



WESTMINSTER

COLORADO

CITY COUNCIL STUDY SESSION AGENDA

APRIL 21, 2025 at 6:30 PM

- A. Draft Ordinance Amending Westminster Municipal Code Title V Chapter 14
Updating the Liquor Licensing Code



Agenda Memorandum

Agenda Item –

2.A.

City Council Study Session
April 21, 2025



Strategic Priority 3: Community Health and Safety

Invest in innovative and collaborative approaches to provide a continuum of services that preserve, promote, and protect the health, safety, and environment of Westminster.

Subject: Draft Ordinance Amending Westminster Municipal Code Title V Chapter 14
Updating the Liquor Licensing Code

Prepared By: Abby Fitch, City Clerk
Kate Behan, Assistant City Clerk
Mary Joy Barajas, Assistant City Clerk

Recommended City Council Action:

City Council receive and review this memorandum and attached draft ordinance and provide direction to Staff to bring back for formal adoption at a regular meeting of City Council.

Summary Statement:

- The purpose of this draft ordinance is to update the Westminster Municipal Code (W.M.C) to better align local regulations with the Colorado Beer and Wine Code and the Colorado Liquor Code, as well as clean up the language to make it more consistent and easier to interpret.
- The updates to W.M.C. Title V, Chapter 14, focus on the regulation of fermented malt beverage and alcoholic beverage licenses and special event permits.
- Key changes include clarifications on licensing requirements.
- The update also establishes clearer procedures for license applications, renewals, and transfers.

Background Information:

The proposed amendments aim to enhance regulatory compliance and ensure consistency with state laws governing alcohol licensing. The revisions streamline processes for business owners, clarify legal obligations, and reinforce public safety measures. Key changes include:

- Updating license and permit types.
- Providing clarifications on the roles and responsibilities of the Local Licensing Authority in granting and managing licenses, as well as the roles of the applicants and state.
- Updating application procedures, including the fees that are set by the state of Colorado.
- Updating the language to make this section of the code easier to understand.

These changes are necessary to ensure that Westminster is in line with the Colorado Beer and Wine Code and the Colorado Liquor Code, as well as helping local businesses ensure compliance.

The City's Strategic Plan Priority of Community Health and Safety is supported by these regulatory updates, ensuring safe and well-managed alcohol-related businesses.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Jody L. Andrews', with a long horizontal flourish extending to the right.

Jody L. Andrews
City Manager

Attachments:

Draft Changes Amending Title V of the W.M.C. Updating Liquor Licensing Regulations

Title V. LICENSING AND REGULATIONS

5-9-9. Prohibited Acts.

- (A) It shall be unlawful for any licensee or his agent knowingly to do, to encourage, to participate, or to permit any of the following acts on the premises of any place licensed pursuant to this Chapter or on any parking lot, street or sidewalk adjacent to the premises:
- (1) Gamble or to permit gambling upon any pool or billiard table or coin-operated amusement game or device. The licensee is hereby specifically charged with knowledge of and made liable for the use of all tables, games and devices on the premises in any manner constituting a violation of this Section.
 - (2) Use, sell, or distribute any illegal or dangerous drug, chemical substance, or narcotic. Any premise licensed under the Colorado Beer [and Wine](#) Code or Colorado Liquor Code shall conform to said code and shall not allow the use, sale or distribution of beer or alcohol to any minor.
 - (3) Create any disturbance, unlawful or disorderly act, or activity offensive to the senses of the average citizen, or to the residents of the neighborhood to be committed by any person or group of persons upon the premises.
- (B) It shall be unlawful for any licensee to fail to comply with the following requirements:
- (1) Any licensee and its employees shall immediately report to the Police Department any unlawful or disorderly act, conduct or disturbance committed on the premises. Failure to comply with the requirements of this Section may be considered by the City Manager in any action relating to revocation, suspension or non-renewal of a license. Repeated failure to comply with the requirements of this Section shall constitute prima facie grounds for the suspension, revocation or non-renewal of a license.
 - (2) Each licensee shall post and keep at all times visible to the public in a conspicuous place on the premises a sign to be provided by the City Clerk's office, which shall be in the following form:

"WARNING: CITY OF WESTMINSTER POLICE MUST BE NOTIFIED OF ALL DISTURBANCES IN THIS ESTABLISHMENT AND ON THE GROUNDS AND PARKING LOT THAT ARE A PART OF THIS ESTABLISHMENT."
- (C) It shall not be a defense to a prosecution under this Section that the licensee was not personally present on the premises at the time such unlawful or disorderly act, conduct or disturbance was permitted, encouraged or participated in; provided, however, that an agent, servant or employee of the licensee shall not be personally responsible hereunder when absent from the premises and not on duty.

