STATE OF COLORADO)
) ss
COUNTY OF ROUTT)

RESOLUTION 2022-010

A RESOLUTION ADOPTING A SPECIAL EVENTS PERMIT POLICY

WHEREAS, Senate Bill 11-066 "Concerning the Issuance of Special Events Permits" was signed by Governor Hickenlooper, and became effective August 10, 2011; and

WHEREAS, Senate Bill 11-066, aka Article 5, Title 44, C.R.S. Colorado Liquor Code-Special Event Permits, provides that a local licensing authority may elect not to notify the state licensing authority to obtain the state licensing authority's approval or disapproval of an application for a special event permit. The local licensing authority is required only to report to the liquor enforcement division, within ten days after it issues a permit, the name of the organization to which a permit was issued, the address of the permitted location, and the permitted dates of alcohol beverage service.

WHEREAS, on August 25, 2011 the Town adopted by motion a Special Events Permit Policy, electing not to notify the state licensing authority to obtain the state licensing authority's approval or disapproval of an application for a special event permit; and

WHEREAS, the Town Board believes that codification by adoption of a Resolution will provide for more consistent application of a Special Events Permit Policy; and

WHEREAS, inclusion of the Special Events Permit Policy in the Oak Creek Board of Trustee General Policies will also provide for more consistent application of a Special Events Permit Policy.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE TOWN OF OAK CREEK, COLORADO:

Section 1. The Town of Oak Creek Special Events Permit Policy, attached hereto as Attachment A, is hereby adopted.

Section 2. The Oak Creek Board of Trustee General Policies shall be amended by adding the Town of Oak Creek Special Events Permit Policy as Part IV, of said General Policies.

Section 3. The Special Events Permit Policy shall take effect immediately.

PASSED, ADOPTED, AND APPROVED this 9th day of June, 2022.

Nikki Knoebel
Mayor, Town of Oak Creek

ATTEST:

David Torgler
Town Administrator/Clerk

TOWN OF OAK CREEK INCORPORATED SEAL NOV 25, 1907 ROUTT COUNTY, COLORADO

TOWN OF OAK CREEK
SPECIAL EVENTS PERMIT POLICY

The Colorado Liquor Code establishes the mechanism to allow legal sale or service of alcoholic beverages to the public. The law is written such that any situation that is not specified as permitted is deemed to be not permitted. Citizens can easily see situations where liquor is permitted, such as businesses that hold regular liquor licenses. Other situations are not as clear. This document is intended to be a guide in assisting those who do not regularly hold a liquor license, but may be able to serve alcohol under certain circumstances.

This document is in no way intended to substitute for qualified legal advice. Please consult your attorney.

Special Events Permits

What: A Special Event Permit authorizes the sale of alcohol beverages by the drink to the public. There are two types of Special Event Permits -- one allows sale of malt, vinous, and spirituous liquor, the other allows only the sale of 3.2% beer. Statutory reference is found in C.R.S. 12-48-101 et seq.

Who: Those who qualify for Special Event Permits may or may not currently have a liquor license and must be one of the following:

- Organizations that are not for profit and have been incorporated pursuant to Colorado law for purposes of a social, fraternal, patriotic, political, or athletic nature,
- A regularly chartered branch, lodge or chapter of a national organization or society organized for such purposes, which is non-profit,
- An organization which is a regularly established religious or philanthropic institution,
- A political candidate who has filed the necessary reports with the Colorado Secretary of State or local election official,
- A municipality owning arts facilities at which productions of an artistic or cultural nature are held.

Where: A special event may be conducted on the licensed premises of a Club or Arts liquor licensed establishment, or other non-licensed locations.

How: The applicant must submit the following documents to the Town Clerk's office at least 45 days prior to the event.

- The appropriate document proving eligibility to conduct an event.
- A property or rental agreement which provides that the location may be used for event purposes.
- A diagram of the proposed area, specifying dimensions and the method which will be used to control access.
- A completed Special Event application, including both state and local forms.
- Appropriate fees per the Fee Schedule as permitted by the State of Colorado, to be determined by the local authority at the time of approval.

When: The event must be held on the date, time, and location specified in the application and may not be changed. Fifteen event days are allowed per calendar year and may be held separately or in any combination. If an event is cancelled, the application fees and the day(s) are forfeited. Sales may occur between the hours of 5 a.m. and midnight of the day specified for a 3.2% beer permit; and between the hours of 7 a.m., of the day specified, and 2 a.m. of the following day for malt, vinous and spirituous permits.

The Special Event Permit and an appropriate Minor Warning Sign must be conspicuously displayed during the event.

Events Exempt from Special Events Permit Requirements

There are situations where alcoholic beverages may be served without holding a Special Events Permit. Statutory reference for this exemption is found in C.R.S. 12-48-108. In order to qualify, *all* of the following criteria must be met:

1. **The host entity must qualify to hold a Special Events Permit.** Criteria are listed in the Special Events Permit section of this document. The host should be prepared to provide documentation to prove eligibility upon request by any law enforcement official.

2. Attendance to the event must be limited to members of the host entity and its guests only. Any host should know, in advance of the event, individual persons who are invited to attend. Most host entities will have regular membership lists. Some hosts, such as a political candidate, may not have such a list. Regardless of the source, invitations to the event must be pre-determined and available in writing if requested by law enforcement officials. The number of guests must be reasonable and may not be unlimited. Please see the Private Party section below for more discussion on qualifications for invited guests.

3. The event must be on private property not accessible by the public. There must not be a liquor license on this property. Areas normally open to the public, such as parks or Town facilities, may qualify as private through an appropriate legal document giving the sponsor exclusive use of the area for the duration of the event. Adequate control must be demonstrated to ensure access only to those eligible to attend. Please consider that civil liability may exist even when alcohol is served in a legal manner.

4. Alcohol must be served free of charge. If there is an admission charge to the event, it must be the same for all entrants, whether alcohol is consumed or not.

Private Parties

Private parties are just that.... private. The Liquor Code only specifies how alcoholic beverages may be sold or served to the public. Therefore, there is no statutory reference for a private party.

So just what is a private party? Think of a dinner party in your home. You decide who to invite for a specified event and you provide food and alcohol at **no charge**. A large event may be a private party, but it still will have the same components as a party in your home.

Consider the following when deciding if your event will be a private party:

- Is the event open to the public? The answer must be no. An event is clearly public if it is advertised in any public venue, such as newspaper, radio, television, or flyers/posters in public places. It also qualifies as public if a person not on the original guest list can acquire an invitation through purchase of a membership, ticket, or any other item that gains them admission to the event.
- Your guest list must contain names of specific individuals and be limited in number. While this number may be large, you as a host are still required to know the names on the list, and to ensure that only those invited attend the event.
- If a person who is not on the invited guest list contacts you and asks to be invited and you agree, then the event has just become open to the public.
- Your invitations may be directed to a particular individual only, an individual plus a guest, or an individual plus specified guests. An example would be a company holiday party, where employees and their families are invited. You as a host have an expectation of how many guests an employee may bring.
- You may not charge for alcohol in any way. This includes accepting donations or charging for admission.
- The host cannot provide glassware, mixers, or a location for a recurring event.

Catered Events

Liquor licenses are only operational at the location of the permanent business. A caterer may not sell or serve alcohol in any way outside their regular licensed location. As host, you may have other options by way of a Special Events Permit or private party.

For more Information...

As always, your attorney is your best source of guidance to ensure that your event is in compliance with the law. For information regarding the liquor license process, please contact the Oak Creek Town Administrator/Clerk's office:

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