

Chapter 5.10 - Alcohol Beverages

Sections:

5.10.010 - Definitions.

As used in this chapter, the following words and phrases shall have the following meanings, unless the context indicates otherwise:

Applicant means any person, partnership, corporation or other legal entity or affiliation who is applying for or has applied for a license or permit to sell malt, special malt, vinous or spirituous liquors or fermented malt beverages, but is not yet licensed as a licensee.

Employee means any employee of a licensee involved in the sale, dispensing or serving of malt, special malt, vinous or spirituous liquors or fermented malt beverages.

Good cause, for the purpose of refusing, denying, suspending or revoking a license, means:

1. The licensee or applicant has violated, does not meet or has failed to comply with any of the terms, conditions or provisions of this chapter or any rules and regulations promulgated pursuant to this chapter or Title 12, Article 47, C.R.S.;
2. The licensee or applicant has failed to comply with any special terms or conditions that were placed on its license in prior disciplinary hearings or arose in the context of potential disciplinary proceedings;
3. In the case of a new license, the applicant has not established the reasonable requirements of the neighborhood or the desires of its adult inhabitants as provided in Section 5.10.050; or
4. Evidence that the licensed premises have been operated in a manner that adversely affects the public health, welfare or safety of the immediate neighborhood in which the establishment is located, which evidence may include, but not be limited to, a continuing pattern of fights, violent activity or disorderly conduct.

License means an official grant of permission to sell fermented malt beverages, malt, special malt, vinous or spirituous liquors as evidenced by a city-issued form, license, permit, insignia or tag.

Licensed premises means the premises specified in an approved application for a license under this chapter which are owned or in the possession of the licensee within which such licensee is authorized to sell fermented malt beverages, malt, special malt, vinous or spirituous liquors at retail. It includes all lands, structures, equipment and appurtenances connected to or used in the licensed premises and also any personal property which is either affixed to or is otherwise used in connection with business conducted on the premises.

Local licensing authority or authority means the city council of the city of Craig.

Party-in-interest means:

1. The applicant;
2. An adult resident of the neighborhood under consideration;
3. The owner or manager of a business located within the neighborhood under consideration;
4. The principal or representative of any school located within five hundred (500) feet of the premises under consideration;
5. Any representative of a bona fide organized neighborhood group which encompasses part or all of the neighborhood under consideration; or
6. Any member of the city staff, including but not limited to the city manager, the city attorney or the chief of police or representative thereof.

Training means attendance and completion of an educational liquor seminar that meets the Colorado Department of Revenue "Seller-Server Training Standards." (Ord. 979 §1, 2008; Ord. 928 §1, 2003)

5.10.020 - City clerk duties.

The city clerk shall:

- A. Issue all licenses granted by the liquor licensing authority upon receipt of such fees as are required by law.
- B. Serve as the secretary of the liquor licensing authority.

- C. Process all license renewal applications, including late renewal applications, on behalf of the liquor licensing authority upon receipt of a completed application and such license fees as are required by law.
- D. Process all applications for temporary, special event and other permits on behalf of the liquor licensing authority.
- E. Process all change in corporate structure, trade name change and corporate name change report forms on behalf of the liquor licensing authority upon receipt of a completed form and such license fees as are required by law.

(Ord. 979 §1, 2008; Ord. 928 §1, 2003)

5.10.030 - Licensing authority duties.

The local licensing authority shall:

- A. Have the duty and authority to grant or refuse licenses for the possession, sale and offering for sale of malt, special malt, vinous or spirituous liquors and fermented malt beverages as provided by law, to conduct investigations as are required by law and to levy penalties against licensees in the manner provided by law;
- B. Have all the powers of the local licensing authority as set forth in Title 12, Articles 46, 47 and 48, C.R.S.;
- C. Have the authority to promulgate rules and regulations concerning the procedures for hearings before it and the presentation of evidence at hearings; to delegate such authority to an Administrative Hearing Officer (AHO); and to appoint an Administrative Hearing Officer (AHO) to hear all cases and render all Decisions with respect to all Show Cause Hearings.
- D. Have the power to require any applicant for a license to furnish any relevant information required by the authority.
- E. Have the authority to process applications for a special events permit, give approval or disapproval of such applications, issue approved special events permits and report such issued special events permits to the State Liquor License Enforcement Division in accordance with Article 48 of Title 12, C.R.S.

(Ord. 1034 §2, 2014; Ord. 979 §1, 2008; Ord. 928 §1, 2003)

5.10.040 - Hearings.

- A. All hearings before the authority shall be public and shall be conducted according to the rules and regulations promulgated by the authority.
- B. Except for an application for renewal or for the transfer of ownership, the authority shall post and publish notice not less than ten (10) days prior to hearings to be held on new license applications or change of location applications for the sale of malt, special malt, vinous or spirituous liquors and fermented malt beverages.