(1959 2001 3016 3563)

CHAPTER 14. FERMENTED MALT BEVERAGE AND ALCOHOLIC BEVERAGE LICENSE AND SPECIAL EVENTS PERMIT

5-14-1. Definitions.

Those terms that are defined in the Colorado Beer [and Wine](#) Code and the Colorado Liquor Code, Sections 44-~~46~~-101 et seq., and C.R.S. § 44-3-101 et seq. shall have the same meaning when used in this Chapter, unless the context otherwise requires.

(1959; Ord. No. 3970, § 1, 2-25-2019)

5-14-2. Creation of Local Licensing Authority.

A Local Licensing Authority is hereby created. The Local Licensing Authority shall be the special permit and license board as established in Section 2-5-1, W.M.C. The terms "licensing authority," "authority," or "board," as used in this Chapter, shall mean the body hereby created as the Local Licensing Authority, and such terms shall be interchangeable. The authority shall have and is vested with all powers and authority possible to have pursuant to C.R.S. Articles 3, 4, and 5 of Title 44.

(2037; Ord. No. 3970, § 1, 2-25-2019)

5-14-3. License Required; State Statutes.

- (A) It shall be unlawful for any person to sell fermented malt beverages or alcoholic beverages within the City of Westminster without first obtaining a license pursuant to this Chapter.
- (B) The Colorado General Assembly has declared that the licensing and regulation of the sale of fermented malt beverages and alcoholic beverages is a matter of statewide concern. All licensing requirements and regulations specified in C.R.S. Articles 3, 4, and 5 of Title 44, shall be enforced in the local licensing process and shall control in the event that inconsistent requirements are set forth in this Chapter.

(1959; Ord. No. 3970, § 1, 2-25-2019)

5-14-4. License Applications.

- (A) The following licenses and permits may be issued by the licensing authority in accordance with the provisions of the Colorado Beer [and Wine](#) Code and the Colorado Liquor Code:

- (1) *Fermented Malt Beverage Licenses*:~~*Licenses*~~:

- (a) [Fermented Malt Beverage On-Premises Sales for consumption off the premises of the licensee](#);
 - (b) [Fermented Malt Beverage and Wine Retailer](#)~~*Sales for consumption on the premises of the licensee.*~~

- (2) *Malt, Vinous and Spirituous Liquor Licenses*:

- (a) Retail [L](#)iquor [S](#)tore;
 - (b) Liquor-licensed [D](#)rugstore;
 - (c) Beer and [W](#)ine;
 - (d) Hotel and [R](#)estaurant;
 - (e) [T](#)avern;
 - (f) Brew [P](#)ub;

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- (g) Club;
 - (h) Arts;
 - (i) Racetrack;
 - (j) Optional Premises;
 - (k) Retail gaming tavern;
 - (k) Optional premises permit for a hotel and restaurant license;
 - (l) Vintner's Restaurant;
 - (m) Distillery Pub; and
 - (n) Lodging Facility; and
 - (o) and entertainment Facility.
- (3) Other Licenses and Liquor Permits:
- (a) Bed and Breakfast permit;
 - (b) Art Gallery permit;
 - (c) Special Event permit;
 - (d) Temporary Permit pending approval of a Transfer of Ownership; and
 - (e) Optional Premises Permit for a Hotel and Restaurant License; and
 - (f) Tasting Permit.
 - (e) Consent to changing, altering or modifying any licensed premises.
- (4) *Administrative Approvals.* The City Clerk is authorized to administratively approve the following applications in accordance with the provisions of the Colorado Beer and Wine Code and the Colorado Liquor Code:
- (a) Temporary permit pending the approval of applications for transfers of ownership;
 - (b) Transfer of ownership, unless the City Clerk determines in the clerk's discretion that there is probable cause to believe that grounds exist for denying the transfer under C.R.S. § 44-3-303, as the same may from time to time be amended or recodified;
 - (c) Waiver, for good cause, of the time requirement for the filing of an application for renewal of an existing license;
 - (d) Renewal of an existing license, unless the City Clerk determines in her reasonable discretion that there is probable cause to believe that grounds exist for denying the application for renewal under C.R.S. § 44-3-307, as the same may from time to time be amended or recodified; and
 - (e) Consent to changing, altering or modifying any licensed premises, unless the City Clerk determines in the clerk's discretion that the premises, as changed, altered or modified, will not meet all of the pertinent requirements of the Colorado Liquor or Beer and Wine Codes and the regulations promulgated thereunder, including, but not limited to, those requirements set forth in C.C.R. 203-2, Regulation 47-302, as the same may from time to time be amended or recodified.
- (B) The applicant shall submit a verified application to the City Clerk on forms provided by the City Clerk. The application shall include complete plans and specifications for the interior of the premises to be licensed, a copy of the lease or other evidence of the applicant's right to possession of the premises, information concerning the zoning of the location of the premises, the fees required by this Chapter, and any other

information that is required by state statute. Applications shall not be considered complete until all required information has been received by the City Clerk including financial and background affidavits.

