



**TOWN OF MOFFAT, COLORADO
ORDINANCE NO. 2018-3**

**AN ORDINANCE CONCERNING THE LICENSING, REGULATION, PERMIT PROCEDURES,
AND OPERATIONAL REQUIREMENTS FOR SPECIAL EVENT PERMITS WITHIN THE
TOWN OF MOFFAT.**

WHEREAS, the Board of Trustees have approved the Town of Moffat to be the Local Liquor Licensing Authority for Special Event Permits,

WHEREAS, the Board of Trustees finds and determines that the provisions of this Ordinance and the regulations herein adopted for the permit procedures and operational requirements for Special Events are reasonable and necessary to protect and preserve the health, safety and welfare of the citizens of the Town of Moffat, Colorado.

NOW THEREFORE BE IT ORDAINED by the Board of Trustees of the Town of Moffat, Colorado, as follows:

Section 1. Fee Schedule. The fee schedule set forth in Resolution 2018-11 is hereby applicable to Special Event Permits and the fee is set at \$25.00.

Section 2. Penalty for Violation. This section of the Ordinance contains penalty clauses applicable to violations of this Ordinance, and such section is herewith set forth in full and hereby enacted: It shall be unlawful for any person to violate, disobey, omit, neglect, refuse or fail to comply with or resist the enforcement of any provision in this Ordinance; and where no specific penalty is provided therefor, the violation of any provision of this Ordinance shall be punished by a fine not exceeding two thousand dollars (\$2,000.00), by imprisonment for a term not exceeding one (1) year, or by both such fine and imprisonment. Each day such violation continues shall be considered a separate offense

Section 3. Repeal. Any and all existing Ordinances or parts of Ordinances of the Town of Moffat inconsistent with the provisions of this Ordinance are hereby repealed; provided, however, that such repeal shall not affect or prevent the prosecution or punishment of any person for any act done or committed in violation of any Ordinance hereby repealed prior to the taking effect of this Ordinance.

Section 4. Severability. If any section, subsection, sentence, clause or phrase of this Ordinance adopted herein is, for any reason, held to be invalid or unconstitutional, such decision shall not affect the validity or constitutionality of the remaining portions of this Ordinance. The Town of Moffat hereby declares that it would have adopted this Ordinance, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases thereof be declared invalid or unconstitutional.

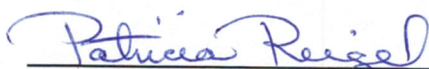
Section 5. Special Event Permit Procedures. Attached and herein referred to as Exhibit A is the Town of Moffat's Special Event Permit Procedures packet. Such packets contains, but is not limited to Special Event Permit Application, Checklist of Procedures,

Examples of Public Hearing Notices, etc. Such packet adheres to Colorado State Liquor Enforcement Division regulations and procedures to ensure compliance with State law.

FIRST READ on this 6th day of November 2018.

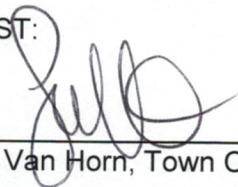
SECOND READING, REVIEWED, CONSIDERED, APPROVED, AND ADOPTED this 4th day of December, 2018.

TOWN OF MOFFAT, COLORADO



By: Patricia Reigel, Mayor

ATTEST:

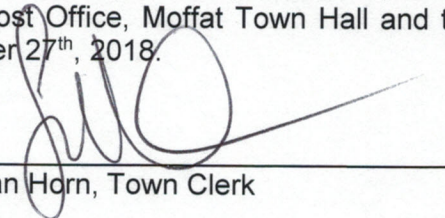


Sarah Van Horn, Town Clerk



CERTIFICATION

I hereby certify that the above Ordinance was introduced, read in full, on November 6, 2018 and then approved and adopted at the regular meeting of the Board of Trustees of the Town of Moffat, Colorado on the December 4, 2018, and published by posting at the following locations: Moffat Post Office, Moffat Town Hall and the Mirage Coffee Shop on October 30th, 2018 and November 27th, 2018.



Sarah Van Horn, Town Clerk



*Town of
Moffat
P. O. Box 353
Moffat, CO 81143*

Local Licensing Authority

SPECIAL EVENT PERMIT APPLICATION

Information & Checklist

Description:

Special Event Permits allow qualified non-profit entities or political candidates to sell, serve, or distribute alcohol beverages for on-premise consumption only in connection with fund raising events. Sandwiches or snack foods must be made available during all hours of liquor service.

A special event permit may be issued to an organization 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
- is a regularly chartered branch, lodge, or chapter of a national organization or society organized for such purposes and being nonprofit in nature, OR
- is a regularly established religious or philanthropic institution, AND
- to any political candidate who has filed the necessary reports and statements with the secretary of state or the Town of Moffat pursuant to article 45 of title 1, C.R.S.