(Ord. 979 §1, 2008; Ord. 928 §1, 2003)

5.10.050 - Hearings on new license/change of location applications.

- A. Applicants and all other parties-in-interest may appear in person or be represented by counsel. At any hearing held by the Authority for purposes of establishing the needs, desires and requirements of the neighborhood, only a party-in-interest and agents responsible for petition circulation shall be allowed to present evidence or testify.
- B. The Authority may limit the presentation of evidence tending to be repetitious or immaterial.
- C. As applicable, the applicant may introduce evidence with regard to the following:
 1. Information regarding the applicant's character, reputation and other matters relating to the personal qualifications of the applicant or any other person whose personal qualifications are relevant pursuant to law.
 2. The applicant's relevant financial and management associations and the relevant interests of other persons in the business.
 3. The type of building in which the business is to be conducted and the facilities which will be used by the applicant, including a floor plan of the proposed premises.
 4. The neighborhood affected by the application. There is a rebuttable presumption that the relevant neighborhood most likely to be affected by the applicant's proposed establishment is that area surrounding such establishment by six hundred (600) feet.
 5. The reasonable requirements of the neighborhood and the desires of its inhabitants for the type of license for which application is made.
 - a.

Petitions favoring or opposing the license applied for may be presented at the hearing. Petitions may be circulated within the neighborhood affected by the application. Every person signing the petition shall sign only his or her own name, address and age or otherwise indicate that such person is at least of legal age to purchase or consume the malt, special malt, vinous or spirituous liquors or fermented malt beverages which are the subject of the license applied for.

b. Each petition shall contain a verified statement signed by the circulator of the petition indicating that the circulator personally witnessed each signature appearing on the petition.

6. The proposed establishment meets the zoning and planning requirements of the city.

7. Any other pertinent matters affecting the qualifications of the applicant and the location of the proposed premises.

D. Any party-in-interest may introduce evidence with regard to any pertinent matter affecting the application.

E. The authority may make such independent investigation as it deems necessary or advisable in connection with any application for a license.

(Ord. 979 §1, 2008; Ord. 928 §1, 2003)

5.10.060 - Show cause hearings.

A. When matters are brought to the attention of the Authority which, if substantiated, constitute a violation of this chapter or of Title 12, Articles 46, 47 or 48, C.R.S., or the rules and regulations relating thereto, the Authority shall promptly notify the licensee, in writing, by mail or personal delivery, of the date and time established for a show cause hearing, at which time the licensee will be required to show cause why a penalty should not be levied if a violation is found.

B. Such notice shall contain a brief description of the grounds for conducting the hearing. The hearing shall be held as soon as reasonably possible after notice has been mailed or delivered to the licensee.

C. At the hearing, the city shall present matters into evidence, and the licensee shall have an opportunity to present evidence on the licensee's behalf and to comment upon the evidence. The Authority, by and through its duly appointed Administrative Hearing Officer (AHO) shall furnish the licensee its Decision in writing within seven (7) days following the hearing. In the event of suspension or revocation of the license, no portion of the annual license fee paid shall be refunded.

D. Upon a finding of violation of any allegation after the show cause hearing, the Administrative Hearing Officer (AHO) shall determine appropriate penalty or sanctions within the range of possible penalties set forth in the state law as amended. All decisions of the AHO shall be final and binding, and there shall be no appeals therefrom, except to a Court of Law, as permitted by the laws of the state.

E. The sentencing guidelines for the city local licensing authority and its Administrative Hearing Officer (AHO) are hereby incorporated by reference.

(Ord. 979 §1, 2008; Ord. 928 §1, 2003)

5.10.070 - Aggravating/mitigating factors for show cause hearings.

In all cases where a violation of the applicable state or local laws is found at a show cause hearing, the authority shall consider evidence and statements in mitigation and in aggravation of the violation prior to determining the appropriate penalty. Such evidence and statements may relate to and include, but not be limited to, the following factors:

A. Seriousness of the violation;

B. Corrective action taken by the licensee after the violation;

C. Prior violations at the licensed premises by the licensee's employees and the effectiveness of prior corrective action;

D. Whether the violation is part of a repeated course of conduct or is an isolated occurrence;

E. Likelihood of recurrence;

F. Length of time the license has been held by the licensee;

G. Previous sanctions imposed against the licensee; and

H. The quantity and quality of applicable training performed by the licensee prior to the violation. If the person charged with committing the offense under this chapter has not completed a Seller-Server Training course meeting the Seller-Server Training Standards of the Colorado Department of Revenue, as amended, before the date of the alleged violation the AHO shall impose a two-hundred-fifty-dollar fine on the license holder, in addition to any other penalties.

I. Other factors making the situation with respect to the licensee or the licensed premises unique.

(Ord. 979 §1, 2008; Ord. 928 §1, 2003)

Chapter 5.12 - Liquor License Application Fee

Sections:

5.12.010 - New application fee.

