

Temporary Modification of Liquor Licensed Premises - Accelerated Process

The City of Glendale is encouraging anyone holding a Glendale liquor license for on-premise consumption to utilize adjacent open spaces, parking areas, or walkways to create the social distancing required by future regulations from the State of Colorado Department of Public Health or Tri-County Health Department. We will be as flexible as needed to accommodate your specific situation. Thus, the following link addresses the requirements from the State's Liquor Enforcement Division and the application process.

<https://www.colorado.gov/pacific/enforcement/led-bulletin-20-07-re-emergency-regulations-47-302-f-covid-19-temporary-modification-premises>

The following is a brief list of the things that will be required for Glendale and State approval:

1. Fill out the application for Report of Changes (attached DR 8442 pdf)
2. Pay the \$150 fee through the online portal linked on the Liquor Enforcement Division's bulletin above (there is only a state fee as Glendale is waiving the city's fee during the COVID-19 Emergency).
3. Include a map of your current premise, and use a different color to note the areas being added. If necessary, use a google earth satellite image. Please describe the type of barrier you will be using to separate licensed from unlicensed areas.
4. If your current lease or ownership documents do not include these areas, please obtain the necessary approval and documentation from the party that owns the area for expansion.
5. Email the application to Chuck Line, Deputy City Manager, at cline@glendale.co.us or bring a hard copy to the Glendale Municipal Building at 950 S Birch Street. Our goal is to process and forward any approvals to the Colorado Liquor Enforcement Division within 24 hours. Both State and Local approvals are necessary for temporary modifications.
6. If you have any questions, please call either Chuck Line at 303-639-4601 or City Clerk Veronica Marvin at 303-639-4708.

If you are a non-liquor licensed food service establishment that requires expansion of your dining area, please map the area and call the City. The only approval necessary is through our zoning (at no cost to you) and does not require State of Colorado review.

Please see the following documents attached:

Glendale's Ordinance No 5 regarding Temporary Modification of Premises
Application for Permit or Report of Changes

CITY OF GLENDALE, COLORADO

ORDINANCE NO. 5

SERIES OF 2020

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GLENDALE, COLORADO DELEGATING AS THE LOCAL LIQUOR LICENSE AUTHORITY CERTAIN AUTHORITY, DESIGNATING THE CITY MANAGER AS A HEARING OFFICER OVER TEMPORARY MODIFICATION OF LIQUOR LICENSED PREMISES, AND ALLOWING MODIFICATION HEARINGS TO BE CONDUCTED REMOTELY AND ELECTRONICALLY DURING THE DISASTER EMERGENCY TO ENCOURAGE IMPLEMENTATION OF PHYSICAL DISTANCING REQUIREMENTS AND DECLARING AN EMERGENCY

WHEREAS, the novel Coronavirus Disease 2019 (“COVID 19”) is a severe respiratory illness; and,

WHEREAS, COVID 19 after originating in China has spread rapidly across the globe and is a virus that results in symptoms ranging from fever, cough, acute respiratory distress syndrome, pneumonia, and even death; and,

WHEREAS, on March 10, 2020, the State of Colorado declared a State of Emergency in response to the growing outbreak of COVID 19 in our State; and,

WHEREAS, on March 13, 2020, President Trump declared a National Emergency on behalf of the United States of America related to the COVID 19 pandemic; and,

WHEREAS, consistent with section 4.9 B of the Glendale City Charter (“Charter”), on March 19, 2020 Mayor Dunafon signed a proclamation of the existence of an emergency and instructed and authorized the City Manager to declare a local emergency as provided in C.R.S. §24-33.5-709; and,

WHEREAS, pursuant to the Colorado Disaster Emergency Act, C.R.S.24-33.5-701 et.seq. on March 20, 2020 the City Manager of the City of Glendale City of Glendale declared a state of local disaster emergency with the City Council’s consent; and,

WHEREAS, the presence of COVID 19, and manner in which it is communicated, and in light of the incubation period during which symptoms may not be apparent, continues to pose a threat to the public health and welfare and numerous governmental entities across the state of Colorado have cancelled or restricted public gatherings to reduce the spread of COVID 19; and,

WHEREAS, the City Council of City of Glendale acts as the Local Liquor License Authority, and may delegate certain functions and authority to other officials or boards to execute their statutory obligations; and

WHEREAS, the State of Colorado and Tri-County Health Department will, as outlined in the State's safer at home plan, issue orders and guidance to reinstate the on-premise consumption of alcohol; and

WHEREAS, the orders and guidance will encourage physical distancing in the liquor licensed establishments, which will create a challenge for the economic viability of such services in the currently approved areas of their liquor licensed premises; and,

WHEREAS, the City Council recognizes the need to rapidly consider applications regarding temporary expansions of the liquor licensed premises, allow expansions into areas currently allowed for parking or open space, and allow any hearings necessary to be held remotely; and,

