

Town of Monument Special Event Liquor Permit FAQ's

What is a Special Event Permit?

Special Event Permits issued by the Colorado Department of Revenue, Liquor Enforcement Division, and/or a local liquor licensing authority, allow qualified non-profit entities or political candidates to sell, serve, or distribute alcohol beverages in connection with fund raising events. Because of their temporary nature, needs and desires (reasonable requirements of the neighborhood) are not considered by the local licensing authority as a condition of issuance. Application for a Special Event Liquor Permit is made directly with the local licensing authority having jurisdiction over the place of the event. If the event venue is within the Town of Monument, application can be made to the Town Clerk directly.

Who can qualify for a permit?

A special event permit may be issued to an organization, whether or not presently licensed:

- which has been incorporated under the laws of this state for purposes of social, fraternal, patriotic, political, or athletic nature, and not for pecuniary gain, OR
- which is a regularly chartered branch, lodge, or chapter of a national organization or society organized for such purposes and being nonprofit in nature, OR
- which is a regularly established religious or philanthropic institution, OR
- which is a state institution of higher education (includes each principal campus of a state system of higher education)
- to any political candidate who has filed the necessary reports and statements with the secretary of state
- to any municipality owning arts facilities at which productions or performances of an artistic or cultural nature are presented for use at such facilities

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

Fifteen (15) days per calendar year.

The Application Process:

Application for a Special Event Permit must be made on forms provided by the Liquor Enforcement Division, Department of Revenue. Please visit their website for the most current form:

https://www.colorado.gov/pacific/sites/default/files/DR%208439_e_wo_1.pdf

All permit applications must be verified by oath or affirmation through an officer of the applicant, and submitted to the respective local licensing authority at least 30 days prior to the date of the event and must include the following:

- Proof of qualified non-profit status: Certificate of non-profit status and authority to do business in Colorado, as issued by the Colorado Secretary of State, OR copy of the organization's charter
- A diagram of the area for which the permit will be issued (this diagram must reflect the physical structure (i.e., bars, walls, partitions, entrances, exits, etc.) and a narrative of how this area will be controlled, (i.e., fences, ropes, barbed wire, walls, etc.). Applicants must be able to

demonstrate that all alcohol beverages will remain within the proposed licensed area and that all other "private" alcohol beverages will NOT be brought onto the licensed area.

- Evidence that the applicant has possession of, or authorization to use, the premises for which the permit is sought (e.g. deed, lease, letter, etc.). The applicant must have possession or written authorization to use the premises for the entire duration for which the permit is issued. If the event is to be held on Town of Monument property, an approved special event permit will meet this requirement.
- Even though these permits are issued to non-profit organizations, the retail sale of alcohol beverages to consumers is still subject to state and local sales taxes. Applicants should contact the Department of Revenue at (303) 238-7378 to determine the correct method of remitting the state sales tax.
- A check for the appropriate permit fee made out to the Town of Monument.

After the Application is Filed, What Happens Next?

The local licensing authority will prepare a public notice suitable for posting. This notice must contain the name and address of the applicant, the procedure for protesting the permit, and the date the permit will be considered by the local licensing authority. This notice must be conspicuously posted at the proposed location for at least 10 days before a hearing may be held.

Is a Formal Hearing Required?

The local licensing authority "shall" cause a hearing to be held IF, after investigation and upon review of the contents of any protest filed by affected persons, sufficient grounds appear to exist for denial of a permit. Protests must be filed within 10 days from the date of the posting. Any hearing held shall be held at least 10 days after the initial posting of the notice, AND notice thereof shall be provided to the applicant AND any person who has filed a protest.

In summary, you do NOT have to hold a hearing if no one has protested the permit or your investigation did NOT disclose other sufficient grounds to deny it.

Denial, Suspension, or Revocation of a Special Events Permit:

Whenever a written complaint is filed with the state or local licensing authority or shall otherwise come to the attention of the licensing authority, that a violation occurred, and the special event permittee, its agents, employees, or its members, violated the provisions of the Colorado Liquor/Beer/Special Events Codes, upon proper investigation of such charges the licensing authority may upon notice and hearing, suspend or revoke such special event permit and may further order the denial of future applications for another special event permit to be submitted by the same organization.

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 sell EITHER fermented malt beverages OR malt, vinous and spirituous liquors. Beverages are sold by the drink, for consumption ON the premises only.

