Title: Administrative Policy Beer, Liquor, and Dance Hall Licenses	**Policy No.** Part 3, Regulations Chapter 3, Business Regulations Section 3
	Effective Date September 20, 2011
Policy Custodian County Attorney	**Adoption/Revision Date** September 20, 2011

Adopting Resolution(s): CC11-349

References (Statutes /Resos/Policies): 12-46-101, et seq., C.R.S.; 12-47-101, et seq., C.R.S.; 12-48-101, et seq., C.R.S.; 12-18-101, et seq., C.R.S.; CC75-46, CC78-120, CC81-424, CC84-566, CC85-190, CC87-146, CC88-401, CC90-144, CC90-220, CC90-431, CC90-654, CC91-271, CC92-1038, CC94-719, CC94-873, CC97-460, CC97-605, CC00-341, CC06-198, CC07-157, CC07-382, CC09-237; Liquor Licensing Authority Policy

Purpose: To provide for the issuance and regulation of licenses and permits pursuant to the Colorado Beer Code and Colorado Liquor Code, Special Events permits, and Dance Hall licenses as authorized for issuance by local licensing authorities under Colorado Revised Statutes.

Policy: Beer, Liquor, and Dance Hall Licenses

A. Definitions

1. 3.2% Fermented Malt Beverages:3.2% Fermented malt beverages (referred to herein as "3.2% Beer") shall be defined as set forth in 12-46-103, C.R.S.

2. Accessory Use: For the purpose of this regulation, an "accessory use" shall be defined as "a use which is clearly incidental to, and commonly associated with, a permitted use in a zone district or an Official Development Plan."

3. Alcohol Beverages: Alcohol beverages shall be defined as set forth in 12-47-103, C.R.S.

4. Independent Person: For the purpose of this regulation, an "independent person" is one who does not have any financial interest in the applicant, whether by employment or otherwise. An "independent person" is one not related by blood or marriage to the applicant, nor to any partner, director, officer or stockholder, member or manager of an applicant.

B. Licensing Authority

1. 3.2% Beer Licenses

a. The Liquor Licensing Authority, as the statutorily designated local licensing authority, has the sole authority to issue 3.2% Beer Licenses for applicants carrying on business within unincorporated Jefferson County.

b. The Liquor Licensing Authority may issue only the following licenses for 3.2% Beer:

(1) Sales for consumption off the premises of the licensee.

(2) Sales for consumption on the premises of the licensee.

(3) Sales for consumption both on and off the premises of the licensee.

2. Alcohol Beverages Licenses

   a. The Liquor Licensing Authority, as the statutorily designated local licensing authority, has the sole authority to issue Alcohol Beverages Licenses for applicants carrying on business within unincorporated Jefferson County.

   b. The Liquor Licensing Authority may issue only the following licenses:

      (1) Retail liquor store license

      (2) Liquor - licensed drug store license

      (3) Beer and wine license

      (4) Hotel and restaurant license

      (5) Club license

      (6) Tavern license

      (7) Arts license

      (8) Optional premises license

      (9) Brew pub license

      (10) Racetrack license

      (11) Vintner's restaurant license.

   c. The Liquor Licensing Authority may issue the following permits:

      (1) Bed and breakfast permit

      (2) Tasting Permit: The Liquor Licensing Authority is authorized to issue permits for alcohol beverage tastings, as defined by the Colorado Liquor Code, to retail liquor store licensees or liquor-licensed drugstore licensees, subject to the provisions of the Colorado Liquor Code and this Policy.

      (3) Art Gallery Permit: The Liquor Licensing Authority is authorized to issue art gallery permits, as defined by the Colorado Liquor Code, subject to provisions of the Colorado Liquor Code and this Policy.

C. County Fees

	3.2% Beer Licenses	Alcohol Beverage Licenses	Special Events	Dance Hall
Annual License Fees				
Sale for consumption on premises	$7.50			
Sale for consumption off premises	$7.50			
Retail liquor store		$ 37.50		
Drug store		$ 37.50		
Hotel/restaurant or tavern		$ 75.00		
Club		$ 41.25		
Arts		$ 41.25		
Beer and wine		$ 63.75		
Optional premises		$ 75.00		
Bed and breakfast permit		$ 25.00		
Brew pub		$ 75.00		
Racetrack		$ 75.00		
Mini bar permit		$325.00		
Tasting permit		$75.00		
Art gallery permit		$25.00		
Fee for each calendar year				$25
Application Fees				
New license Before August 3, 2007 August 3, 2007 – July 1, 2008 July 2, 2008 – July 1, 2009 July 2, 2009 – July 1, 2010 After July 1, 2010	 $500.00 $625.00 $750.00 $875.00 $1,000.00	 $500.00 $625.00 $750.00 $875.00 $1,000.00		
Transfer of location Before August 3, 2007 August 3, 2007 – July 1, 2008 After July 1, 2008	 $500.00 $650.00 $750.00	 $500.00 $650.00 $750.00		
Transfer of ownership Before August 3, 2007 August 3, 2007 – July 1, 2008 After July 1, 2008	 $500.00 $650.00 $750.00	 $500.00 $650.00 $750.00		
Annual Renewal Before August 3, 2007 August 3, 2007 – July 1, 2008 After July 1, 2008	 $50.00 $75.00 $100.00	 $ 50.00 $75.00 $100.00		
Expired license renewal	$500.00	$500.00		
Temporary permit	$100.00	$100.00		
Change of Corporate/Limited Liability Company Structure	$100.00 per person	$100.00 per person		
Manager Registration		$ 75.00		
Tasting Permit		$25.00 per application		
Art Gallery Permit		$100.00		
Special Event Permit			$ 100.00 per event	

