

Special Event Liquor Permit Server Information



All Servers at Special Events Holding a City Issued Liquor Permit
Shall Read, Understand, and Comply with this information.

Failure to comply with regulations may result in a fine and/or citation
from the City of Gunnison or the State of Colorado
and could result in legal liability issues.

For more information please contact the City Clerk at:
641.8140 or eboucher@gunnisonco.gov

What can a Special Event Permit holder sell?

Depending on which permit the organization applies for, a Special Event Permit holder is authorized to sell EITHER 3.2% beer (fermented malt beverages) OR malt, vinous and spirituous liquors. Beverages are sold by the drink, for consumption ON the premises only (See Section 44-5-101, C.R.S.).

The Colorado Liquor Code does not prohibit Special Event Permit holders from selling other lawful items of commerce in connection with a Special Event Permit. However, 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 (See Section 44-5-105(5), C.R.S.).

When can Special Event Permit holder sell, serve, or distribute alcohol beverages?

3.2% beer (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 (See Section 44-5-105, C.R.S.).

What are the age requirements for employees or volunteers of the Special Event 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 (See Reg. 47-1012).

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

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

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

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 (Regulation 47-1016).

Are multiple locations on the same day permitted under a single permit?

No, the permit is issued for a specific location and is not valid at any other location (See 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 (See Regulation 47-1008).

When is a Special Event 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 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 Permit at the Club or Arts licensed premises **when they hold events that allow public access.** (See Section 44-5-103(1) C.R.S.)

Can I accept donated alcohol beverages to sell or serve with my special event 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 at a special events 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 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 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 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 (See Regulations 47-316 and 47- 322).

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 premise?” 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 permit occur on a licensed premise?

YES (but only at certain license types). A special event permit can be held at the following licensed premises types: Limited winery pursuant to 44-3-403, Wine Festival pursuant to 44-3-404, Club pursuant to 44-3-418, Arts pursuant to 44-3-419, or Art Gallery permit pursuant to 44-3-424. The holder of a special event permit issued pursuant to this subsection shall be responsible for any violation of article 3 of this title (C.R.S. 44-5-103(1)(a)).

Can a special events 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. (*See the Central City Opera House vs. Department of Revenue, et al.*). Texas Hold - 'Em Tournaments may also constitute illegal gambling. Non-profits should contact the appropriate district attorney as what activities that attorney deems illegal gambling.

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 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 (Regulation 47-1016):

- 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 location licensed pursuant to articles 3 or 4 of title 44, C.R.S.
- 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 Permit –State (if applicable) Special Event Permit - City
- Minor Warning Sign State Sales Tax License
- Other local licenses as required. (check with the local authority)

Special Event Permit Filing Checklist

- Completed Special Events Application
- Appropriate Permit Fee
- 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 Colorado.

Alcohol Intoxication Evaluation Chart

This chart is not intended to be all inclusive but is only a guideline. Although the various signs are listed in the order which they often appear, they may manifest themselves in some other order. Also, some may be more apparent than others and some may not be present at all. It is also possible that a number of these signs could be present for reasons other than intoxication.

If you use the chart objectively, remembering to look at the combination of factors coupled with your personal experience, you should find it to be a helpful aid in making a decision regarding a person's level of sobriety.

Eye/Vision	Mouth/Speech	Appearance/Coordination	Behavior
Bloodshot	Odor of alcohol beverage	Flushed face	Order more than one drink at a time
Watery	Drinking too fast	Mussed hair	Ordering "doubles"
Loss of eye contact	Loud/boisterous	Clothing in disarray	Playing drinking games "chugging"
Crying	Altered speech pattern	Soiled clothing	Change in emotions
Inability to focus	Inability to pronounce words	Strong body odor	Poor judgment
Double vision	Slurring of words	Decreased dexterity	Annoying behavior
*Ystagmus evaluation	Lighting more than one cigarette	Fumbling	Overly friendly to strangers
*Slowed pupil reaction	Vomiting	Difficulty in picking-up change	Acting flirtatious
	*Decreased respiration	General clumsiness	Animated
	*Breath test	Spilling drinks	Entertaining
		Uneven gait	Playing music abnormally loud
		Poor balance	Lack of concentration
		Staggering	Difficulty in understanding questions
		Tripping	Difficulty in understanding instructions
	*Hand-eye evaluation		Difficulty in adding amounts on check
	*One leg stand evaluation		Letting a cigarette burn without smoking it
	*Walk and turn evaluation		Careless handling of money
	*Rhombertg evaluation		Abnormal tipping
	*Decreased pulse rate		Obnoxious behavior
	*Blood test		Arguing about prices
	*Urine test		Complaining about strength of drink

