

How to Obtain a Special Events Liquor Permit In the City of Gunnison, Colorado



What is a Special Event Liquor Permit?

Special Event Liquor Permits issued by the City of Gunnison Local Licensing Authority (LLA), allow qualified non-profit entities or political candidates, to sell, serve, or distribute alcohol beverages in connection with fund raising events. **To obtain a Special Event Liquor Permit, you MUST be a non-profit organization or political candidate.** Because of their temporary nature, needs and desires (reasonable requirements of the neighborhood) are not considered by the LLA as a condition of issuance. Application for a Special Event Liquor Permit is made directly with the City of Gunnison having jurisdiction over the place of the event.

Who can qualify for a Permit?

A Special Event Liquor Permit may be issued to an organization, whether or not presently licensed under Colorado Revised Statutes Articles 3 and/or 44 of Title 44:

- Which has been incorporated under the laws of Colorado for purposes of social, fraternal, patriotic, political, or athletic nature, and not for pecuniary gain, OR
- Which is a regularly chartered branch, lodge, or chapter of a national organization or society organized for such purposes and being nonprofit in nature, OR
- Which is a regularly established religious or philanthropic institution, 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.

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

Fifteen (15) days per calendar year.

Grounds for Issuance of a Special Event Liquor Permit (44-5-103, C.R.S.)

A Special Event Liquor Permit may be issued to an organization or political candidate that is temporarily occupying premises other than the regular premises of such organization or candidate during such special events as civic celebrations or county fairs and that members of the general public will be served during such special events. This applies to organizations such as the Elks or VFW that have licensed premises for serving alcohol to their members. If they hold an event where the general public is invited onto their licensed premises, then they are required to obtain a Special Event Liquor Permit.

A Special Event Liquor Permit for the sale of malt, vinous, and spirituous liquors may not be issued if the proposed licenses location is within 500 feet of any public or parochial school or the principal campus of any college, university or seminary. However, **this restriction does not apply to events that are held during those hours in which no school classes are scheduled.** (See State Regulation 47-1006).

Nothing shall be construed to prohibit the sale or dispensing of malt, vinous, or spirituous liquor on any **CLOSED** street, highway or public byway for which a Special Event Liquor Permit has been issued. (See Section 44-5-103(2), C.R.S.)

In addition to the City Special Event Liquor Permit, a *City of Gunnison event/parade permit* must be obtained to close a street, highway, public byway or park for any event held within the City limits. This event application can be obtained through the City Clerk's Department or Parks & Recreation Department.

The Application Process:

All permit applications must be verified by oath or affirmation through an officer of the applicant, and submitted to the City of Gunnison City Clerk **at least 30 days** prior to the date of the event and **MUST** include the following:

- **Proof of qualified non-profit status:** Certificate of non-profit status and authority to do business in Colorado, as issued by the Colorado Secretary of State, go to: <https://www.sos.state.co.us/biz/BusinessEntityCriteria.do> to obtain a certificate of good standing) OR
Copy of the organization's charter
- A **diagram of the area for which the permit will be issued** This 8-1/2" x 11" page diagram, with dimensions (but doesn't have to be to scale) must reflect the physical structure, i.e. bars, walls, entrances, exits, etc., and a narrative of how this area will be controlled, i.e. fences, ropes, walls, etc. Applicants must be able to demonstrate that ALL alcohol beverages will remain within the proposed licensed area and that all other "private" alcohol beverages will NOT be brought onto the licensed/permitted area.
- **Evidence that the applicant has possession of or the authorization to use the premises for which the permit is sought.** This can be a deed, lease, signed rental form, letter of permission, from the owner, etc. The applicant must have possession or written authorization to use the premises for the entire duration for which the permit is issued. If you rent the Fred Field Western Heritage Center, a letter of permission must be obtained from Gunnison County and submitted with your application paperwork. If a City park is rented for the event, a letter of permission from the Parks & Recreation Department must be submitted with the application.
- A **check for the permit fee:** \$50.00 per day, made payable to the City of Gunnison.