The special event permit holder may obtain a maximum of fifteen (15) Special Events Permits per calendar year. Each permit is valid for one day only. An event lasting between one and five days may be applied for on one application, but each day counts toward the maximum of fifteen total days per year.

The Colorado NonProfit Association's webpage is a good resource for information on nonprofits and events with alcohol:

<https://www.coloradononprofits.org/knowledge/faq/can-my-organization-serve-or-auction-alcohol-our-fundraising-event>

What to know before submitting an application:

- ✓ For questions about this application or the process, please contact the Town Clerk's Office at 719.256.4538 or 401 Lincoln Ave Moffat, CO 81143. Please note that we cannot provide you legal advice.
- ✓ Complete Applications (one copy) must be submitted to the Town Clerk's Office, PO Box 353, Moffat, CO 81143. Incomplete application packets will not be accepted.
- ✓ Please do not staple pages.
- ✓ Please use the checklist below to compile your application.
- ✓ Applications should be submitted at least 45 days prior to your event. If you are closer than that, please call our office.
- ✓ All documents must be 8 ½" x 11" and be typed or legibly printed.
- ✓ The applicant is required to post a Notice sign provided by the Town and to submit pictures of the sign posted and file an affidavit. You will be advised of the deadline to post and submit the pictures and affidavit after your application has been accepted.

EXHIBIT A

Use the following checklist to prepare your Special Event Permit application:

APPLICATION (STATE FORM DR 8439)

- ___ Complete in all appropriate sections
- ___ #1 must match the organization's name **EXACTLY** as stated on the Certificate of Good Standing
- ___ #2 mailing address must be current mailing address on file for organization listed in #1
- ___ Signed and dated by officer or representative of applicant organization

FEES (checks only)

- ___ \$25.00 per application payable to Town of Moffat

POSSESSION/PERMISSION

- ___ Deed or lease or rental agreement or written permission from the property owner for use of the premises (must be signed)
- ___ **Lease or permission or rental agreement must match the organization's name exactly as stated on the Certificate of Good Standing and #1 of the application**

Continue to next page...

EXHIBIT A

DIAGRAM

— An 8 ½ by 11” diagram or drawing of the premises to be licensed **OUTLINED IN BOLD BLACK (a really bold line please!)** and MUST include:

Dimensions of the premises (approximate)

Entrances and exits

Nearest cross streets or North direction or point of geographic reference

Bar or areas of alcohol service

Alcohol storage location(s)

Type of barrier surrounding the premises if outdoors, or walls and partitions if indoors

PROOF OF ELIGIBILITY

— If Corporation: Certificate of Good Standing (nonprofit) from Secretary of State, issued within two years

— If not incorporated, copy of non-profit Charter

— If political candidate: reports and statements that were filed with the Secretary of State’s office

DESCRIPTION OF ALCOHOL SERVICE/SALE AND CONTROL

— Affidavit or letter explaining alcohol service and control the MUST include:

How applicant will ensure no sale to minor

How applicant will handle inebriated individuals

Description of sales, storage, service and control of event

Application for a Special Events Permit

Departmental Use Only

Exhibit A

In order to qualify for a Special Events Permit, You **Must Be Nonprofit** and **One of the Following** (See back for details.)

- | | | |
|------------------------------------|--|--|
| <input type="checkbox"/> Social | <input type="checkbox"/> Athletic | <input type="checkbox"/> Philanthropic Institution |
| <input type="checkbox"/> Fraternal | <input type="checkbox"/> Chartered Branch, Lodge Or Chapter | <input type="checkbox"/> Political Candidate |
| <input type="checkbox"/> Patriotic | <input type="checkbox"/> Of A National Organization Or Society | <input type="checkbox"/> Municipality Owning Arts Facilities |
| <input type="checkbox"/> Political | <input type="checkbox"/> Religious Institution | |

LIAB	Type of Special Event Applicant is Applying for:
2110 <input type="checkbox"/> Malt, Vinous And Spirituous Liquor	\$25.00 Per Day
2170 <input type="checkbox"/> Fermented Malt Beverage (3.2 Beer)	\$10.00 Per Day

DO NOT WRITE IN THIS SPACE

Liquor Permit Number

1. Name of Applicant Organization or Political Candidate	State Sales Tax Number (Required)
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2. Mailing Address of Organization or Political Candidate (include street, city/town and ZIP)	3. Address of Place to Have Special Event (include street, city/town and ZIP)
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Name	Date of Birth	Home Address (Street, City, State, ZIP)	Phone Number
4. Pres./Sec'y of Org. or Political Candidate			
5. Event Manager			

6. Has Applicant Organization or Political Candidate been Issued a Special Event Permit this Calendar Year? <input type="checkbox"/> NO <input type="checkbox"/> YES HOW MANY DAYS? _____	7. Is premises now licensed under state liquor or beer code? <input type="checkbox"/> NO <input type="checkbox"/> YES TO WHOM? _____
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8. Does the Applicant Have Possession or Written Permission for the Use of The Premises to be Licensed? Yes No

List Below the Exact Date(s) for Which Application is Being Made for Permit

Date			Date			Date			Date			Date		
Hours	From	.m.	Hours	From	.m.	Hours	From	.m.	Hours	From	.m.	Hours	From	.m.
	To	.m.		To	.m.		To	.m.		To	.m.		To	.m.