From and after the effective date of the ordinance codified in this chapter, all applications for a liquor license within the corporate limits of the city shall be accompanied by an application fee of five hundred dollars (\$500.00) as the fee for the actual and necessary expenses determined by the city to be required for the processing of such application, pursuant to Sections 12-47-137 through 12-47-141, C.R.S.

(Ord. 979 §1, 2008; Ord. 861 §1, 1997; Ord. 343 §1, 1964)

5.12.020 - Other local fees designated.

The following license fees shall be paid to the city annually in advance:

A. Hotel and restaurant	\$ 75.00
B. Tavern	75.00
C. Racetrack	75.00
D. Optional premises	75.00
E. New manager registration fee	75.00
F. Arts	41.25
G. Club	41.25
H. Special events permit (liquor)	100.00
I. Special events permit (3.2%)	100.00
J. Drugstore	22.50
K. Liquor store	22.50
L. Beer and wine	48.75
M. 3.2% beer	3.75
N. Transfer of ownership	500.00
O. Concurrent review	500.00
P. Change of location	500.00
Q. Corp/LLCO change (per person)*	100.00

R. Annual renewal application fee	50.00
S. Late renewal application fee	500.00
T. Temporary permits	100.00
U. Bed & breakfast permits	25.00
V. Mini bar permit	325.00

* May be charged for background investigation by local or state, not both.

(Ord. 1034 §3, 2014; Ord. 979 §1, 2008; Ord. 861 §1, 1997)

5.12.030 - Renewal of license.

- A. Each license issued pursuant to this chapter shall be valid for a period of one (1) year from the date of issuance and may be renewed as provided in this section.
 1. The licensee shall file an application for renewal with the city clerk not less than forty-five (45) days prior to the date of expiration. The application shall be accompanied by a renewal fee as established in Section 5.12.020. The city clerk will accept late applications not more than ninety (90) days after the date of expiration upon payment of a late application fee as determined by the city manager. The city clerk will not in any circumstances accept renewal applications more than ninety (90) days after the date of expiration.
 2. The license shall be renewed by the city clerk unless it appears to the city clerk that grounds exist to deny the renewal application based upon the renewal requirements, in which case the city clerk shall refer the application to the city council for review at a public hearing.
 3. The local licensing authority shall not authorize a renewal until the applicant produces a license issued and granted by the state licensing authority covering the period for which the renewal is sought.

(Ord. 1125, §1, 2021)

Chapter 5.14 - Liquor License Suspension or Fine in Lieu of Suspension

Sections:

5.14.010 - Fine in lieu of suspension.

- A. Whenever a decision of the Administrative Hearing Officer (AHO) suspending a retail liquor license for fourteen (14) days or less becomes final, the retail licensee may, before the operative date of the suspension, petition for permission to pay a fine in lieu of having his or her retail license suspended for all or part of the suspension period. Upon the receipt of the petition, the Administrative Hearing Officer (AHO) 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 is satisfied:
 1. That the public welfare and morals would not be impaired by permitting the retail licensee to operate during the period set for suspension and that the payment of the fine will achieve the desired disciplinary purposes;
 2. That the books and records of the retail licensee are kept in such a manner that the loss of sales of alcoholic beverages which the retail licensee would have suffered had the suspension gone into effect can be determined with reasonable accuracy therefrom; and
 3. That the retail licensee has not had his or her license suspended or revoked, nor had any suspension stayed by payment of a fine, during the two (2) years immediately preceding the date of the motion or complaint which has resulted in a final decision to suspend the retail license.

B.

The fine accepted shall be the equivalent to twenty percent (20%) of the retail licensee's estimated gross revenues from sales of alcoholic beverages during the period of the proposed suspension; except that the fine shall be not less than two hundred dollars (\$200.00) nor more than five thousand dollars (\$5,000.00).

- C. Payment of any fine pursuant to the provisions of this subsection C shall be in the form of cash or in the form of a certified check or cashier's check made payable to the city. Such moneys shall be paid into the general fund of the city.
- D. Upon payment of the fine pursuant to Subsection C above, the Administrative Hearing Officer (AHO) shall enter its further order permanently staying the imposition of the suspension.
- E. In connection with any petition for payment of a fine in lieu of suspension, the Administrative Hearing Officer (AHO) may grant such stays as are necessary for it to complete its investigation and make its findings and, if it makes such findings, to the granting of an order permanently staying the imposition of the entire suspension or that portion of the suspension not otherwise conditionally stayed.
- F. If the Administrative Hearing Officer (AHO) does not make the findings required in Subsection A above and does not order the suspension permanently stayed, the suspension shall go into effect on the operative date finally set by the AHO.

(Ord. 979 §1, 2008; Ord. 708 §4, 1988).

- G. The sentencing guidelines for the city local licensing authority and its Administrative Hearing Officer (AHO) are hereby attached as Appendix 5-A to this title.

(Ord. 979 §1, 2008)