Filing of the Application

The application and required attachments, as noted above, ***must be filed not less than 30 days prior to the date of the special event.*** Please file the application at The City Clerk's office, which is located in City Hall, 201 West Virginia Avenue in Gunnison, Colorado. The City Clerk **MAY** waive this time frame for good cause shown. (Regulation 47-1018). Late fees may apply to applications made less than 30 days prior to the date of the special event. Due to the premises posting requirements, applications **CANNOT AND WILL NOT BE ACCEPTED if filed less than 12 business days prior to the event. NO EXCEPTIONS!!**

Can the Functions of a Local Licensing Authority (LLA) Concerning Special Events be Assigned to an Administrative Officer Representing That Authority?

Yes, the LLA may assign all or any portion of its functions to an administrative officer. (See 44-5-107(4), C.R.S.) The Gunnison City Council assigned the City Clerk to administer the processing and approval of Special Event Liquor Permits via Resolution No. 3, Series 1999.

After the Application is Filed, What Happens Next?

The City Clerk will prepare a public notice suitable for posting. This notice must be conspicuously posted upon the premises for which the permit is sought. This notice must contain the name and address of the application, the procedure for protesting the permit, and the date the permit will be considered by the City/LLA. This notice must be conspicuously posted at the proposed premises for at least 10 days prior to the event. (See 44-5-106(2), C.R.S.)

Is a Formal Hearing Required?

No, a formal hearing is not required, UNLESS, a party objects to the issuance of the Special Event Liquor Permit after the premises has been posted. Protests must be filed by affected persons, within 10 days of posting of the premises. Any hearing shall be held at least 10 days after the initial posting of the notice AND notice thereof shall be provided to the applicant and any person who has filed a protest.

Denial, Suspension, or Revocation of a Special Event Liquor Permit by a LLA.

All hearings require adequate notice to allow parties in interest an opportunity to be heard. All hearings may be subject to appeal and therefore, the LLA must create a record of the proceedings. A denial of an application or the suspension or revocation of a permit could be used in a hearing to consider future applications submitted by the applicant. (Regulation 47-1014)

What Can a Special Event Permit Holder Sell?

Depending on which permit the organization applies for, a Special Event Liquor Permit holder is authorized to provide or sell EITHER 3.2% beer (fermented malt beverage) OR malt, vinous and spirituous liquors. Beverages are sold/served by the drink, for consumption ON the premises only. (See section 44-5-101, C.R.S.). Even if the non-profit organization applicant is not directly charging for the alcohol, **any exchange of money**, i.e. the price of an event ticket or the **donation** for **or sale** of food or other item at the event, constitutes the sale of alcohol and a Special Event Liquor Permit **MUST** be obtained.

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

Food Requirements for a Special Event Liquor Permit.

Special Event Liquor Permit holders must provide at least sandwiches or other food snacks during all hours of alcohol beverage service; however, full meals are not required (Section 44-5-105(5), C.R.S.)

When Can a Special Event Liquor Permit Holder Sell, Serve, or Distribute Alcohol Beverages?

- 3.2% beer (fermented malt beverage) permits: 7:00 A.M., the day of the event, until 12:00 Midnight on the same day of the event.
- Malt, vinous and spirituous Liquor permits: 7:00 A.M. the day of the event, until 2:00 A.M., the day immediately following the date of the event (Section 44-5-105, C.R.S.).

What are the age requirements for employees or volunteers of the Special Event Liquor Permit holder?

Persons at least 18 years of age, but not yet 21 years of age, may sell, serve, dispense or distribute 3.2% beer, as long as they are under the direct supervision of a person at least 21 years of age. Only persons 21 years of age may sell, serve, dispense or distribute spirituous liquors (Regulation 47-1012).

What is the age required to purchase/obtain/consume alcohol beverages from a Special Event Liquor Permit holder?

Persons must be at least 21 years of age to obtain, purchase, possess, and consume alcohol beverages in Colorado (Section 44-3-901(1)(a), C.R.S.).

Where can a Special Event Liquor Permit holder purchase the alcohol beverages they are authorized to sell?