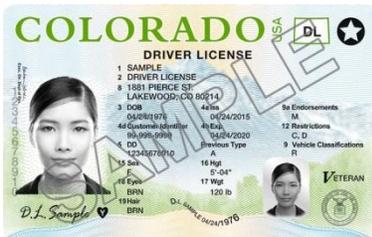
			Mean/aggressive/hostile
			Sullen/brooding
			Becoming detached from surroundings
			Drowsiness
			Unconsciousness
			Death

NOTE: Those items designed with an asterisk (*) are evaluation procedures that are to be used only by law enforcement or medical personnel and require special training

Accepted forms of identification include:

- An operator's, chauffeur's or similar type driver's license issued by any state within the United States, any U.S. Territory, or any foreign country including Canada or Mexico.
- An identification card issued by any state for the purpose of proof of age.
- A military identification card.
- A passport, or passport identification card.
- An alien registration card.
- A valid employment authorization document issued by the U.S. Department of Homeland Security.
- A valid consular identification card from any foreign country.

Regulation 47-904, 1 C.C.R. 203-2



COLORADO
Department of Revenue

Enforcement Division - Liquor & Tobacco

LIQUOR & TOBACCO ENFORCEMENT DIVISION

Sign of Alcohol Intoxication

Within the Colorado Liquor, Beer and Special Event Codes, there are specific prohibitions against providing alcohol beverages to intoxicated parties.

Specifically, the law states:

It is unlawful for ANY PERSON to sell, serve, give away, dispose of, exchange, or deliver or permit the sale, serving, giving, or procuring of any alcohol beverage to . . . a VISIBLY INTOXICATED person. CRS 12-47-901 (1)(a)

It is unlawful for ANY PERSON LICENSED TO SELL AT RETAIL pursuant to this article: to sell an alcohol beverage to . . . a VISIBLY INTOXICATED person. CRS 12-47-901 (5)(a)

EACH PERSON LICENSED UNDER THIS ARTICLE . . . shall not permit on his licensed premises the serving or loitering of an APPARENTLY INTOXICATED person. CCR 1 203-2Regulation 47-900

NOTE: All words capitalized are for emphasis only.

Within the Liquor Code, the terms "intoxicated", "visibly intoxicated", and "apparently intoxicated" have not been specifically defined, and they do NOT relate to specific blood alcohol concentrations. No specific alcohol level is defined because it is the intent of the statute that the judgment related to whether a person is intoxicated is not to be based on chemical testing of that person's blood or breath, but merely on an assessment of the party based on what you can see, hear, or even smell.

Your determination of whether another person is intoxicated is to be based on a combination of factors related to his or her physical actions and appearance, which may include speech e.g., is the person excessively loud, is his speech clear? Are the eyes bloodshot or glassy-looking? When walking or sitting, does the person have proper balance? Do they stumble or lean?

LIQUOR & TOBACCO ENFORCEMENT DIVISION

Where alcohol may be consumed.

It is illegal to consume spirits, wine, or malt liquor (all beer other than 3.2% beer) in public other than in a place which is licensed for that purpose, such as a tavern. The consumption of 3.2% beer in public is not prohibited by state laws; however, many cities and counties have laws prohibiting the possession of open alcohol beverage containers in public. Such "open container" laws may apply to containers of 3.2% beer and thus may limit the places where 3.2% beer may be consumed.

It is also illegal to bring any type of alcohol beverage into any place which sells alcohol beverages. Thus, alcohol beverage may not legally be brought into any restaurant, sports stadium or similar liquor licensed establishment. Similarly, patrons cannot bring their own alcohol beverages into restaurants without liquor licenses because of the prohibition on public consumption.

Alcohol beverages may not be taken out of licensed establishments, except those places which sell for consumption off the licensed premises, such as a liquor store.