1. Fees shall be nonrefundable, and are in addition to fees collected for the State Department of Revenue.

2. The Fee for a Change of Corporate/Limited Liability Company may be waived if:

   a. The corporation or limited liability company has already undergone a background investigation by, and paid a fee to, the state licensing authority, in which case there is no charge for any person investigated by the state licensing authority; or

   b. The corporation is defined as a regularly chartered branch, lodge, or chapter of a national organization or society that is operated solely for the objects of a patriotic or fraternal purpose, but not for pecuniary gain, in which case a $50.00 per person fee will be charged.

D. Application Requirements for 3.2% Beer Licenses and Alcohol Beverage Licenses

1. Zoning Requirements

   Applicants for 3.2% Beer Licenses or change of location thereof and Alcohol Beverage Licenses or a change of location thereof shall be accepted only if the proposed location for said license is in one of the following zone districts as shown in the following table:

	3.2% Beer Licenses	**Alcohol Beverage Licenses**
Restricted-Commercial (R-C) for package store with consumption off premises only.	X	
Restricted-Commercial (R-C) for retail liquor store for consumption off premises only.		X
Commercial-One (C-1) for consumption off and on premises.	X	X
Commercial-Two (C-2)	X	X
Industrial-One (I-1), only where a restaurant is an accessory use.	X	X
Industrial-Two (I-2), same qualification as in I-1.	X	X
Industrial-Three (I-3), same qualification as in I-1.	X	X
Industrial-Four (I-4), same qualification as in I-1.	X	X
Planned-Development (P-D) when the sale is specifically provided for in the Official Development Plan, when a restaurant is a permitted use, or when the service or sale of 3.2% Beer is an accessory use to a permitted use in the Official Development Plan.	X	X
Corridor District (CD) in the following subdistricts: Small-Scale Retail (CD-RS), Medium-Scale Retail (CD-RM), Mixed Use (CD-MU)	X	X
Established nonconforming use in any zone district, pursuant to the Jefferson County Zoning Resolution.	X	X
All zone districts for public and private golf courses and associated facilities.	X	X
Conservation zone districts, only where a restaurant is an accessory use.	X	X

2. File Requirements. A complete application file for Jefferson County must be submitted and shall include:

All Applicants	**3.2% Beer Licenses**	**Alcohol Beverage Licenses**
A completed State Application form.	X	X
A completed County Application form, if applicable.	X	X
An affidavit stating that the distance of the nearest portion of the licensed building to the nearest property line of any public or parochial school or the principal campus of any college, university or seminary is more than 500 feet.		X
A completed Individual History form, Financial Questionnaire, and any additional documents requested by the Sheriff's Office, for each individual applicant, each partner of a partnership applicant, each corporate officer, director, and stockholder owning 10 percent or more of the corporate applicant, each manager and member of a limited liability company applicant, and each registered manager of the licensed premises, if applicable.	X	X
Check, or certified funds for the appropriate license fee made payable to the Colorado Department of Revenue, and, check, or certified funds for the appropriate application and license fees made payable to Jefferson County.	X	X
Complete plans and specifications for both interior and exterior dimensions of proposed licensed building, including location of all fixed equipment, all places for the storage, sale, and display of alcohol beverages, and all exits, entrances, and parking areas. The premises to be licensed shall be outlined in a contrasting color on the floorplan, and all storage space for alcohol beverages shall be outlined in another color. If the building has not been constructed, or is a new building at the time of application, in addition to the foregoing, a plot plan, detailed sketch of the interior, and architectural plans of the building shall be submitted. The specifications and plans may be reduced copies of the original. The architect's plan must bear an architect's seal or signature.	X	X
An area map showing the location of the proposed outlet outlined in a contrasting color.	X	X
A signed copy of the lease, contract for sale, warranty deed, or other instruments showing ownership or current proof of possession by the applicant of the premises on which the 3.2% Beer or alcohol beverage will be sold. Where the applicant holds the premises under a lease, the lease shall be valid for at least one (1) year after issuance of the license.	X	X
A completed Sheriff's Office clearance form showing the results of its investigation of the applicant.	X	X