Alcohol beverages sold or provided in connection with a Special Event Liquor Permit may be purchased from a Colorado-licensed wholesaler, brew pub, vintner's restaurant, limited winery, retail liquor store, or liquor-licensed drug store (Regulation 47-1016).

Are multiple locations on the same day permitted under a Special Event Liquor Permit?

No, the permit is issued for a specific location and is NOT valid at any other location (Section 44-5-105(1), C.R.S.).

Events at multiple locations on the same day require separate permits, except when the event is being held in a series of private homes within the same neighborhood, in which case copies may be made for each home. The applicant must identify the additional private residences upon initial application (Regulation 47-1008).

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

Section 44-5-108, C.R.S., contains an exemption for a qualified organization when it serves alcohol beverages to members of the organization and their immediate guests, ONLY, at a **private function** held by the organization on unlicensed premises. Invitations to the event must be mailed in advance of the event, may NOT be issued at the time of the event, and names may not be added to the invitation guest list by the purchase of a ticket to the event. Guests must be invited to the private event party. A guest list must be available for inspection if

requested by Liquor Enforcement Personnel. Any admission or other charge or donation required to be paid by invited guests, as a condition of entry or participation in the event must be uniform to all, regardless of whether the member or their guests decide to consume alcohol beverages.

Non-profit organization holding fundraising events at permanently licensed retail premises, with public access, are not required to obtain a Special Events Liquor Permit. In this case, authorized alcohol beverage suppliers must invoice all alcohol beverages to the retail licensee, NOT the non-profit organization.

An Arts Licensee, which only sells or serves alcohol beverages during artistic or cultural performances, are required to obtain a Special Event Liquor Permit at the Arts Licensed premises when they hold events that allow public access for events not related to the Arts Functions of the premises. For example, if an animal welfare non-profit organization wants to hold an event at the Arts Center, then they must obtain a Special Event Liquor Permit to conduct their event at the Arts Center since it is not an “Arts-related” event.

If a Club Licensee, such as the Elks or the VFW, which only allows access to its members and immediate guests, wants to hold an event to which the general public is invited, then they must obtain a Special Event Liquor Permit. (See Section 44-5-103(1) C.R.S.).

Can I accept donated alcohol beverages to sell or serve with my Special Event Liquor Permit?

Alcohol beverages may be donated by Colorado-licensed wholesalers, micro-breweries, brewpubs, vintner’s restaurants, and in-state wineries, if such beverages are used for hospitality and/or fund raising purposes, and are not resold by the drink. Alcohol beverages received from other non-licensed or private sources may not be sold, served or consumed at a special event liquor permitted event.

Colorado suppliers may provide financial support and/or services for public-service or non-profit fund raising activities to those organizations that qualify for a special events permit. However, no support may be conditioned upon the present or future purchase of alcohol beverages or the exclusive sale of a supplier’s products at a future event. Suppliers may also share in the costs of advertisements, signs, promotional materials and items of a similar nature used in connection with a non-profit special event liquor permit. Suppliers may also rent dispensing equipment to a special event liquor permittee at fair market value and may sell glassware, cups and similar items at a minimum of cost. (Regulation 47-1020).

Can a Special Event Permit be issued in connection with a Casino or Poker Night?

No. Casino nights, an event involving the payment or risking of something of value, for a chance to win something, were determined by the court as illegal gambling. Texas Hold - ‘Em Tournaments may also constitute illegal gambling. Non-profits should contact the appropriate district attorney as what activities are deemed illegal gambling. Raffles may be conducted if

the non-profit organization has acquired a Bingo and Raffles License from the Department of State, Licensing and Elections Division.

Posting of Permits and Licenses Require?

The approved Special Event Liquor Permit **MUST** be posted in a conspicuous place, typically by the serving bar, in the licensed area for the general public to observe. Other required licenses and permits to be displayed include:

- City of Gunnison-approved Special Event Liquor Permit;
- Minor Warning Sign (this is available from the City Clerk’s office),
- State Sales Tax License; and the
- City Sales Tax License.