- (C) The City Clerk shall set propose the boundaries of the neighborhood and provide them in writing to the licensing authority with a copy to the applicant. If a majority of the authority or the applicant disputes the proposed neighborhood boundaries, the issue shall be considered by the board at a public meeting. A dispute of the boundaries by the applicant must be filed within ten days of the letter notifying the applicant of the boundaries established.

The City Clerk shall schedule the application for a public hearing before the Licensing Authority not less than 30 days from the date of the application. Notice of such hearing shall be sent (electronically or via regular mail) to the applicant by the City Clerk not less than 15 days before the hearing date. Notice of such public hearing shall also be given by publication in a newspaper of general circulation in the community once, not less than ten days prior to the hearing date, and by posting a notice of hearing upon the premises for at least ten days prior to the hearing. Publication and posting shall be done by the City Clerk.

- (D) The City Clerk shall propose the boundaries of the neighborhood in writing to the licensing authority with a copy to the applicant. If a majority of the authority or the applicant disputes the proposed neighborhood boundaries, the issue shall be considered by the board at a public meeting. A dispute of the boundaries by the applicant must be filed within ten days of the letter notifying the applicant of the boundaries established. The City Clerk may schedule the application for a public hearing before the licensing authority not less than 30 days from the date of the application. Notice of such hearing shall be sent (electronically or via regular mail) to the applicant by the City Clerk not less than 15 days before the hearing date. Notice of such public hearing shall also be given by publication on the city's website, not less than ten days prior to the hearing date, and by posting a notice of hearing upon the premises for at least ten days prior to the hearing. Publication and sign for posting shall be done by the City Clerk.

- (E) Prior to the hearing, the City or its designee shall circulate petitions to determine the reasonable requirements of the neighborhood and the desires of the inhabitants regarding the application for a license. The petition form shall may be approved by the City.

- (F) At least five days prior to the date of the public hearing, the City Clerk shall send the results of the petitioning and investigation of the application to the applicant and make them available to other interested parties.

- (G) In determining whether to grant or deny the license, the authority shall consider all factors allowed pursuant to state statutes, including the following:

- (1) Whether the applicant, if a corporation, is incorporated pursuant to the laws of the State of Colorado or duly qualified to do business in the State of Colorado;
- (2) The character, reputation, and eligibility of the applicant to hold a license;
- (3) The reasonable requirements of the neighborhood, and the desires of the neighborhood, and the desires of the adult inhabitants, as evidenced by petitions, remonstrances or otherwise, except that the requirements of the neighborhood shall not be considered for a club license;
- (4) With respect to a second or additional hotel and restaurant license for the same licensee, the effect on competition of the granting or disapproving of additional licenses to such licensee; and
- (5) For a liquor licensed drug store, retail liquor store, and for all licenses allowing for on-premise consumption, who will manage the premises.

- (H)(1) Following the conclusion of the public hearing, the authority shall render its decision no later than 30 days thereafter; however, the authority may continue the hearing from time to time as may be required to gather necessary facts and evidence and to permit witnesses to testify. The City Clerk shall send a written copy of the finding and decision of the authority to the applicant at the address shown on the application and to any other party in interest upon request. within 30 days of the decision.

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- (2) All decisions of the licensing authority are final, subject only to appeal to a court of competent jurisdiction.

~~(I) Upon receipt of the State of Colorado approved license and approval of City business license, applicant will be provided with both the state and local liquor license. (H) In determining whether to grant or deny the license, the authority shall consider all factors allowed pursuant to state statutes, including the following:~~

~~(1) For licenses to sell fermented malt beverages:~~

~~(a) Whether the applicant, if a corporation, is incorporated pursuant to the laws of the State of Colorado or duly qualified to do business in the State of Colorado;~~

~~(b) The character and reputation of the applicant; and~~

~~(c) The reasonable requirements of the neighborhood and the desires of the adult inhabitants, as evidenced by petitions, remonstrances or otherwise.~~

~~(2) For licenses to sell alcoholic beverages:~~

~~(a) The reasonable requirements of the neighborhood, and the desires of the neighborhood, and the desires of the adult inhabitants, as evidenced by petitions, remonstrances or otherwise, except that the requirements of the neighborhood shall not be considered for a club license;~~

~~(b) With respect to a second or additional hotel and restaurant license for the same licensee, the effect on competition of the granting or disapproving of additional licenses to such licensee;~~

~~(c) For a liquor licensed drug store, retail liquor store, and for all licenses allowing for on-premise consumption, who will manage the premises; and~~

~~(d) The character of the applicant and his eligibility to hold a license.~~

(1611 1959 2037 2502 3325 3483; Ord. No. 3848, §§ 1—3, 9-26-2016; Ord. No. 3970, § 1, 2-25-2019)

5-14-5. Fees.