If the applicant is a corporation, the following additional documents shall be required:	**3.2% Beer Licenses**	**Alcohol Beverage Licenses**
A copy of the Articles of Incorporation.	X	X
A copy of the Bylaws, or a written statement that no Bylaws exist.	X	X
Copies of minutes showing election of officers and election of directors. These minutes shall be certified by the secretary of the corporation.	X	X
A copy of a Certificate of Good Standing from the Colorado Secretary of State issued within the last two years.	X	X
A copy of minutes showing issuance of stock to stockholders, or copies of stock certificates showing both the front and the back, and a certification by the secretary of the corporation that there are no other stockholders of record, and that no individual, who has not either submitted the Individual History Form, Financial Questionnaire, and any additional documents requested by the Sheriff's Office or been included on a master file of the Colorado Division of Liquor Enforcement, owns a sufficient percentage of any parent organization that would constitute a beneficial ownership of 10 percent or more of the applicant.		X
A copy of minutes showing issuance of stock to stockholders, or copies of stock certificates showing both the front and the back, and a certification by the secretary of the corporation that there are no other stockholders of record.		X
If the applicant is a limited liability company, the following additional documents shall be submitted:	**3.2% Beer Licenses**	**Alcohol Beverage Licenses**
A copy of the Articles of Organization marked "Filed" by the Secretary of State.	X	X
A copy of the current Operating Agreement.	X	X
A Certificate of Good Standing issued by the Colorado Secretary of State within the last two years.	X	X
A copy of minutes showing election of the current managers; for purposes of this regulation, "managers" shall also include "managing members".	X	X
If the applicant is a partnership, other than a husband-wife partnership but including a limited partnership or a limited liability limited partnership:	**3.2% Beer Licenses**	**Alcohol Beverage Licenses**
A signed copy of the Partnership Agreement.	X	X
A certificate of co-partnership.	X	
If the applicant will not be the manager of the proposed beer outlet:	**3.2% Beer Licenses**	**Alcohol Beverage Licenses**
A signed copy of a Management Agreement between the manager and the license holder for the period covered by the license, if such Agreement exists	X	

For Hotel/Restaurant, Tavern, Club, and Arts Licenses, if an individual applicant will not be the manager of the proposed outlet, or if the applicant is a corporation, partnership, association, or limited liability company, the following shall also be required:	3.2% Beer Licenses	Alcohol Beverage Licenses
A copy of the Management Agreement signed by the manager and applicant, if such Agreement exists, or a written statement that no written Management Agreement exists.		X
A completed Manager's Registration Form, and the appropriate fee, payable by check or certified funds.		X
A completed Sheriff's Office clearance form showing the results of its investigation of the applicant.		X

3. Sheriff Investigation Requirements

   a. A person shall be fingerprinted and photographed by the Jefferson County Sheriff's Office if they reside within 100 miles of the Jefferson County Court/Administration Building. If they reside more than 100 miles from the Jefferson County Court/Administration Building, they shall be fingerprinted and photographed by an appropriate law enforcement agency in their current places of residence, and shall submit the same with their application.

	3.2% Beer Licenses	Alcohol Beverage Licenses
Each individual applicant	X	X
Each partner of a partnership applicant	X	X
Each director, each officer, and each stockholder owning 10% or more of a corporate applicant	X	X
Each member and each manager of a limited liability company applicant	X	X

   b. Prior to hearing, the Sheriff's Office shall conduct an investigation of the following people:

	3.2% Beer Licenses	Alcohol Beverage Licenses
Each individual applicant	X	X
Each corporate director, each officer and each stockholder owning 10 percent or more of the capital stock in an applicant	X	X
Each partner of a partnership applicant	X	X
Each member and manager of a limited liability company applicant	X	X
Each registered manager of an applicant		X

   c. This investigation shall include, but is not limited to, a review of any and all criminal records, liquor license records, financial records, character references, or other matters as may be deemed necessary by the Sheriff's Office to complete a full investigation, provided however, that the Sheriff's Office may, at its discretion, rely on information contained in a State Liquor Enforcement Division Master File in conducting its investigation.

d. A completed Sheriff's Office clearance form showing the results of its investigation shall be placed in the application file for review by the Liquor Licensing Authority.

E. Pre-Hearing Procedures for 3.2% Beer Licenses and Alcohol Beverage Licenses

1. County Attorney's Review of Application File

a. The County Attorney's Office shall review the application file to determine compliance with all statutory and other requirements.

b. The County Attorney's Office shall advise the Liquor Licensing Authority on the legal sufficiency of the documents submitted.