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Glendale, Colorado, as follows:

SECTION 1 The City Council temporarily amends the current procedures and requirements as follows:

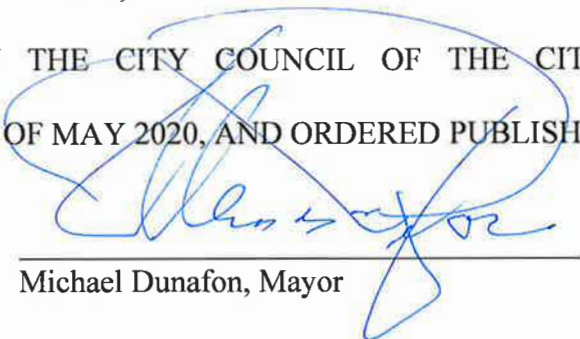
1. The City Council acting as the Local Liquor License authority delegates to the City Manager, Linda Cassaday, the duties and authority of a Hearing Officer for all applications regarding Colorado Liquor Rules Regulation 302 "Changing, Altering, or Modifying Licensed Premises."
2. The Hearing Officer is authorized to conduct any hearings necessary remotely and electronically and establish procedures consistent with Glendale Code of Ordinances Section 2.04.030.
3. To the extent allowed by law, schedule any hearings, if required, to the earliest date possible.
4. The temporary suspension with the recommendation of the Zoning Administrator of the off-street parking requirements and the open space requirements of Title 17 of Glendale Code of Ordinances to allow the temporary expansion of the liquor licensed premise or on-premise dining.
5. All areas used for the expansion of liquor licensed premise or on-premise dining must be returned to the previous condition within ninety (90) days following the termination of the disaster emergency or elimination of physical distancing requirements.

SECTION 2. Safety Clause. The City Council hereby finds, determines, and declares that this ordinance is promulgated under the police powers of the City, is promulgated for the health, safety, morals, and general welfare of the public, and is necessary for the preservation of the health and safety and for the protection of public convenience and welfare. The City Council further determines that this ordinance bears a rational relationship to the proper legislative objective sought to be attained.

SECTION 3. Severability; Conflicting Ordinances Suspended. If any section, subsection, or clause of this ordinance shall be deemed to be unconstitutional or otherwise invalid, the validity of the remaining sections, subsections, and clauses shall not be affected thereby. All ordinances or parts of ordinances of the City Code of the City of Glendale, Colorado, in conflict herewith are expressly suspended until the termination of the disaster emergency.

SECTION 5. Effective Date. To insure the duties and obligations of the City and City Council are required during an disaster emergency it is hereby declared that in the opinion of the City Council the passage of this ordinance as an emergency ordinance pursuant to Section 5.4 of the Charter is necessary for the immediate preservation of the public peace, health, safety, and welfare. This Ordinance shall be in full force and effect upon its passage.

INTRODUCED BY COUNCIL MEMBER MINTZ, SECONDED BY COUNCIL MEMBER TUCHSCHERER AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF GLENDALE, COLORADO THE 5TH DAY OF MAY 2020, AND ORDERED PUBLISHED.



Michael Dunafon, Mayor

ATTEST:

APPROVED AS TO FORM:

Veronica Marvin, City Clerk

Jeffrey Springer, City Attorney

Permit Application and Report of Changes

Current License Number _____
All Answers Must Be Printed in Black Ink or Typewritten
Local License Fee \$ _____

1. Applicant is a <input type="checkbox"/> Corporation <input type="checkbox"/> Individual <input type="checkbox"/> Partnership..... <input type="checkbox"/> Limited Liability Company	Present License Number _____
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2. Name of Licensee	3. Trade Name
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4. Location Address

City	County	ZIP
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SELECT THE APPROPRIATE SECTION BELOW AND PROCEED TO THE INSTRUCTIONS ON PAGE 2.

Section A – Manager reg/change	Section C
• License Account No. _____ <input type="checkbox"/> Manager's Registration (Hotel & Restr.).....\$75.00 <input type="checkbox"/> Manager's Registration (Tavern).....\$75.00 <input type="checkbox"/> Manager's Registration (Lodging & Entertainment).....\$75.00 <input type="checkbox"/> Change of Manager (Other Licenses pursuant to section 44-3-301(8), C.R.S.) NO FEE	<input type="checkbox"/> Retail Warehouse Storage Permit (ea).....\$100.00 <input type="checkbox"/> Wholesale Branch House Permit (ea) 100.00 <input type="checkbox"/> Change Corp. or Trade Name Permit (ea) 50.00 <input type="checkbox"/> Change Location Permit (ea) 150.00 <input type="checkbox"/> Change, Alter or Modify Premises \$150.00 x _____ Total Fee _____ <input type="checkbox"/> Addition of Optional Premises to Existing H/R \$100.00 x _____ Total Fee _____ <input type="checkbox"/> Addition of Related Facility to an Existing Resort or Campus Liquor Complex \$160.00 x _____ Total Fee _____
Section B – Duplicate License	
• Liquor License No. _____ <input type="checkbox"/> Duplicate License \$50.00	<input type="checkbox"/> Campus Liquor Complex Designation No Fee <input type="checkbox"/> Sidewalk Service Area \$75.00