(A) Each application ~~for a license or transfer of a license~~ shall be accompanied by the following ~~application~~ fees:

(1) For a new license, \$1,000.00.

(2) For a transfer of ~~location or~~ ownership, \$750.00.

(3) For renewal of a license, \$100.00.

(4) For a late renewal application fee where the license has expired, \$500.00.

(5) For a change of location, not to exceed \$750.00.

~~(4) For a manager registration, \$75.00.~~

~~(65) For a manager registration, not to exceed \$75.00. For a late renewal application fee where the license has expired, \$500.00.~~

~~(67) For a temporary permit to continue selling pending a transfer of the permanent license, \$100.00.~~

~~(87) Change of corporate structure or transfer of stock, \$100.00 per person investigated by the City of Westminster.~~

(98) Special events permit, \$100.00.

(109) Art gallery permit, \$103.75.

[\(11\) Bed and Breakfast permit, \\$3.75.](#)

[\(12\) Change, Alteration, or Modification of Premises, \\$0.](#)

[\(13\) Optional Premises permit for a Hotel and Restaurant License, \\$0.](#)

[\(14\) Tasting Permit, new or renewal, \\$50.00.](#)

- (B) The local license fees prescribed by C.R.S. §§ 44-4-107 and 44-3-505, as amended, shall be paid to the City annually in advance by the licensee. Such fees shall not be rebated or discounted on a proportionate basis for any license in existence or issued for less than a year. These fees shall be in addition to any license fees required to be paid directly to the state.

(Ord. No. 3970, § 1, 2-25-2019)

5-14-6. Renewal.

- (A) All licenses issued pursuant to this Chapter shall be valid for a period of one year from the date of issuance, unless revoked or suspended. All licenses granted pursuant to this Chapter are separate and distinct.
- (B) An application for renewal of an existing license shall be filed with the City Clerk no later than 45 days prior to the date of expiration. The application shall be on forms supplied by the State of Colorado and shall be accompanied by the fee required by this Chapter. The City Clerk shall review the application and any citizen complaints and investigative reports from the police department or other agencies. If the application is complete, all applicable fees are paid, and the investigation shows no substantial violations, the City Clerk shall approve the renewal. The licensing authority shall issue a regulation defining those violations that are substantial violations, or if the City Clerk determines in the clerk's sole discretion that grounds exist for a possible non-renewal, the matter shall be referred to the licensing authority. The authority shall consider the matter at a public meeting and may renew the license or schedule the matter for a public hearing. If a public hearing is scheduled, publication, posting and notice requirements shall be the same as for a hearing on an original application.
- (C) The licensing authority may, for good cause, waive the time requirements set forth in this Section. Temporary licenses are available pursuant to the provisions of state law and may be issued by the City Clerk.
- (D) A license may be refused renewal for any reason provided by state law [and city code, including non-remittance of sales tax or non-renewal of business license.](#)

(1959 2037)

5-14-7. License Denial, Suspension or Revocation.

- (A) A license may be denied, suspended for up to six months, or revoked for any reason provided by state law, which shall include any violation by the licensee or by any of its agents, servants, or employees of the provisions of applicable state law or this Code, or of any of the terms, conditions, or provisions of its license. Conviction of a violation shall be grounds for, but shall not be required prior to, any such action against a licensee. Such action may be taken by the licensing authority on its own motion or pursuant to the receipt of a complaint.
- (B) A license shall be denied, suspended or revoked only after investigation and notice to the licensee, and after a public hearing has been held. Publication, posting and notice requirements shall be the same as for a

hearing on an original application. Notice to the licensee shall be given by mailing the same in writing ~~by registered mail, return receipt requested,~~ to the licensee at the address contained in the license.

- (C) Any license may be temporarily suspended without notice pending any prosecution, investigation, or public hearing. A summary suspension may be imposed for a period not exceeding 15 days.
- (D) Whenever any license is suspended or revoked, no part of the fee paid for the license shall be returned or refunded to the holder of such license.
- (E) An applicant may appeal a denial or a licensee may appeal a suspension or revocation of a license to a court of competent jurisdiction.
- (F) If the authority suspends a retail license, the licensee may, before the operative date of the suspension, petition for permission to pay a fine in lieu of having its license suspended for all or part of the suspension period. The authority may grant the petition if the criteria and conditions of C.R.S. § 44-3-601(3)(a) are met.

(1959 2037 2229 3325; Ord. No. 3970, § 1, 2-25-2019)

5-14-8. Transfers.