2. Neighborhood for Investigation

a. Designation of Neighborhood for Investigation: The Clerk to the Board shall approve the designation of neighborhood based on the recommendation of the liquor investigator. The designated neighborhood shall generally be a one-mile radius around the premises to be licensed unless the density of development in the surrounding area warrants a larger area. The Clerk to the Board shall note the designated neighborhood in the application file.

b. Circulation of Petitions in Designated Neighborhood. The applicant shall retain an independent person to circulate petitions necessary to establish the reasonable requirements of the designated neighborhood and the desires of the adult inhabitants, and shall submit such petitions to the Liquor Licensing Authority at least five days prior to the public hearing on the application. At its discretion, the Liquor Licensing Authority may also circulate petitions and may consider petitions from the designated neighborhood submitted by persons other than the applicant.

3. County Liquor Investigator Report

a. The County Liquor Investigator shall conduct an investigation of alcohol beverage applicants.

b. The results of the investigation shall be made available to the Liquor Licensing Authority and all interested parties in writing a minimum of five (5) days prior to the public hearing date.

4. Schedule the Hearing: Once the application is found to be complete and acceptable, the Clerk to the Board shall set a hearing date not less than 30 days from the date application.

5. Public Notice of Hearing

a. Sign Posting: The applicant shall post public notice of the hearing by means of a sign exhibited continuously for at least 10 days prior to the hearing date.

(1) The sign shall be made of suitable material, not less than 22 inches wide and 26 inches high, composed of letters not less than one inch in height.

(2) The sign shall state the type of license applied for, the date of the application, the hearing date, the name and address of the applicant, and such other information as may be required to give the public full knowledge of the nature of the application. If the applicant is a partnership, the sign shall contain the names and addresses of all partners. If the applicant is a limited liability company, the sign shall contain the names and addresses of all managers and members. If the

applicant is a corporation, association or other organization, the sign shall contain the names and addresses of the president, vice president, secretary and manager or other managing officers.

(3) Placement of Sign: The sign shall be placed in a conspicuous place on the premises for which the application has been made so as to be plainly visible to the general public if the building exists. If the building does not exist, the sign shall be placed along the property's perimeter so as to be conspicuous and plainly visible to the general public.

b. Publication: The Clerk to the Board shall arrange for publication of the public notice of the hearing in a newspaper of general circulation in the County a minimum of 10 days prior to the hearing date.

(1) The publication shall contain the same information as that required for signs, and shall be set in bold-face type.

(2) The entire notice shall not be less than 6 inches long and 1 column wide.

F. Public Hearing for 3.2% Beer Licenses and Alcohol Beverage Licenses

1. Hearings shall not be required for the following requests, provided that the Liquor Licensing Authority may in its discretion hold hearings on any of these matters if it is deemed necessary:

	3.2% Beer Licenses	**Alcohol Beverage Licenses**
Change of trade name	X	X
Change of status of corporation from profit to non-profit and vice versa	X	X
The deletion of one or more corporate directors, officers, managers or members of a limited liability company, partners or individuals	X	X
A change of status by the licensee from individual to partnership, limited liability company, corporation or any combination thereof so long as no new individuals become owners	X	X
Transfer of stock among previously cleared individuals, or issuance of less than 10% of the previously outstanding and issued stock to other persons	X	X
Temporary permits	X	X

2. Decisions of the Liquor Licensing Authority

a. Before making any decision approving or denying the application, the Liquor Licensing Authority shall consider the facts and evidence obtained as a result of its investigation, as well as any other relevant facts, the reasonable requirements of the neighborhood for the type of license applied for, the desire of its adult inhabitants, the number, type and availability of alcohol beverage outlets located in or near the neighborhood under consideration and any other pertinent matters affecting qualifications of the applicant to conduct the type of business proposed. The reasonable requirements of the neighborhood shall not be considered in the issuance of a club alcohol beverage license as defined in the Colorado Liquor Code.

b. Any decision of the Liquor Licensing Authority approving or denying any application shall be in the form of a written resolution stating the reasons therefor within 30 days after the public hearing date. A copy of the resolution shall be sent by certified mail to the applicant at the address shown in the application.

G. License Requirements

1. Issuance of License:
No license shall be issued by the Liquor Licensing Authority after approval of an application until:

a. The State license has been issued.

b. A certificate of occupancy has been issued by the Jefferson County Division of Building Safety, if the licensed premises will be within a new building.

c. If food will be served in the licensed premises, approval by the Jefferson County Department of Health and Environment of the building is obtained.

d. An inspection of the building shall be conducted by the County to determine if the premises comply with the architect's drawings, plans and specifications.

2. Late Renewal Applications

a. A licensee whose license has been expired for not more than ninety days may file a late renewal application upon the payment of a non-refundable late application fee of five hundred dollars ($500) to the county licensing authority, along with any late application fee that may at the time be required by the state licensing authority.

b. A licensee who has paid the requisite fees may continue to operate until both the state and county licensing authorities have taken final action to approve or deny the licensee's late renewal application.

c. The county will not accept a late renewal application more than ninety days after the expiration of a licensee's permanent annual license. Any licensee whose permanent annual license has been expired for more than ninety days must apply for a new license and shall not sell or possess for sale any 3.2% beer or alcohol beverages until all required licenses have been obtained.