Permit holders may NOT sell alcohol beverages in sealed containers and/or allow removal of the beverages from the licensed area.

Food Requirements for a Special Event Permit:

Special Event Permit holders must have sandwiches or other food snacks available during all hours of service of malt, spirituous, or vinous liquors, but prepared meals need not be served; however, full meals are not required.

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

Fermented malt beverage permits: 5:00 a.m. until 12 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.

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 21 years of age, may sell, serve, dispense or distribute alcohol beverages as long as they are under the supervision of a person at least 21 years of age.

What is the Age Required to Purchase Alcohol Beverages from a Special Event Liquor Permit Holder?

Persons must be at least 21 years of age to purchase, possess, and consume alcohol beverages in Colorado.

Where Can a Special Event Liquor Permit Holder Purchase the Alcohol?

Alcohol beverages sold in connection with a Special Event Permit may be purchased from a Colorado-licensed wholesaler, brew pub, vintner's restaurant, limited winery, retail liquor store, or liquor-licensed drugstore.

Are Multiple Locations Permitted Under a Single Permit?

No, the permit is issued for a specific location and is not valid at any other location. 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.

When is a Special Event Liquor Permit NOT Required?

There is an exemption for a qualified organization when it serves alcohol beverages to members of the organization and their guests ONLY at a private function held by the organization on unlicensed premises and not sold by the drink. Any admission or other charge required to be paid, or given, as a condition of entry or participation in the event must be uniform to all, regardless of whether the member or their guests decide to consume alcohol beverages.

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

A Club licensee which only allows access to its members and guests, and an Arts licensee, which only sells or serves alcohol beverages during artistic or cultural performances, are required to obtain a Special Events Liquor at the Club or Arts licensed premises when they hold events that allow public access.

Can I Accept Donated Alcohol Beverages to Sell or Serve With my Special Event Liquor Permit?

YES. Alcohol beverages may be donated by Colorado-licensed wholesalers, micro-breweries, brewpubs, vintner's restaurants, retail liquor stores, 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 with a special events liquor permit.

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 event liquor permit. However, no support may be conditioned upon the present or future purchase of alcohol beverages or the exclusive sale of a supplier's products at future events. Suppliers may also share in the costs of advertisements, signs, promotional materials and items of a similar nature used in connection with a non-profit special event liquor permit. Suppliers may also rent dispensing equipment to a special event permittee at fair market value and may sell glassware, cups and similar items at a minimum of cost.

When an event, for which the alcohol donations are solicited, is held at a retail location licensed for on-premises consumption (other than a Limited winery, Wine Festival permit, Club license, Arts license, or Art Gallery permit – see below under “Can a special event permit occur on a licensed premises?”) the supplier shall invoice the retailer at no cost for alcohol beverage products intended for the event, if the retail licensee consents to such an arrangement. Any such donated product which is unused must be returned by the retailer to the wholesaler as soon as practicable after the event. If the unused product is not returned, then the wholesaler must charge the retailer at least the minimum of cost for those products.

Only authorized suppliers can donate alcohol when the event is held at a retail location licensed for on-premises consumption. Therefore, donations from a retailer liquor store or liquor licensed drug store cannot be used.

Can a Special Event Liquor Permit Occur on a Licensed Premises?

YES (but only at certain license types). A special event liquor permit can be held at the following licensed premises types: Limited winery, Wine Festival, Club, Arts, or Art Gallery permit. The holder of a special event permit issued pursuant to this subsection (2) shall be responsible for violations.

Can a Special Events Liquor Permit be Issued in Connection With a Casino or Poker Night?

NO. Raffles, however, may be conducted if the non-profit organization has acquired a Bingo and Raffles license from the Department of State, Licensing and Elections Division.

Where Can Alcohol for a Special Event Liquor Permit be Stored?

Permit holders may store alcohol beverage stock in areas outside the designated event area approved by the respective licensing authorities under the following conditions:

- The application included the address of proposed storage locations and a diagram of said premises.
- The application included evidence of the permit holder's lawful possession of the storage premises by way of deed, lease, rental, or other arrangement and specifying the terms of storage.
- The proposed location is not a licensed location licensed.
- The applicant acknowledges that state and local law enforcement authorities have the right of inspection of each storage area that is used for permitted events.

Posting of Permits and Licenses Required?

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

- Special Event Liquor Permit
- Special Event Permit - if applicable
- Minor Warning Sign
- State Sales Tax License

Special Event Liquor Permit Filing Checklist:

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