(A) *Change in Corporate Structure or Transfer of Stock:*

- (1) Corporate licensees subject to the Securities and Exchange Act of 1934, as amended, shall submit the names and addresses of all persons owning ten percent or more of the outstanding or issued capital stock, not more than ten days after such ownership occurs, and shall submit the names and address of all corporate officers and directors within ten days after their appointment, accompanied by the fee established in Section 5-14-5, W.M.C.
- (2) Any transfer of the capital stock, and any change in officers or directors of the corporation, of any corporation that is not subject to the reporting requirements of the Securities and Exchange Act of 1934, as amended, shall be reported to the city clerk prior to such transfer or change, accompanied by the fee established in Section 5-14-5, W.M.C. After sufficient investigation by the police department, the City Clerk may approve the transfer or change or, in the clerk's sole discretion, refer the matter to the licensing authority. The authority shall consider the matter at a public meeting and may approve the transfer or change or may schedule a public hearing.
- (3) At the hearing, all interested parties may appear and be heard; provided, however, that the licensing authority shall consider only the character of the transferee and whether the transferee complies with all requirements of the code and state statutes.

(B) *Transfer of Ownership:*

- (1) Prior to any transfer of ownership, an application shall be submitted to the City Clerk, accompanied by the fee required in Section 5-14-5, W.M.C. After sufficient investigation by the police department, the City Clerk may approve the transfer or, in the clerk's sole discretion, refer the matter to the licensing authority. The authority shall consider the matter at a public meeting and may approve the transfer or may schedule a public hearing. If a public hearing is scheduled, publication, posting and notice requirements shall be the same as are required for a hearing on an original application.
- (2) At the hearing, all interested parties may appear and be heard; provided, however, that the licensing authority shall consider only the character of the new owner and whether the new owner complies with all requirements of the code and state statutes.
- (3) This subsection shall apply to all licensees, whether ownership is by an individual, partnership, corporation or other legal entity, except that changes of ownership of stock in a corporation shall be governed by subsection (A) above.

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- (C) *Transfer Change of Location:* A licensee wishing to ~~transfer change~~ the location of its business shall file with the City Clerk a written request for the ~~transfer change~~ on forms provided by the City, accompanied by the fee established in Section 5-14-5, W.M.C. After sufficient investigation by the police department and other city agencies, the City Clerk may approve the ~~transfer change~~ or, in the clerk's sole discretion, refer the matter to the licensing authority. The authority shall consider the matter at a public meeting and may approve the ~~transfer change~~ or may schedule a public hearing. If a public hearing is scheduled, publication, posting and notice requirements shall be the same as are required for a hearing on an original application. The licensing authority shall consider the reasonable requirements of the neighborhood and the desires of the inhabitants with respect to the new location. Petitioning shall be at the discretion of the licensing authority.
- (D) *Manager's Registration:*
- (1) Hotel and restaurant, lodging ~~facility, and~~ entertainment ~~facility~~, and tavern licensees employing a manager shall report the name of such manager to the City Clerk, accompanied by the fee established in Section 5-14-5, W.M.C. Any such licensee who wishes to change the manager shall request that such change be approved prior to the manager assuming his duties. After sufficient investigation by the Police Department, the City Clerk may approve the change or, in the Clerk's sole discretion, refer the matter to the ~~L~~icensing ~~A~~uthority. The ~~A~~uthority shall consider the matter at a public meeting and may approve the change or may schedule a public hearing. If a public hearing is scheduled, publication, posting and notice requirements shall be the same as are required for a hearing on an original application.
 - (2) At the hearing, all interested parties may appear and be heard provided; however, that the licensing authority shall consider only the character of the new manager and whether the new manager complies with all requirements of the code and state statutes.

(1959 2037 2229; Ord. No. 3848, § 4, 9-26-2016)

5-14-9. Changing, Altering or Modifying Licensed Premises.

- (A) After issuance of a license, the licensee shall make no physical change, alteration or modification of the licensed premises that materially or substantially alters the licensed premises or the usage of the licensed premises from the plans and specifications submitted at the time of obtaining the original license without the prior written consent of the licensing authority.
- (B) The following procedure shall be utilized to obtain consent for a change, alteration or modification of the licensed premises:
- (1) The licensee shall submit an application for authorization to change, alter or modify licensed premises to the City Clerk on forms supplied by the City Clerk, accompanied by the fee established in Section 5-14-5, W.M.C. The application shall include documentation showing the proposed changes to the drawings and specifications and a description of how the proposed changes will alter the licensed premises or the usage of the licensed premises.
 - (2) If, after investigation, the City Clerk determines that the change, alteration or modification is not substantial or will not substantially change the nature of the licensee's business, the City Clerk may approve the proposed change, or, in the clerk's sole discretion, refer the matter to the licensing authority. The authority shall consider the matter at a public meeting and may approve the change or may schedule a public hearing. If a public hearing is scheduled, posting, publication, and notice requirements shall be the same as are required for a hearing on an original application. Criteria for approval shall be as for an original application. Petitioning shall be at the discretion of the licensing authority.