3. Hotel and Restaurant, Tavern, Club, or Arts License Manager Registration

a. When a person ceases to be a registered manager under a Hotel and Restaurant, Tavern, Club, or Arts License, for whatever reason, the Hotel and Restaurant, Tavern, Club, or Arts Licensee shall notify the County and the State licensing authorities within five days and shall designate a new registered manager within thirty days.

b. Upon receipt of a completed Manager's Registration Form, Individual History Form, Fingerprint form, and any other documents required by the Sheriff’s Office for its investigation, said forms shall be referred to the Sheriff's Office by the Clerk to the Board for an investigation by the Sheriff's Office in the manner set forth in the Sheriff Investigation Section of this Policy.

c. The Liquor Licensing Authority hereby authorizes the Clerk to the Board, or the Clerk's designee, to accept the registration for a new manager for a Hotel and Restaurant, Tavern, Club, or Arts licensee and to sign the report and approval of the manager's registration on behalf of the Liquor Licensing Authority if the Sheriff's

Office has done an investigation of the new manager's character, reputation or record, and a Sheriff's Office representative has signed a Sheriff's Clearance Form indicating the Sheriff's Office recommends or has no objection to the manager's registration.

d. If the Sheriff's Office objects to the registration of the manager based on issues concerning the manager's character, record, or reputation, the Clerk to the Board shall set the matter for hearing before the Liquor Licensing Authority.

e. If a hearing is set before the Liquor Licensing Authority to consider whether to accept a person as a new registered manager, the Liquor Licensing Authority shall apply the criteria set forth in Section 12-47-411, C.R.S.

4. Surrender and Cancellation of License

a. A licensee may surrender the license by delivering the license certificate and/or an affidavit of surrender of the license to the Clerk to the Board.

b. A surrendered license shall be considered to be canceled upon receipt of the license certificate and/or affidavit of surrender of the license by the Clerk to the Board.

H. Violations

1. Suspension/Revocation

a. An allegation that a Licensee has violated any law, rule, or regulation of the State, or of the State or Local Licensing Authorities, shall be brought to the attention of the Clerk to the Board and the Assistant County Attorney acting as the Prosecution Attorney for Show Cause hearings.

b. If the Jefferson County Sheriff's Office investigates such allegation, and if in its report to the Liquor Licensing Authority there appears to be probable cause to believe that a Licensee has violated any such law, rule or regulation, and if the Assistant County Attorney acting as the Prosecution Attorney for Show Cause hearings recommends issuance of a Show Cause Order, then the Liquor Licensing Authority hereby authorizes any member of the Liquor Licensing Authority to find probable cause exists and, after finding probable cause does exist, to sign and issue the Order to Show Cause.

2. Fines In Lieu of Suspension. Pursuant to §12-47-601, C.R.S., the Liquor Licensing Authority is empowered to impose fines in lieu of suspension of a license to sell 3.2% Beer or Alcohol Beverages as provided herein.

a. Petition: Whenever a decision of the Liquor Licensing Authority suspending a license for fourteen (14) days or less becomes final, whether by failure of the licensee to appeal the decision or by exhaustion of all appeals and judicial review, the licensee may, before the operative date of suspension, petition for permission to pay a fine in lieu of having his license suspended for all or part of the suspension period. Upon receipt of the petition, the Liquor Licensing Authority may, in its sole discretion, stay the proposed suspension and cause any investigation to be made which it deems desirable and may, in its sole discretion, grant the petition if it makes the following findings:

(1) That the public welfare and morals would not be impaired by permitting the licensee to operate during the period set forth for suspension and that payment of a fine will achieve the desired disciplinary purposes;

(2) That the books and records of the licensee are kept in such a manner that the loss of sales of 3.2% Beer or Alcohol Beverages which the licensee would have suffered had the suspension gone into effect can be determined with reasonable accuracy therefrom; and

(3) That the licensee has not had a license suspended or revoked, nor had any suspension stayed by payment of a fine, during the two years immediately preceding the date of the motion or complaint which has resulted in a final decision to suspend the license.

b. Payment of Fines in Lieu:

(1) The fine accepted shall be equivalent to twenty percent (20%) of the licensee's estimated gross revenues from sales of 3.2% Beer or Alcohol Beverages during the period of the proposed suspension; except that the fine shall not be less than two hundred dollars ($200.00) nor more than five thousand dollars ($5000.00).

(2) Payment of any fine shall be in the form of cash or certified check or cashiers check made payable to Jefferson County.

c. Stay of Suspension: Upon payment of the fine the Liquor Licensing Authority shall enter its further order permanently staying the imposition of the suspension. If the fine is paid, the Liquor Licensing Authority shall cause such monies to be paid into the general fund of Jefferson County.

(1) In connection with any petition for fine in lieu of suspension submitted, the Liquor Licensing Authority shall limit any stay granted to the extent necessary for it to complete its investigation and make its findings. If the Liquor Licensing Authority makes the above required findings, it may grant an order permanently staying the imposition of the entire suspension or that portion of the suspension not otherwise conditionally stayed.

