



City of Manitou Springs Liquor Code

5.20.010 - Title.

This chapter shall be known and may be cited as the "liquor code of the city," (hereinafter "this chapter").

(Ord. 0383 § 2 (part), 1983)

5.20.020 - Definitions.

The following terms as used in this chapter shall have the meanings hereinafter designated, unless the context specifically indicates otherwise or unless such meaning is excluded by express provision:

- A. "Alcoholic beverages or alcoholic liquors" means malt, vinous, or spirituous liquors.
- B. "Delivery" means the delivery of an alcoholic liquor or three and two-tenths percent beer off the premises of the person(s) selling the same; provided, however, this term shall not include wholesale deliveries or deliveries made to persons holding a license for the sale, service or distribution of alcoholic liquors or three and two-tenths percent beer under the same terms of this chapter.
- C. "Licensed premises" means the premises specified in an application for a license under this chapter which are owned or in possession of the licensee and within which such licensee is authorized to sell, dispense, or serve fermented malt beverages or alcoholic beverages in accordance with the provisions of this chapter.
- D. "Malt liquors" includes beers and means any beverages obtained by the alcoholic fermentation of any infusion or decoction of barley, malt, hops or any other similar product or any combination thereof, in water containing more than three and two-tenths percent of alcohol by weight.
- E. "Manager" means a person not licensed pursuant to this chapter whose responsibilities may include the daily operation and control of any liquor establishment, purchasing, check disbursements or supervision of employees.
- F. "Operator" means a person licensed by law to sell malt, vinous and spirituous liquors, or three and two-tenths percent beer, for beverage purposes at retail and who is engaged at any time during the calendar year in such operation within the city.
- G. "Person" means a natural person, partnership, association, company, corporation, or organization or a manager, agent, servant, officer, or employee of any of them.
- H. "Retail sale" means selling of malt, vinous and spirituous liquors or three and two-tenths percent beer for beverage purposes to the intended or potential consumer for consumption on or off the premises.
- I. "Spirituous liquors" means any alcoholic beverages obtained by distillation, mixed with water or other substances in solution and include among other things, brandy, rum, whiskey, gin and every liquid or solid, patented or not, containing alcohol and which is fit for use for beverage purposes. Any liquid or solid containing beer or wine in combination with any other liquid except as above provided shall not be construed to be malt or vinous liquor, but shall be construed to be spirituous liquor.
- J. "Tastings" means the sampling of malt, vinous, or spirituous liquors that may occur on the premises of a retail liquor store licensee or liquor-licensed drugstore licensee by adult patrons of the licensee pursuant to the provisions of Section 5.20.120.
- K. "Three and two-tenths percent beer" means a fermented alcoholic beverage containing not less than one-half of one percent and not more than three and two-tenths percent alcohol by weight.
- L. "Vinous liquors" means and includes wines and fortified wines not exceeding twenty-one percent of alcohol by volume and shall be construed to mean alcoholic beverages obtained by the fermentation of the natural sugar contents of fruits or other agricultural products containing sugar.

M. Those terms not herein defined shall have such definitions as indicated in C.R.S. 1973, Title 12, Articles 46, 47 and 48.
(Ord. 1108 § 1, 2008; Ord. 0383 § 2 (part), 1983)

5.20.030 - Local licensing authorities.

The city council shall be the local licensing authority of the city for the licensing of the sale of three and two-tenths percent beer and alcoholic liquors as authorized by C.R.S. 1973, Title 12, Articles 46, 47, and 48, and the rules and regulations of the State Licensing Authority. The city council shall possess all powers given to local licensing authorities by the provisions of the statute and rules and regulations. The city council shall also be the local liquor licensing authority for the purpose of granting and/or denying applications for special event permits.

(Ord. 0383 § 2 (part), 1983)

5.20.040 - Business license required.

It is unlawful for any person, either directly or indirectly to engage in the business of selling or serving any alcoholic liquors or three and two-tenths percent beer within the city without having first procured a license therefore from the city, and kept in effect at all such times as required by this chapter.

(Ord. 0383 § 2 (part), 1983)

5.20.050 - License fees.