5-14-10. Special Event Permit.

- (A) *Definition:* A special event permit is a special license that authorizes a qualified organization or political candidate to sell, by the drink only, malt beverages or malt, spirituous or vinous liquors. A qualified organization is an organization that has been incorporated under the laws of this state for purposes of social, fraternal, patriotic, political, or athletic nature, and not for pecuniary gain; a regularly chartered branch, lodge or chapter of a national organization or society organized for such purposes that is not for profit; a regularly established religious or philanthropic institution; or a municipality owning arts facilities at which productions or performances of an artistic nature are presented.
- (B) *Application Procedure:*
- (1) At least 30 days prior to the event, the applicant shall file a verified application for a special event permit with the City Clerk on forms provided by the City Clerk. The application shall include a fee in the amount specified in Section 5-14-5, W.M.C.
 - (2) Upon receipt of the completed application, the City Clerk shall review the application according to the standards established below. The City Clerk shall also post the property, giving notice of the application and providing information for filing a protest, including the deadline for filing the protest. The property shall be posted at least ten days prior to any further action by the City Clerk.
 - (3) Any protest shall be filed with the City Clerk in writing no later than the date established in the notice.
 - (4) If no protest is received and the City Clerk's review finds no disqualifying factors, the City Clerk shall issue the permit.
 - (5) If a protest has been filed, or disqualifying factors have been identified, or at the discretion of the City Clerk, a public hearing before the board shall be scheduled. Notice of the public hearing shall be posted on the property no less than ten days prior to the hearing. The City Clerk shall notify the applicant and any person who has filed a protest.
 - (6) Upon approval of the application and within ten days after issuing the permit, the City Clerk shall submit the approved application to the state licensing authority in the form required by state law.
 - (7) The licensing authority may require an applicant to post a performance bond to assure compliance with the provisions of this Code or state statute.
- (C) *Standards for Approval by City Clerk:*
- (1) The applicant has, for a period of three-two years, conducted a substantially similar event with no violations of the Liquor Code or Beer and Wine Code; or the event has been sponsored by the City with no such violations in the previous three years; and
 - (2) Any investigation by the police department reveals no evidence of substantial problems with crowd control, assaults or fighting or similar misconduct, or any other history of problems associated with the event.
 - (3) If the application does not meet the above standards, the application shall be scheduled for decision by the board.
- (D) *Grounds for Issuance:* The City Clerk and the licensing authority shall consider the eligibility of the applicant and whether the issuance would be injurious to the public welfare by reason of the nature of the special event, its location within the community, or the failure of the applicant in a past special event to conduct such event in compliance with applicable laws and regulations.

~~(1) A special event permit may be issued only upon a satisfactory showing by an organization or a qualified political candidate that:~~

~~(a) Existing licensed facilities are inadequate for the purposes of serving members or guests of the organization or political candidate, and that additional facilities are necessary by reason of the nature of the special event being scheduled; or~~

~~(b) The organization or political candidate 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.~~

~~(2) The City Clerk and the licensing authority shall also consider the eligibility of the applicant and whether the issuance would be injurious to the public welfare by reason of the nature of the special event, its location within the community, or the failure of the applicant in a past special event to conduct such event in compliance with applicable laws and regulations.~~

(1959 2037 2570 3609)

5-14-11. Optional Premises Licenses and Permits.

(A) An annually renewable optional premises license for the sale or service of alcoholic beverages may be issued by the local licensing authority for one or more optional premises within an outdoor sports and recreational facility that charges a fee for the use of such facility.

(1) An application for an optional premises license shall be accompanied by the fees required by this Title.

(2) An optional premises license shall allow the licensee to sell and serve alcoholic beverages by the drink only to customers for consumption on the optional premises and for storage of alcohol beverages in a secure area on or off the optional premises for future use on the optional premises.

(3) An optional premises license application shall be reviewed and approved or denied according to Section 5-14-4, W.M.C., herein, and all other provisions of this Title shall apply.

(B) An annually renewable optional premises permit for a hotel and restaurant license may be issued by the local licensing authority for an outdoor sports and recreational facility that charges a fee for the use of such facility, if such facility is part of an existing or a new hotel and restaurant license, and the optional premises is on or adjacent to the hotel and restaurant premises. Any optional premise permit shall allow the licensee to sell or serve alcoholic beverages only on the optional premises specified in the permit.

(1) An application for an optional premises permit for a hotel and restaurant license shall be made by the applicant for a hotel and restaurant license or by the hotel and restaurant licensee.

(2) Meals shall be served whenever and wherever alcoholic beverages are sold, served or consumed between the hours of 8:00 a.m. and 11:00 p.m. weekdays, and 8:00 a.m. and 8:00 p.m. Sundays and Christmas. No alcoholic beverages may be sold, served or consumed outside the designated areas.