(2) If the Liquor Licensing Authority does not make the findings required and does not order the suspension permanently stayed, the suspension shall go into effect on the operative date finally set by the Liquor Licensing Authority.

I. Tasting Permits

1. The Liquor Licensing Authority is authorized to issue permits for alcohol beverage tastings, as defined by the Colorado Liquor Code, to retail liquor store licensees or liquor-licensed drugstore licensees, subject to the provisions of the Colorado Liquor Code and this Policy.

2. Permits

a. A person may only conduct a tasting, as defined in the Colorado Liquor Code, after first obtaining a valid Tasting Permit from the Liquor Licensing Authority following a public hearing.

b. No application for a tasting permit shall be approved by the Liquor Licensing Authority if the licensee’s license has been suspended or revoked, or had any suspension held in abeyance or stayed by payment of a fine in lieu, during one year immediately preceding the date of the application. If an application has been granted and the licensee’s license is subsequently suspended or revoked, or has any suspension held in abeyance or stayed by payment of a fine in lieu, the application and any scheduled tasting dates shall be cancelled until such time as the Liquor Licensing Authority approves a new application.

c. After a permit is issued, any additions or changes to a schedule submitted with an application must be submitted in writing to the Clerk to the Board no later than ten (10) days prior to the first day when an added or changed tasting will be conducted.

3. Permit Renewal: The Clerk to the Board is authorized to issue a renewal of the annual permit, without scheduling a public hearing before the Liquor Licensing Authority, upon receipt of payment of the annual permit fee, provided the licensee has not had its license suspended or revoked, or had any suspension held in abeyance or stayed by payment of a fine in lieu of suspension, during the one year immediately preceding the date of expiration.

4. Conduct of Tastings: Tastings shall be conducted only as follows:

   a. By a person who has completed a server training program that meets standards established by the Liquor Enforcement Division of the Colorado Department of Revenue.

   b. By a person who is a retail liquor store licensee, a liquor-licensed drugstore licensee, or an employee of a retail liquor store licensee or liquor-licensed drugstore licensee.

   c. On a retail liquor store licensee's or liquor-licensed drugstore licensee's licensed premises.

5. Alcohol Used: Alcohol served in tastings shall comply with the following:

   a. All alcohol used must be purchased through a licensed wholesaler, a licensed brew pub, or a winery licensed under 12-47-403, C.R.S.

   b. All alcohol used must be purchased at a cost that is not less than the laid-in cost of such alcohol.

   c. The size of samples of malt or vinous liquors shall not exceed one (1) ounce.

   d. The size of samples of spirituous liquors shall not exceed one-half (1/2) ounce.

6. Time of Tastings: A licensee shall only conduct tastings as follows:

   a. The total time during which tastings shall be conducted may not exceed five (5) hours per day, although the hours do not need to be consecutive during the day.

   b. Tastings shall only be conducted during operating hours in which the licensee is permitted to sell alcohol beverages, but in no case earlier than 11 a.m. or later than 7 p.m.

   c. Tastings shall be conducted during no more than four of the six days in any week, Monday through the following Saturday, during which the licensee is licensed to sell alcohol beverages,

   d. The total number of days during which a licensee may conduct tastings during a year shall not exceed one hundred four (104).

7. Licensee Responsibilities: In conducting a tasting, the licensee shall do the following:

    a. Prohibit any patron from leaving the licensed premises with an unconsumed sample;

    b. Promptly remove all open and unconsumed alcohol beverage samples from the licensed premises, or destroy the samples immediately following the completion of the tasting;

    c. Not serve a person who is under twenty-one (21) years of age or who is visibly intoxicated;

    d. Not serve more than four (4) individual samples to a patron during a tasting;

    e. Serve alcohol beverage samples in open containers, which shall be provided to each patron free of charge;

    f. Bear the financial and all other responsibilities for a tasting;

    g. Provide and use a measuring device to accurately control the amount of individual alcohol beverage samples.

    h. No manufacturer of spirituous or vinous liquors shall induce a licensee through free goods or in-kind assistance to favor the manufacturer's products being sampled at a tasting.

8. Application

    a. Application for a tastings permit shall be made to the Clerk to the Board on behalf of the Liquor Licensing Authority by a retail liquor store licensee or a liquor-licensed drugstore licensee upon forms provided by the Liquor Licensing Authority. The completed application must be submitted at least fifteen (15) days prior to the date of a regularly-scheduled hearing of the Liquor Licensing Authority held before the date of the first tasting included in the schedule under the permit.

    b. An applicant must establish the following:

        (1) That the applicant is able to conduct tastings without violating the provisions of the Colorado Liquor Code and County regulations;

        (2) That the applicant is able to conduct tastings without creating a public safety risk to the neighborhood.

    c. Application Submittal Requirements:

        (1) A completed County application form.