A. All applications for a license under this chapter must be accompanied by the payment of fees as follows:

1. For a general license, as provided in C.R.S. 1973, Title 12, Article 47;
2. For the sale of three and two-tenths percent beer only as provided in C.R.S. 1973, Title 12, Article 46;
3. For a special permit, as provided in C.R.S. 1973, Title 12, Article 48;
4. For a bed and breakfast permit, as provided in Article 47 of Title 12 of the Colorado Revised Statutes;
5. For a tastings permit, a fee of one hundred dollars.

B. In addition to the state licensing fees, each application shall be accompanied by an application fee, payable to the City, in the amount specified in the state statutes.

(Ord. 1108 § 2, 2008; Ord. 1097 § 1, 1997; Ord. 1494 § 1, 1994;
Ord. 1889 § 1, 1989; Ord. 3086 § 3, 1987; Ord. 0383 § 2 (part), 1983)

5.20.055 - Renewal applications.

All applications for renewal must be submitted to the City Clerk not less than forty-five days prior to the date of expiration of the license. The City Council may for good cause, waive the forty-five-day time requirement upon request of the applicant made in writing to the City Clerk. In order to be eligible for issuance of a renewal license, the holder of any license issued hereunder must first be current in all financial obligations owed to the City.

(Ord. 1600 § 1, 2000; Ord. 1097 § 2, 1997)

5.20.060 - Delegation of authority to city clerk.

The City Clerk is authorized to act as the Local Licensing Authority for the following Colorado Liquor Code and Colorado Beer Code licensing functions:

- A. Processing and issuance of special events permits pursuant to Article 48 of Title 12, C.R.S., provided that there are no parties filing a written objection to said permit;

- B. Annual Colorado Liquor Code and Colorado Beer Code license renewals, provided that the licensee has not violated any provisions of the Colorado Liquor or Beer Codes and associated regulations during the preceding year;
- C. Changes in shareholders, officers, directors or trade names of a licensee, provided that any investigation conducted by the City does not reveal information that may reasonably form the basis of a determination that the applicant is not qualified to hold the respective license;
- D. Changes in registered manager of a licensee, provided that any investigation conducted by the City does not reveal information that may reasonably form the basis of a determination that the proposed manager is not qualified to hold the position;
- E. The issuance of temporary permits pursuant to and in compliance with the provisions of Section 12-47-303, C.R.S.;
- F. The approval of applications for the use of Memorial Hall for events at which alcohol will be served;
- G. The issuance and renewal of tastings permits pursuant to Section 5.20.120.

The City Clerk may, nevertheless, refer any licensing decision authorized under this section to the Local Licensing Authority if, in the Clerk's discretion, the matter should be presented to the full Local Licensing Authority.

(Ord. 1108 § 3, 2008; Ord. 0408 § 1, 2008)

5.20.070 - Sale off-premises prohibited.

No person shall sell, offer for sale, or solicit any order for the sale at retail of any alcoholic liquor or three and two-tenths percent beer except within the licensed premises.

(Ord. 0383 § 2 (part), 1983)

5.20.080 - Consumption regulations.

- A. It is unlawful for any person to consume any alcoholic liquor or three and two-tenths percent beer purchased by the drink except on premises licensed hereunder to sell liquor by the drink for consumption on the premises.
- B. It is unlawful for any person to consume any alcoholic liquor or three and two-tenths percent beer at any time, on any licensed premises other than such alcoholic liquor or three and two-tenths percent beer purchased at such licensed premises.
- C. It is unlawful for any person to consume any alcoholic liquor or three and two tenths percent beer in any licensed premises during such hours as the sale of such liquor is by law prohibited.

(Ord. 0383 § 2 (part), 1983)

5.20.090 - Opened container in public prohibited.