(3) An application for a new hotel and restaurant license with optional premises permit shall be processed in the same manner as any other hotel and restaurant license application. If an application to permit an optional premise is filed in connection with an existing hotel and restaurant license, the application shall be processed in the same manner as an application to modify or expand licensed premises. No local fee shall be required in connection with an application for an optional premises permit for an existing hotel and restaurant license.

(4) In addition to or in lieu of any enforcement actions the authority takes against the hotel and restaurant license for violations of this Code or the Colorado Liquor Code and regulations adopted pursuant to

such codes, the authority may decline to renew the optional premises permit for good cause shown, subject to judicial review. In addition, the authority may suspend or revoke the optional premises permit in accordance with the procedures specified in Colorado Liquor Code Regulation 47-600, as the same may be amended from time to time, and upon consideration of the criteria specified in this Title.

- (5) Nothing contained in this Section shall preclude the local licensing authority, in its discretion, from denying an application for an optional premises permit or imposing conditions, restrictions or limitations on any optional premises permit, in order to serve the public health, safety and welfare. Any such conditions may be imposed when the permit is initially issued or should any specific event or use of the optional premises so warrant.
- (C) Unless otherwise permitted by law, it shall be unlawful for any person to sell or dispense alcoholic beverages at an outdoor sports and recreational facility without having first obtained a valid optional premises license or optional premises permit or in violation of any provision, restriction or limitation of such a license or permit.
- (D) Definitions: The following terms shall be defined as provided below. Terms not defined in this Subsection (D) shall be defined consistent with state law.

Ancillary facility shall mean a permanent, temporary or moveable structure or vehicle located on optional premises and used to dispense alcoholic beverages.

Athletic field shall mean a prepared surface outdoors for use while playing or participating in an organized sport.

Outdoor sports and recreational facility shall mean a facility that consists of an athletic field, golf course, tennis court, or some combination thereof.

- (E) No one licensee or permittee shall have more than five optional premises within an outdoor sports and recreational facility. No optional premise may include a parking lot.
- (F) Application for an optional premises license or an optional premises permit as part of a hotel and restaurant license shall be made to the City Clerk, upon forms to be furnished by the City Clerk for that purpose, which forms shall require the following information in addition to any information required by the state licensing authority and this Title:
 - (1) A detailed diagram of the outdoor sports and recreational facility indicating:
 - (a) The location of the outdoor sports and recreational facility;
 - (b) The location of all proposed optional premises;
 - (c) The proposed locations of the ancillary facilities that are proposed to be used for the sale or service of alcoholic beverages;
 - (d) The seating, if any;
 - (e) Restroom facilities, if any;
 - (f) Restrictions, if any, to access to the optional premises; and
 - (g) Location of secured area or areas for use in storing malt, vinous and spirituous liquors for future use on the optional premises.
 - (2) A written statement setting forth what will be done to secure the optional premises and storage area or areas and the reason the licensing authority should grant the license or permit; and
 - (3) Such other information as reasonably may be required to satisfy the local licensing authority that control of the optional premises will be assured, and that the health, safety and welfare of the

neighborhood and outdoor sports and recreational facility users will not be adversely affected should the license or permit be issued.

(G) If the applicant does not own the proposed optional premises, it shall submit to the City Clerk a written statement by the owner of the premises approving the application sought.

~~(H) The applicant shall provide the City Clerk with evidence that the state licensing authority has approved the location proposed to be optional premises, as required by the Colorado Liquor Code.~~

~~(H)~~ It shall be unlawful for any alcoholic beverages to be served on a licensed or permitted optional premises without the licensee or permittee having first provided written notice to the City Clerk and the state licensing authority no less than 48 hours prior to such service of alcoholic beverages. Such notice shall contain specific days and hours on which the optional premises are to be used for the sale or service of alcoholic beverages. Nothing contained in this Section shall preclude written notice, submitted within the time limits set out above, from specifying that an optional premise may be utilized for a continuous or extended period of time. However, should any special or unusual event be anticipated to occur during any extended period of time, no less than 48 hours written notice should be given to the City's Chief of Police, or his designee, who shall have the authority, on behalf of the local licensing authority, to impose any conditions reasonably related towards serving the public health, safety and welfare. The licensee or permittee may file more than one notice during a calendar year.

(1959 3609 3679; Ord. No. 3970, § 1, 2-25-2019)

5-14-12. Penalty.

It shall be unlawful for any person to violate a provision of this Chapter. A violation of this Chapter shall be a criminal offense. Violators shall be subject to the penalties provided by Section 1-8-1, W.M.C., including imprisonment, and may also be subject to civil remedies provided by Chapter 4 of Title VIII of this Code. A separate offense shall be deemed committed upon each day such person is in violation of this Chapter.