        (2) A schedule of dates and times when the tastings will be held.

        (3) A certificate of training completion, from a program that meets standards established by the Liquor Enforcement Division of the Colorado Department of Revenue, for each person who will be conducting tastings.

        (4) Such other information as reasonably may be required to satisfy the Liquor Licensing Authority that tastings will be conducted without violations of the Colorado Liquor Code or County regulations and without creating a public safety risk to the neighborhood.

(5) Additional information as required by the State Licensing Authority.

d. Following review of the application file by the County Attorney's office to determine compliance with all statutory and other requirements, there shall be public notice of the application and of the procedure for protesting issuance of the permit conspicuously posted at the proposed location for at least ten (10) days before approval of the permit by the Liquor Licensing Authority.

e. The Liquor Licensing Authority authorizes the Clerk to the Board to issue Tastings Permits in its name if no objections to the application have been received pursuant to the terms of the public notice. The Liquor Licensing Authority shall decide whether to grant the application for a Tastings Permit if any objections to the application are received or if the Liquor Licensing Authority deems it necessary.

J. Optional Premises Licenses

The following specific standards will apply to the issuance of optional premises licenses and optional premises for hotel and restaurant licenses.

1. Optional premises licenses, or optional premises for a hotel and restaurant license, may be approved for the following outdoor sports and recreation facilities: golf courses, country clubs, aquatic facilities, equestrian facilities, and automobile race tracks.

   a. No such facility shall have more than four (4) optional premises.

   b. There shall be no restriction on the size of any such facility.

2. Issuance of an optional premises license or optional premises for a hotel and restaurant license shall be at the discretion of the Liquor Licensing Authority. The Liquor Licensing Authority shall have the right to deny any request for such a license, or to place on the license any conditions, restrictions or requirements which, in its discretion, it deems appropriate.

3. No alcohol beverages may be served on the optional premises until the licensee has provided written notice to the State and the County in accordance with C.R.S. 12-47-310(3).

4. Application Requirements: Each applicant shall submit

   a. A map or detailed diagram of the outdoor sports and recreation facility indicating:

      (1) The location and boundaries of the facility

      (2) The location of all proposed optional premises

      (3) The seating, if any

      (4) Restroom facilities, if any

      (5) Restrictions, if any, to access to the optional premises

      (6) Location of secured area or areas for use in storing malt, vinous and spirituous alcohol beverages for future use on the optional premises.

   b. A written statement setting forth what will be done to secure the optional premises and storage area or areas and the reason why the Liquor Licensing Authority should grant the license.

c. Such other information as reasonably may be required to satisfy the Liquor Licensing Authority that control of the optional premises will be assured, and that the health, safety and welfare of the neighborhood and outdoor sports and recreation facility users will not be adversely affected should the license be issued.

K. Temporary Permit

1. Permit

a. The Liquor Licensing Authority hereby authorizes the issuance of a temporary permit to a transferee of a retail class of license issued by the County. A temporary permit shall authorize a transferee to continue selling 3.2% Beer or Alcohol Beverage during the period in which an application to transfer the ownership of the license is pending.

b. The transferee shall conduct business and sell 3.2% Beer or Alcohol Beverages in accordance with the license of the transferor subject to compliance with all of the following conditions:

(1) The premises were previously licensed by the State and the County, and such license was valid at the time the application for transfer of ownership was filed with the County.
(2) The applicant has filed an application for transfer of the 3.2% Beer License or Alcohol Beverage License with the County.

c. If the above requirements have been met, a temporary permit shall be issued by the Clerk to the Board within five working days after receipt of the complete application. A temporary permit issued pursuant to this section shall be valid until such time as the application to transfer ownership of the license to the applicant is granted or denied or for one hundred twenty days, whichever occurs first.

d. A temporary permit shall also be authorized, as set forth above, in the event of a transfer of possession of licensed premises by operation of law, a petition in bankruptcy pursuant to Federal Bankruptcy Law, the appointment of a receiver, a foreclosure action by a secured party, or a court order dispossessing the prior licensee of all rights of possession pursuant to Article 40 of Title 13, C.R.S. following a hearing where the Liquor Licensing Authority finds that one or more of the aforementioned events applies.

The existing licensee shall be given written notice of the hearing by the Clerk to the Board at least five days prior to the hearing, addressed to the licensee's last known business and residential addresses, and to the licensee's registered agent listed by the Colorado Secretary of State, if applicable.

e. A temporary permit may be canceled, revoked, or summarily suspended if the Liquor Licensing Authority or the State licensing authority determines that there is probable cause to believe that the transferee has violated any provision of the applicable Beer Code or Liquor Code, or has violated any rule or regulation adopted by the County or State, or has failed to truthfully complete or disclose matters required on the application forms.

2. Application
The application for a temporary permit shall be filed no later than thirty days after the filing of the application for transfer of ownership and shall be accompanied by a temporary permit fee.

