 1988)

3-2-233-2-22 : SPECIAL EVENT PERMIT APPLICATION PROCEDURES:

- (A) The city clerk's office shall review and forward special event permit applications to the city manager.
- (B) Except as qualified in subsection (C) of this section, the city manager is hereby authorized to act as the local liquor licensing authority as regards to special event permits subject to and in accordance with the provisions of article 48 of title 12, Colorado Revised Statutes. (Ord. 37, Series of 1988)
- (C) Whenever the city manager, in his or her discretion, feels that a hearing is warranted on the issue of whether or not a special event permit should issue, or whenever any protest is filed concerning a special event permit request pursuant to article 48 of title 12, Colorado Revised Statutes, then, and in such instances, the matter shall be scheduled for a public hearing to be held by the authority. (Ord. 8, Series of 1990)

3-2-243-2-23 : POSTING OF SIGNS SPECIFYING GROUNDS FOR LICENSE SUSPENSION:

In addition to the signage requirements of state law, any licensee whose license has been suspended shall also post one sign on the exterior of the licensed premises and another in the interior, as close to the other required signs as possible and in conspicuous locations, in the following form:

GROUNDS FOR SUSPENSION

THE LICENSE HELD BY THIS LICENSEE HAS BEEN SUSPENDED FOR A VIOLATION OF SECTION [Set forth Section or Regulation Number violated.] WHICH PROHIBITS [Briefly identify the violation or violations which were the basis for the suspension imposed].

The signs shall be provided by the city clerk, shall measure fourteen inches (14") in height and twenty four inches (24") in width, shall contain lettering one inch (1") in height, and shall specify the grounds upon which the license was suspended. (Ord. 3, Series of 2010)

3-2-253-2-24 : ALCOHOLIC BEVERAGE TASTINGS:

- (A) Pursuant to Colorado Revised Statutes section 12-47-301(10), retail liquor store or liquor licensed drugstore licensees may be permitted to conduct tastings subject to the provisions of the Colorado liquor code and this section.
- (B) A tastings permit may be issued by the authority upon application by a retail liquor store or liquor licensed drugstore licensee. The application fee for a tastings permit shall be one hundred twenty five dollars (\$125.00). Any tastings permit issued shall expire on the same date as the retail liquor store or liquor licensed drugstore license issued by the city. The renewal fee for a tastings permit shall be fifty dollars (\$50.00).
- (C) Tastings permits may be suspended or revoked by the authority for any violations of this code or the Colorado liquor code. (Ord. 12, Series of 2007)
- (D) The holder of any tastings permit shall notify the city clerk in writing each month of any tastings events held in that month and the total number of tastings events held during the licensing period. (Ord. 13, Series of 2007)

3-2-263-2-25 : ART GALLERY PERMIT:

- (A) Pursuant to Colorado Revised Statutes section 12-47-422, an art gallery permit may be issued subject to the provisions of the Colorado liquor code and this section.
- (B) In addition to any state fees, accompanying an application for a liquor or fermented beverage license or amendment or renewal thereto shall be a local fee to cover expenses of processing said application and issuing the requested license in such amounts as are set by state statute and regulation, and the city will amend its fees by resolution to follow state statutes.
- (C) An art gallery permit may be issued by the city manager upon application by an art gallery licensee.
- (D) Upon initial application, and for each renewal, the applicant shall list each day that alcoholic beverages will be served, which days shall not be changed without a minimum of fifteen (15) days' written notice to the city clerk.
- (E) Whenever the city manager, in his or her discretion, feels that a hearing is warranted on the issue of whether or not an art gallery permit should issue, or whenever any protest is filed concerning an art gallery permit request pursuant to article 48 of title 12, Colorado Revised Statutes, then, and in such instances, the matter shall be scheduled for a public hearing to be held by the authority. (Ord. 36, Series of 2009)

ⁱ Day – suggests review of each subsection of 32-11 to correlate to actual practices/policies/procedures of the City of Littleton

ⁱⁱ LeVier - This section does well to lay out the conduct in establishments. The trouble comes in (A)(7) which states "No licensee shall permit the showing of film, still pictures, electronic reproduction, or other visual reproductions, depicting any act or live performance prohibited by this section." We now have a licensed movie theater in Littleton and if they have an R-rated movie like 50 Shades of Grey, I think we could argue that they're in violation of this section. Repealing outright might have the undesirable effect of allowing inappropriate content in restaurants or the opening of a theater dedicated to x-rated content. I don't think Council would go for that suggestion. So, my suggestion here is a carefully crafted exception with three points to be met: 1) for a licensee who's regular business model is the sale of admission tickets for film, and 2) the films presented be rated by the MPAA. 3) If the films are "Not Rated", a good-faith assumption that if they were rated, the rating would not exceed the 'R' classification.

ⁱⁱⁱ LeVier - Parties in Interest. This section allows a party in interest to present evidence, testify, or cross examine witnesses. Party of interest in this section is defined to include (A) Applicant (B) an adult resident of the neighborhood (C) owner or manager of a business in the neighborhood (D) Representative of a neighborhood group (E) City staff (F) Principal or School Designee within 500 feet.

My issue here is that "Cross examine witnesses" infers a lot more involvement and interaction than presenting evidence or testifying. It might be as simple as asking a question for clarity, but in a special circumstance, could be much more involved such as having a back and forth, devising additional questions based on responses to previous questions, etc. This section does appear to be limited to a public hearing "for the purposes of establishing the needs, desires, and requirements of the neighborhood" and not for a violation or other order of business.

For this section, I have no suggested changes, but if it does not change, I think we should modify our procedures to call for parties of interest and treat them in a different manner than general public comments from outside of the neighborhood or even city.

Miscellaneous suggestions:

1. Should TIPS, or similar training, be required of licensees and their employees? If so, how soon after becoming licensed and/or employed? How often, if ever, should training be repeated?