Do Not Write in This Space – For Department of Revenue Use Only

Date License Issued	License Account Number	Period

The State may convert your check to a one time electronic banking transaction. Your bank account may be debited as early as the same day received by the State. If converted, your check will not be returned. If your check is rejected due to insufficient or uncollected funds, the Department of Revenue may collect the payment amount directly from your bank account electronically.	TOTAL AMOUNT DUE \$ _____	.00
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Instruction Sheet

For All Sections, Complete Questions 1-4 Located on Page 1

Section A

To Register or Change Managers, check the appropriate box in section A and complete question 8 on page 5. Proceed to the Oath of Applicant for signature. Submit to State Licensing Authority for approval.

Section B

For a Duplicate license, be sure to include the liquor license number in section B on page 1 and proceed to page 5 for Oath of Applicant signature.

Section C

Check the appropriate box in section C and proceed below.

- 1) **For a Retail Warehouse Storage Permit**, go to page 3 complete question 5 (be sure to check the appropriate box). Submit the necessary information and proceed to page 5 for Oath of Applicant signature. Submit to State Licensing Authority for approval.
- 2) **For a Wholesale Branch House Permit**, go to page 3 and complete question 5 (be sure to check the appropriate box). Submit the necessary information and proceed to page 5 for Oath of Applicant signature. Submit to State Licensing Authority for approval.
- 3) **To Change Trade Name or Corporation Name**, go to page 3 and complete question 6 (be sure to check the appropriate box). Submit the necessary information and proceed to page 5 for Oath of Applicant signature. Retail Liquor License submit to Local Liquor Licensing Authority (City or County). Manufacturer, Wholesaler and Importer's Liquor Licenses submit to State Liquor Licensing Authority.
- 4) **To modify Premise, or add Sidewalk Service Area**, go to page 4 and complete question 9. Submit the necessary information and proceed to page 5 for Oath of Applicant signature. Retail Liquor License submit to Local Liquor Licensing Authority (City or County). Manufacturer, Wholesaler and Importer's Liquor Licenses submit to State Liquor Licensing Authority.
- 5) **For Optional Premises** go to page 4 and complete question 9. Submit the necessary information and proceed to page 5 for Oath of Applicant signature. Retail Liquor License submit to Local Liquor Licensing Authority (City or County).
- 6) **To Change Location**, go to page 3 and complete question 7. Submit the necessary information and proceed to page 5 for Oath of Applicant signature. Retail Liquor License submit to Local Liquor Licensing Authority (City or County). Manufacturer, Wholesaler and Importer's Liquor Licenses submit to State Liquor Licensing Authority.
- 7) **Campus Liquor Complex Designation**, go to page 4 and complete question 10. Submit the necessary information and proceed to page 5 for Oath of Applicant signature.
- 8) **To add another Related Facility** to an existing Resort or Campus Liquor Complex, go to page 4 and complete question 11.

Storage Permit	<p>5. Retail Warehouse Storage Permit or a Wholesalers Branch House Permit</p> <p><input type="checkbox"/> Retail Warehouse Permit for:</p> <p style="margin-left: 20px;"><input type="checkbox"/> On–Premises Licensee (Taverns, Restaurants etc.)</p> <p style="margin-left: 20px;"><input type="checkbox"/> Off–Premises Licensee (Liquor stores)</p> <p><input type="checkbox"/> Wholesalers Branch House Permit</p> <p>Address of storage premise: _____</p> <p>City _____, County _____, Zip _____</p> <p>Attach a deed/ lease or rental agreement for the storage premises. Attach a detailed diagram of the storage premises.</p>				
Change Trade Name or Corporate Name	<p>6. Change of Trade Name or Corporation Name</p> <p><input type="checkbox"/> Change of Trade name / DBA only</p> <p><input type="checkbox"/> Corporate Name Change (Attach the following supporting documents)</p> <ol style="list-style-type: none"> 1. Certificate of Amendment filed with the Secretary of State, or 2. Statement of Change filed with the Secretary of State, <u>and</u> 3. Minutes of Corporate meeting, Limited Liability Members meeting, Partnership agreement. <table border="1" style="width: 100%; border-collapse: collapse; margin-top: 5px;"> <tr> <td style="width: 50%; padding: 2px;">Old Trade Name</td> <td style="width: 50%; padding: 2px;">New Trade Name</td> </tr> <tr> <td style="width: 50%; padding: 2px;">Old Corporate Name</td> <td style="width: 50%; padding: 2px;">New Corporate Name</td> </tr> </table>	Old Trade Name	New Trade Name	Old Corporate Name	New Corporate Name
Old Trade Name	New Trade Name				
Old Corporate Name	New Corporate Name				
Change of Location	<p>7. Change of Location</p> <p>NOTE TO RETAIL LICENSEES: An application to change location has a local application fee of \$750 payable to your local licensing authority. You may only change location within the same jurisdiction as the original license that was issued. Pursuant to 44-3-311(1) C.R.S. Your application must be on file with the local authority thirty (30) days before a public hearing can be held.</p> <p>Date filed with Local Authority _____ Date of Hearing _____</p> <p>(a) Address of current premises _____</p> <p style="margin-left: 20px;">City _____ County _____ Zip _____</p> <p>(b) Address of proposed New Premises (Attach copy of the deed or lease that establishes possession of the premises by the licensee)</p> <p style="margin-left: 20px;">Address _____</p> <p style="margin-left: 20px;">City _____ County _____ Zip _____</p> <p>(c) New mailing address if applicable.</p> <p style="margin-left: 20px;">Address _____</p> <p style="margin-left: 20px;">City _____ County _____ State _____ Zip _____</p> <p>(d) Attach detailed diagram of the premises showing where the alcohol beverages will be stored, served, possessed or consumed. Include kitchen area(s) for hotel and restaurants.</p>				