- A. It is unlawful for anyone to possess or have, within their immediate reach, any opened container containing an alcoholic beverage, including fermented malt beverages, on any street, sidewalk, public park or alley or other public place in the city, or on the grounds of any public or private school therein.
- B. It is unlawful for anyone to possess or have, within their immediate reach, any opened container containing an alcoholic beverage, including fermented malt beverages, while in any vehicle on any street, sidewalk, public park or alley or other public place in the city, or on the grounds of any public or private school therein.
- C. It is unlawful for the driver, owner or other person in control of a vehicle to permit anyone in the vehicle to possess, or have within their immediate reach, any opened container containing an alcoholic beverage, including fermented malt beverages.

- D. The city council shall have the power to authorize the consumption of alcoholic beverages, including fermented malt beverages, in public parks or buildings. Council, at its option, may require that the applicant provide security for the event.
- E. Notwithstanding any provision in this code of ordinances to the contrary, a hotel or restaurant licensed to serve alcoholic beverages may permit a customer of the hotel or restaurant to reseal and remove from the licensed premises one opened container of partially consumed vinous liquor purchased on the premises so long as the original container did not contain more than seven hundred fifty milliliters of vinous liquor, and the provisions of subsections A, B and C of this section shall not be applicable to any such customer.

(Ord. 1504 § 1, 2004; Ord. 3094 § 2, 1994)

5.20.100 - Conduct of establishments.

- A. It is unlawful for any licensee, agent or employee or manager by force or threat of force, including any letter or other communication threatening such force, to endeavor to intimidate, obstruct or impede any law enforcement officer or inspectors of the Liquor Enforcement Division from exercising their duties under the provisions of this chapter or any other rule, regulation or provision of the State Liquor Code.
- B. It is unlawful for any person to sell, serve, give away, dispose of, or permit the sale, serving, giving or procuring of any alcoholic liquor or three and two-tenths percent beer to or for any person who has become or is reasonably certain to be visibly intoxicated or a known habitual drunkard.
- C. It is unlawful for any person to sell, serve, or deliver or cause or permit to be sold, served or delivered any alcoholic liquor within the city to any person under the age of twenty-one years.
- D. It is unlawful for any person to serve any alcoholic liquor to any adult person and permit the adult person to serve or give the same on the licensed premises to any person under the age of twenty-one years.
- E. It is unlawful for any person to sell, serve or deliver three and two-tenths percent beer to any person under the age of twenty-one years.
- G. It is unlawful for any person under the age of twenty-one years to purchase any malt, vinous or spirituous liquors, or to purchase three and two-tenths percent beer.
- H. Except as permitted in the course of lawful employment, it is unlawful for any person under the age of twenty-one years to have in his or her possession, malt, vinous, spirituous liquor or for any person whose birth date is after July 29, 1969 to have three and two-tenths percent beer in his or her possession in any public street, alley, road, park, or highway or any other public place whatsoever within the jurisdiction of this city.
- I. It is unlawful for any licensee to employ any person under the age of twenty-one years to sell, serve, distribute or in any way handle spirituous liquors, or to permit any such employee to sell, serve, distribute or in any way handle spirituous liquors in or upon the licensed premises under the control of such licensee.
- J. No person under twenty-one years of age who is employed by an establishment licensed as a tavern, and which does not regularly serve meals, shall sell or serve malt, vinous or spirituous liquors; however, a person under the age of twenty-one years may be employed by a hotel or restaurant to sell or serve malt, vinous or spirituous liquors so long as he or she is supervised by another person who is on premise and who is at least twenty-one years of age.
- K. It is unlawful for any person to sell, cause or permit to be sold, or offer for sale, any fermented malt beverage containing not more than three and two-tenths percent alcohol by weight without having posted on the outside and inside of such establishment in a plainly visible location, signs with the letters not less than ten inches tall each containing the words "only 3.2 beer sold here."
- L. It is unlawful for any licensee, manager or agent of any establishment licensed for on-premises consumption to permit the removal from the licensed premises of any alcoholic liquors in sealed or unsealed containers.

(Ord. 1604 §§ 1—4, 2004; Ord. 1088 § 1, 1988; Ord. 0383 § 2 (part), 1983)

5.20.110 - Responsibility of determining age.

Every person selling, serving or delivering alcoholic liquors or three and two-tenths percent beer shall have the responsibility of determining the age of any person to whom he or she shall sell, serve or deliver alcoholic liquors or three and two-tenths percent beer and shall be responsible for all sales, service and gifts made on the licensed premises.

