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Amending Article 48 of Title 12, Colorado Revised Statutes 1973, Concerning Special Event Permits.

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Recommended Citation

Colorado General Assembly, "Amending Article 48 of Title 12, Colorado Revised Statutes 1973, Concerning Special Event Permits." (1976). *Session Laws 1951-2000*. 6917.
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CHAPTER 83

PROFESSIONS AND OCCUPATIONS

LIQUORS — SPECIAL EVENT PERMITS

SENATE BILL NO. 16, BY SENATORS Minister, Allshouse, Anderson, Kadlecck, Brown, DeBerard, and Sandoval; also REPRESENTATIVES DeMoulin, Bledsoe, Boley, Flett, Gustafson, Munson, and Showalter.

AN ACT

AMENDING ARTICLE 48 OF TITLE 12, COLORADO REVISED STATUTES 1973, CONCERNING SPECIAL EVENT PERMITS.

Be it enacted by the General Assembly of the State of Colorado:

Section 1. 12-48-101, Colorado Revised Statutes 1973, is amended to read:

12-48-101. Special licenses authorized. The state licensing authority, as defined in articles 46 and 47 of this title, may issue a special event permit for the sale, by the drink only, of malt beverages or the sale, BY THE DRINK ONLY, of malt, spirituous, or vinous liquors to organizations qualifying under this article, subject to the APPLICABLE provisions of articles 46 to 48 AND 47 of this title and to the limitations imposed by this article.

Section 2. 12-48-103, Colorado Revised Statutes 1973, is REPEALED AND REENACTED, WITH AMENDMENTS, to read:

12-48-103. Grounds for issuance of special permits. (1) A special event permit may be issued only upon a satisfactory showing by an organization that other existing facilities are not available or are inadequate for the needs of the organization and:

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

(b) The organization is temporarily occupying premises other than its regular premises during such special events as civic celebrations or county fairs and that members of the general public will be served during such special events.

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

Section 3. 12-48-105 (3) and (4), Colorado Revised Statutes 1973, are amended, and the said 12-48-105 is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:

12-48-105. Restrictions related to permits. (3) A special event permit may not be issued to any organization for more than two consecutive days, or for a maximum total time TEN DAYS in one calendar year. of eight days.

(4) No issuance of a special event permit shall have the effect of requiring the state OR LOCAL licensing authority to issue such a permit upon any subsequent application by an organization.

(5) Sandwiches or other food snacks shall be available during all hours of service of malt, spirituous, or vinous liquors, but prepared meals need not be served.

Section 4. 12-48-106, Colorado Revised Statutes 1973, is REPEALED AND REENACTED, WITH AMENDMENTS, to read:

12-48-106. Grounds for denial of special permit. (1) The state licensing authority may deny the issuance of a special event permit upon the grounds that such 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.

(2) Public notice of the proposed permit and of the procedure for protesting issuance of the permit shall be conspicuously posted at the proposed location for at least ten days before approval of the permit by the local licensing authority.

Section 5. 12-48-107 (2), Colorado Revised Statutes 1973, is amended, and the said 12-48-107 is further amended BY THE ADDITION OF THE FOLLOWING NEW SUBSECTIONS, to read:

12-48-107. Applications for special permit. (2) In addition to the fees provided in section 12-48-104, applications shall be accompanied by such fee as the local licensing authority may fix, not to exceed in amount the fees provided in section 12-48-104, for both investigation and issuance of permit. Upon approval of any application, the local licensing authority shall notify the state licensing authority of such approval. The state licensing authority shall thereupon promptly act and either approve or disapprove such application. The state licensing authority shall not issue any permit under this article until the local licensing authority has approved such application. IN REVIEWING AN APPLICATION, THE LOCAL LICENSING AUTHORITY SHALL APPLY THE SAME STANDARDS FOR APPROVAL AND DENIAL APPLICABLE TO THE STATE LICENSING AUTHORITY PURSUANT TO THIS ARTICLE.

(3) The local licensing authority shall cause a hearing to be held if, after investigation and upon review of the contents of any protest filed by affected persons, sufficient grounds appear to exist for denial of a permit. Any protest shall be filed by affected persons within ten days after the date of notice pursuant to section 12-48-106 (2). Any hearing required by this subsection (3) or any hearing held at the discretion of the local licensing authority shall be held at least ten days after the initial posting of the notice, and notice

thereof shall be provided the applicant and any person who has filed a protest.

(4) The local licensing authority may assign all or any portion of its functions under this article to an administrative officer.

Section 6. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: April 30, 1976