(1959 2000 2037)

5-14-13. Distance Requirement Eliminated.

The distance restriction imposed by C.R.S. § 44-3-313(1)(d) for the classes of licenses authorized pursuant to C.R.S. § 44-3-401 is hereby eliminated.

(2229 2395 3325 3427; Ord. No. 3970, § 1, 2-25-2019)

5-14-14. Reserved.

(Repealed by Ordinance 3427.)

5-14-15. Liquor Tastings.

(A) *Authorization:* Licensed retail liquor stores and liquor-licensed drugstores are hereby authorized to conduct tastings in compliance with C.R.S. § 44-3-301 as "tastings," as defined therein.

(B) *Application; Fee:* An applicant for a tasting permit must complete an application on a form to be provided by the City Clerk and accompany the application [per Section 5-14-5, W.M.C. with a \\$50.00 fee.](#)

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- (C) *Violation:* It shall be unlawful for any person to conduct a tasting without a tasting permit issued by the City or to conduct such tasting in any manner not in compliance with the rules and regulations in C.R.S. § 44-3-301 or this Section. Failure to comply with said sections shall be considered a violation of the Colorado Beer and Liquor Codes and may be sanctioned as any other violation of the Codes.
- (D) *Term; Renewal:* Tasting permits shall be valid for one year and shall be issued concurrent with the renewal of the retail liquor store license. Renewal shall be administratively accomplished by the City Clerk, provided that a renewal fee ~~of \$50.00~~ is paid and the permittee has no violations of C.R.S. § 44-3-301 in which case the renewal application shall be considered by the Special Permit and License Board.
- (E) The permittee shall provide the City Clerk with a schedule of dates and times the tastings will be conducted. Such notice shall be at least 72 hours prior to the tasting.

(3147; Ord. No. 3970, § 1, 2-25-2019)

5-14-16. Removal of Vinous Liquor from Licensed Premises.

- (A) Notwithstanding any provision of this Chapter to the contrary, a licensee described in Subsection (B) of this Section may permit a customer of the licensee to reseal and remove from the licensed premises one opened container of partially consumed vinous liquor purchased on the premises, so long as the originally sealed container did not contain more than 750 milliliters of vinous liquor.
- (B) The provisions of this Section shall apply to a licensee:
- (1) That is duly licensed as a manufacturer's licensee under C.R.S. § 44-3-402 a limited winery licensee under C.R.S. § 44-3-403 a beer and wine licensee, a hotel and restaurant licensee, a tavern licensee, a brew pub licensee, a vintner's restaurant licensee, a club licensee, or distillery pub licensee under Section 5-14-4, W.M.C.; and
 - (2) That has meals, as defined in C.R.S. § 44-3-103(20) available for consumption on the licensed premises.

(3325; Ord. No. 3848, § 5, 9-26-2016; Ord. No. 3970, § 1, 2-25-2019)

CHAPTER 23. ENTERTAINMENT DISTRICTS AND COMMON CONSUMPTION AREAS

5-23-1. Purpose.

In order to encourage residents and visitors to come to Westminster, the City Council finds that creating Entertainment Districts will allow the option for Common Consumption Areas in commercial focus areas within the City. The requirements in this division shall be considered in addition to all the requirements set forth in the Colorado Liquor Code to allow Common Consumption Areas.

(Ord. No. 4129, § 1, 5-23-2022)

5-23-2. Definitions.

The following words, terms and phrases, when used in this Chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Entertainment district shall mean an area designated as an Entertainment District of a size no more than 100 acres and, at the time the Entertainment District is created, contains at least 20,000 square feet of premises as a

licensed tavern, hotel and restaurant, brew pub, distillery pub, retail gaming tavern, vintner's restaurant, beer and wine licensee, manufacturer that operates a sales room, beer wholesaler that operates a sales room, limited winery, ~~or~~ lodging ~~facility, and~~or entertainment facility.

Downtown Westminster Entertainment District shall mean an area within Downtown Westminster generally bound by 91st Place on the north, 88th Avenue on the south, East Park on the east, and the Solaire Shops on the west more specifically shown on Exhibit A.

The Orchard Entertainment District shall mean an area at The Orchard Town Center generally bound by 147th on the north including Aloft Hotels on 148th Avenue, 144th Avenue on the south, I-25 on the east, and Harlan Street on the west more specifically shown on Exhibit B.

Common consumption area is an area designated as a common area located within the Entertainment District which has been approved by the Special Permit and License Board. The use of physical barriers may be required to create the Common Consumption Area and close the area to motor vehicle traffic.

Promotional association shall mean an association that is incorporated within Colorado and organizes and promotes entertainment activities within a Common Consumption Area.

(Ord. No. 4129, § 1, 5-23-2022)