(Ord. 0383 § 2 (part), 1983)

5.20.115 - Distance from public schools.

Any establishment seeking licensing for alcoholic beverages as a hotel or restaurant must be not less than four hundred ninety-five feet from the nearest school building. The measurement shall be made on the ground from the point of the school building nearest the establishment to the nearest point of the building for which licensing is sought.

(Ord. 1094 § 1, 1994)

5.20.120 - Tastings.

- A. The City authorizes tastings to be conducted by retail liquor store or liquor-licensed drugstore licensees in accordance with this section and pursuant to C.R.S. Section 12-47-301. Within the City, it is unlawful for any person or licensee to conduct tastings unless a permit has been obtained in accordance with this section. The Local Licensing Authority is authorized to issue tasting permits in accordance with the requirement of this section.
- B. A retail liquor store or liquor-licensed drugstore licensee that wishes to conduct tastings shall submit an application for a tastings permit to the Local Licensing Authority. The Local Licensing Authority may reject the application if the applicant fails to establish that the licensee is able to conduct tastings without violating the provisions of this section or creating a public safety risk to the neighborhood. The Local Licensing Authority shall establish the application procedure.
- C. Tastings shall be subject to the following limitations:
 - 1. Tastings shall be conducted only by a person who has completed a server training program that meets the standards established by the Liquor Enforcement Division of the Department of Revenue and who is either a retail liquor store licensee or a liquor-licensed drugstore licensee, or an employee of a licensee, and only on a licensee's licensed premises. A certificate of training shall be provided to the Local Licensing Authority with the application form attached hereto.
 - 2. The alcohol used in tastings shall be purchased through a licensed wholesaler, licensed brew pub, or winery licensed pursuant to C.R.S. Section 12-47-403 at a cost that is not less than the laid-in cost of such alcohol.
 - 3. The size of an individual alcohol sample shall not exceed one ounce of malt or vinous liquor or one-half of one ounce of spirituous liquor.
 - 4. Tastings shall not exceed a total of five hours in duration per day, which need not be consecutive.
 - 5. Tastings shall be conducted only during the operating hours in which the licensee on whose premises the tastings occur is permitted to sell alcohol beverages, and in no case earlier than eleven a.m. or later than seven p.m.
 - 6. Tastings may occur on no more than four of the six days from a Monday to the following Saturday, not to exceed one hundred four days per year.

7. The Licensee shall prohibit patrons from leaving the licensed premises with an unconsumed sample.
 8. The Licensee shall promptly remove all open and unconsumed alcohol beverage samples from the licensed premises or shall destroy the samples immediately following the completion of the tasting.
 9. The Licensee shall not serve a person who is under twenty-one years of age or who is visibly intoxicated.
 10. The Licensee shall not serve more than four individual samples to a patron during a tasting.
 11. Alcohol samples shall be in open containers and shall be provided to a patron free of charge.
 12. No manufacturer of spirituous or vinous liquors shall induce a licensee through free goods or financial or in-kind assistance to favor the manufacturer's products being sampled at a tasting. The Licensee shall bear the financial and all other responsibility for a tasting.
 13. A violation of any of the limitations specified herein by a retail liquor store or liquor-licensed drugstore licensee, whether by his or her employees, agents, or otherwise, shall be the responsibility of the retail liquor store or liquor-licensed drugstore licensee who is conducting the tasting and shall be subject to the same revocation, suspension and enforcement provisions as otherwise apply to the licensee.
- D. Renewal. Tastings permits must be renewed annually subject to the same criteria as issuance of the initial license, as set forth in subsection B of this section.

(Ord. 1108 § 4 (part), 2008)

5.20.125 - Violation—Penalty.

Any person, firm or corporation violating any of the provisions of this chapter, upon conviction, shall be punishable as provided in Section 1.01.100, as amended. In addition, the city council may hold a hearing to suspend or revoke any license issued pursuant to this chapter.

(Ord. 1108 § 4 (part), 2008; Ord. 0383 § 2 (part), 1983)