Change of Manager	<p>8. Change of Manager or to Register the Manager of a Tavern, Hotel and Restaurant, Lodging & Entertainment liquor license or licenses pursuant to section 44-3-301(8).</p> <p>(a) Change of Manager (attach Individual History DR 8404-I H/R, Tavern and Lodging & Entertainment only) Former manager's name _____ New manager's name _____</p> <p>(b) Date of Employment _____ Has manager ever managed a liquor licensed establishment? Yes <input type="checkbox"/> No <input type="checkbox"/> Does manager have a financial interest in any other liquor licensed establishment? Yes <input type="checkbox"/> No <input type="checkbox"/> If yes, give name and location of establishment _____</p>
Modify Premises or Addition of Optional Premises, Related Facility, or Sidewalk Service Area	<p>9. Modification of Premises, Addition of an Optional Premises, Addition of Related Facility, or Addition of a Sidewalk Service Area</p> <p>NOTE: Licensees may not modify or add to their licensed premises until approved by state and local authorities.</p> <p>(a) Describe change proposed _____ _____ _____</p> <p>(b) If the modification is temporary, when will the proposed change: Start _____ (mo/day/year) End _____ (mo/day/year)</p> <p>NOTE: THE TOTAL STATE FEE FOR TEMPORARY MODIFICATION IS \$300.00</p> <p>(c) Will the proposed change result in the licensed premises now being located within 500 feet of any public or private school that meets compulsory education requirements of Colorado law, or the principal campus of any college, university or seminary? (If yes, explain in detail and describe any exemptions that apply) Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>(d) Is the proposed change in compliance with local building and zoning laws? Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>(e) If this modification is for an additional Hotel and Restaurant Optional Premises has the local authority authorized by resolution or ordinance the issuance of optional premises? Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>(f) Attach a diagram of the current licensed premises and a diagram of the proposed changes for the licensed premises.</p> <p>(g) Attach any existing lease that is revised due to the modification.</p> <p>(h) For the addition of a Sidewalk Service Area per Regulation 47-302(A)(4), include documentation received from the local governing body authorizing use of the sidewalk. Documentation may include but is not limited to a statement of use, permit, easement, or other legal permissions.</p>
Campus Liquor Complex Designation	<p>10. Campus Liquor Complex Designation</p> <p>An institution of higher education or a person who contracts with the institution to provide food services</p> <p>(a) I wish to designate my existing _____ Liquor License # _____ to a Campus Liquor Complex Yes <input type="checkbox"/> No <input type="checkbox"/></p>
Additional Related Facility	<p>11. Additional Related Facility</p> <p>To add a Related Facility to an existing Resort or Campus Liquor Complex, include the name of the Related Facility and include the address and an outlined drawing of the Related Facility Premises.</p> <p>(a) Address of Related Facility _____</p> <p>(b) Outlined diagram provided Yes <input type="checkbox"/> No <input type="checkbox"/></p>

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
Report and Approval of LOCAL Licensing Authority (CITY / 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 applicable provisions of Title 44, Articles 4 and 3, C.R.S., as amended. Therefore, This Application is Approved.		
Local Licensing Authority (City or County)		Date filed with Local Authority
Signature	Title	Date
Report of STATE Licensing Authority		
The foregoing has been examined and complies with the filing requirements of Title 44, Article 3, C.R.S., as amended.		
Signature	Title	Date