Oath of Applicant

I declare under penalty of perjury in the second degree that I have read the foregoing application and all attachments thereto, and that all information therein is true, correct, and complete to the best of my knowledge.

Signature	Title	Date
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Report and Approval of Local Licensing Authority (City or County)

The foregoing application has been examined and the premises, business conducted and character of the applicant is satisfactory, and we do report that such permit, if granted, will comply with the provisions of Title 44, Article 5, C.R.S., as amended.

THEREFORE, THIS APPLICATION IS APPROVED.

Local Licensing Authority (City or County)	<input type="checkbox"/> City <input type="checkbox"/> County	Telephone Number of City/County Clerk
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Signature	Title	Date
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DO NOT WRITE IN THIS SPACE - FOR DEPARTMENT OF REVENUE USE ONLY

Liability Information			
License Account Number	Liability Date	State	Total
		-750 (999)	\$.

(Instructions on Reverse Side)

Application Information and Checklist

The following supporting documents must be attached to this application for a permit to be issued:

- Appropriate fee.
- Diagram of the area to be licensed (not larger than 8 1/2" X 11" reflecting bars, walls, partitions, ingress, egress and dimensions.
Note: If the event is to be held outside, please submit evidence of intended control, i.e., fencing, ropes, barriers, etc.
- Copy of deed, lease, or written permission of owner for use of the premises.
- Certificate of good corporate standing (NONPROFIT) issued by Secretary of State within last two years; **or**
- If not incorporated, a NONPROFIT charter; **or**
- If a political Candidate, attach copies of reports and statements that were filed with the Secretary of State.

- Application must first be submitted to the local licensing authority (city or county) at least thirty (30) days prior to the event.
- The premises to be licensed must be posted at least ten (10) days before a hearing can be held. (44-5-106 C.R.S.)
- An approved application must be received by the liquor enforcement division at least ten (10) days prior to the event.
- Check payable to the Colorado Department Of Revenue

Exhibit A

(44-5-102 C.R.S.)

A Special Event Permit issued under this article may be issued to an organization, whether or not presently licensed under Articles 4 and 3 of this title, which has been incorporated under the laws of this state for the purpose of a 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 non profit in nature, or which is a regularly established religious or philanthropic institution, and to any political candidate who has filed the necessary reports and statements with the Secretary of State pursuant to Article 45 of Title 1, C.R.S. A Special Event permit may be issued to any municipality owning arts facilities at which productions or performances of an artistic or cultural nature are presented for use at such facilities.

If an event is cancelled, the application fees and the day(s) are forfeited.

Special Event Liquor License Affidavit

I do hereby affirm that any persons purchasing, consuming, or possessing alcohol will be of at least 21 years of age. All persons purchasing alcohol will be required to show proof of age via driver's license or passport. I understand 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.

In accordance with C.R.S 12-48-105(5), we will provide at a bare minimum sandwiches, snacks, or the like during the hours of service.

All alcohol will be served and stored from behind the enclosed bar area where customers cannot access the alcohol. Staff of Grammy's Kitchen will keep track of individuals tabs in order to control consumption and prevent over serving of individuals. Per the supplied diagram alcohol will stay on premises, indoors within the dining area and patio only. Beverages will be sold by the drink, for consumption on premises only.

The fundraiser for Hagen will be held at 17396 Hwy 17, Moffat, CO 81143, otherwise known as Grammy's Kitchen. The hours that alcohol will be served will be from 5:00PM to 11:59PM on October 27th, 2018.

Applicant Signature

SAMPLE

Exhibit A

Event Coordinator and Premises Owner Signature

SAMPLE

**Town of Moffat Public
Notice**

**Proposed Special Event Permit
Town of Moffat Fundraiser for Hagen.**

**Located at:
Grammy's Kitchen
17396 State Hwy 17
Moffat, CO 81143**

**Presented by
Town of Moffat
PO Box 353
Moffat, CO 81143**

**If you wish to protest this permit you must do so in writing
within 10 days of this posting dated 10/04/2018
(C.R.S 12-48-106(2)). You may mail your written protest to
Town of Moffat
PO Box 353 Moffat, CO 81143**

**Or you may hand deliver your protest to the Mayor or Clerk
Monday- Thursday
From 8:00AM to 4:00PM at the Town Hall located at
401 Lincoln Ave. Moffat, CO 81143.**

**If protests are received and there are sufficient grounds to
deny the permit after investigation, a hearing will be held at
the Town Hall on October 16th, 2018 at 6:30PM.**

Sarah Van Horn, Town of Moffat Clerk & Treasurer