3. Submittal Requirements: A Temporary Permit application shall include, but not be limited to, the following information:

    a. The name and address of the applicant; if the applicant is a partnership, the names and addresses of all the partners; if the applicant is a limited liability company, the names and addresses of all the managers and members; and, if the applicant is a corporation, association, or other organization, the names and addresses of the directors, officers, and stockholders owning 10 percent or more of the applicant.

    b. The applicant's financial interest in the proposed transfer, including the financial interests of all directors, officers, stockholders owning 10 percent or more of the applicant, managers, members, or partners, both in the transfer, and in the applicant.

    c. The premises for which the temporary permit is sought.

    d. Such other information as may be requested by the Jefferson County Sheriff's Office in the course of its investigations.

4. Permit Extensions

    a. The Liquor Licensing Authority hereby authorizes the Clerk to the Board to issue an extension of the temporary permit for an additional period not to exceed sixty (60) days, or to set the matter on the Liquor Licensing Authority’s agenda at its next regularly scheduled hearing date, for the Liquor Licensing Authority, in its discretion, to approve or deny the request for extension, if all of the following conditions are met:

        (1) The application to transfer the license has not been, and will not be, granted during the one hundred twenty-day period,

        (2) The Applicant makes a written request for an extension prior to the expiration date, and

        (3) The Applicant demonstrates good cause.

    b. The Clerk to the Board or the Liquor Licensing Authority, in the Clerk's or the Liquor Licensing Authority’s discretion, may determine that there is good cause to issue an extension if:

        (1) The hearing on the application has been scheduled within sixty (60) days from the date the temporary permit expires; or

        (2) The application is complete and ready to be scheduled for hearing except that additional information has been requested by the Sheriff's Office, the County Attorney's Office, or the Clerk to the Board, and the Applicant is diligently attempting to obtain and submit the requested information. Failure to submit documents requested within thirty (30) days of the request, or failure to advise the Clerk to the Board of the reason for delay, which is beyond the control of the Applicant, and of the expected date of submittal of the documents, may be deemed a failure to diligently obtain and submit requested information.

    c. Notwithstanding the preceding provisions, the Clerk to the Board or the Liquor Licensing Authority may refuse to issue an extension of the temporary permit and find that no good cause exists if there is probable cause to believe that the transferee has violated any provision of the applicable Beer Code or Liquor Code, or has violated any rule or regulation adopted by the County or State, or has failed to truthfully complete or disclose matters required on the application forms.

d. The Applicant may appeal a denial by the Clerk to the Board of an extension of the temporary permit to the Liquor Licensing Authority. Such appeal shall be heard by the Liquor Licensing Authority at its next regularly scheduled liquor hearing. The Liquor Licensing Authority may, in its discretion, grant or deny the extension of the temporary permit for a period not to exceed sixty (60) days.

L. Special Event Permits

1. The Liquor Licensing Authority is authorized to issue Special Event Permits for the sale, by the drink only, of malt beverages or of malt, spirituous, or vinous liquors pursuant to 12-48-101 et seq., C.R.S.

2. Jefferson County has elected, in compliance with 12-48-107(5), C.R.S., that its Liquor Licensing Authority not be required to notify the State Licensing Authority in order to obtain approval of an application for a Special Event Permit, but that it just will report the following information to the Colorado Liquor Enforcement Division within ten days after the issuance of the Special Event Permit by the local Liquor Licensing Authority:

   a. The name of the organization to which the permit was issued;

   b. The address of the permitted location; and

   c. The permitted dates of beverage service."

3. In addition to all requirements of the state licensing authority and of Jefferson County, the applicant for the Special Event Permit shall comply with any requirements of the County Division of Planning and Zoning.

4. Following review of the application file by the County Attorney's office to determine compliance with all statutory and other requirements, there shall be public notice of the application pursuant to 12-48-106(2), C.R.S.

5. The Liquor Licensing Authority authorizes the Clerk to the Board to issue Special Event Permits in its name if no objections to the application have been received pursuant to the terms of the public notice. The Liquor Licensing Authority shall decide whether to grant the application for a Special Event Permit if any objections to the application are received or if the Liquor Licensing Authority deems it necessary.

M. Modifications of Premises.

1. Following receipt of an application for modification of liquor-licensed premises and review of the file therefor by the County Attorney's office to determine compliance with all statutory, regulatory, and other requirements, there shall be public notice of the application and of the procedure for protesting its approval conspicuously posted at the proposed location for at least ten (10) days before approval of the application by the Liquor Licensing Authority.

2. The Liquor Licensing Authority authorizes the Clerk to the Board to approve, in its name, applications for Modification of Premises under the Colorado Liquor or Beer Codes and the Regulations promulgated thereunder, if no objections to the application have been received pursuant to the terms of the public notice. The Liquor Licensing Authority shall decide whether to grant the application for a Modification of Premises if any objections to the application are received or if the Liquor Licensing Authority deems it necessary.