

# Memo

**To:** Local Liquor Authority

**From:** Melody Harrison, Town Clerk

**Date:** 5/21/2019

**Re:** Community Market Special Event Liquor Permit for the Ritter Plaza Music in the Park Event

---

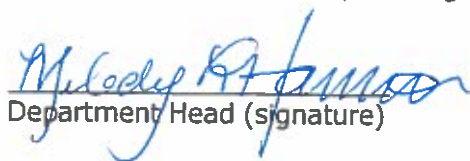
**Request:** The Downtown Alliance through its representative, Kathryn Ruggles, requests that the Liquor Authority consider approving a special events liquor permit held by the non-profit organization the New Castle Community Market, providing liquor licensing for two days that they would be able to serve alcohol in Ritter Plaza at their Music in the Park Event. The music events will take place on six separate Fridays throughout the year, however, the Downtown Alliance is only requesting that the Community Market sponsor two of the days. Either the Town of New Castle or Roaring Fork Mountain Bike Association will sponsor the other four days.

Staff has received a serving schedule from the Downtown Alliance. The servers listed are currently certified or will be ServSafe or TIPs certified at the time of the music events noted above. The Alliance also provided an example of a 2018 circumstance where they refused service to a guest, who subsequently left without incident.

**Recommendation:** If Council's consensus is to approve the special event liquor permit for the Ritter Plaza Music in the Park event through the Community Market, the Clerk's Office recommends that although alcohol will be served from 5:00 p.m. to 6:30 p.m. on June 23, that alcohol be allowed on premises from 4:30 p.m. to 7:00 p.m. to allow for set-up and tear-down; and that 'last call' be at 6:00 p.m. to allow time for guests to consume their drinks. On July 19, 2019, staff recommends that alcohol be allowed on premises from 5:30 p.m. to 9:00 p.m. to allow for set-up and tear-down, and that 'last call' be at 8:00 p.m. to allow time for guests to consume their drinks. The Clerk's Office further recommends that a 100% ID check be required.

**Policy Implications:** The policy implication of Council's approval of this special event license is that the town shall have the authority to serve, sell or distribute malt, vinous and spirituous liquors for on-premises consumption at the June 23, 2019 event, and the July 19, 2019 event.

**Budget Implications:** Adopting staff's recommendation would increase sales tax revenues. Even though the applicant is a non-profit organization, it is required to collect and remit sales tax on alcohol sales.

  
Department Head (signature)

**Background:** The Town of New Castle Special Event Coordinator filed the application on April 22, 2019, 62 days prior to the event date, within the application guidelines as required by the State Liquor Code. The public hearing has been properly noticed. The application is properly completed and application fees have been paid.

# Application for a Special Events Permit

Departmental Use Only

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

- |  |  |  |
|--|--|--|
| <input checked="" 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	\$10.00 Per Day

**DO NOT WRITE IN THIS SPACE**

Liquor Permit Number

1. Name of Applicant Organization or Political Candidate: New Castle Community Market State Sales Tax Number (Required): 81-5363201

2. Mailing Address of Organization or Political Candidate (include street, city/town and ZIP):  
PO BOX 445  
New Castle, CO 81647

3. Address of Place to Have Special Event (include street, city/town and ZIP):  
Burning MtN Park  
157 Main Street  
New Castle 81647

Name	Date of Birth	Home Address (Street, City, State, ZIP)	Phone Number
4. Pres./Sec'y of Org. or Political Candidate <u>Noreen Nolan</u>	<u>11-4-50</u>	<u>PO BOX 445</u> <u>111 N A Avenue New Castle</u>	<u>970-984-3420</u>

5. Event Manager: same

6. Has Applicant Organization or Political Candidate been Issued a Special Event Permit this Calendar Year?  
 NO  YES HOW MANY DAYS? 3

7. Is premises now licensed under state liquor or beer code?  
 NO  YES TO WHOM? Noreen Nolan

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	Hours From	To	Date	Hours From	To	Date	Hours From	To	Date	Hours From	To
<u>7/25/2019</u>	<u>4:30</u>	<u>7:00 P.m.</u>	<u>8/10/2019</u>	<u>4:30</u>	<u>7:00 P.m.</u>	<u>11/2/2019</u>	<u>4:30</u>	<u>7:00 P.m.</u>			

**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: <u>Noreen Nolan</u>	Title: <u>organizer</u>	Date: <u>7/22/2019</u>
--------------------------------	-------------------------	------------------------

**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):  City  County Telephone Number of City/County Clerk

Signature	Title	Date
-----------	-------	------

**DO NOT WRITE IN THIS SPACE - FOR DEPARTMENT OF REVENUE USE ONLY**

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

## 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.

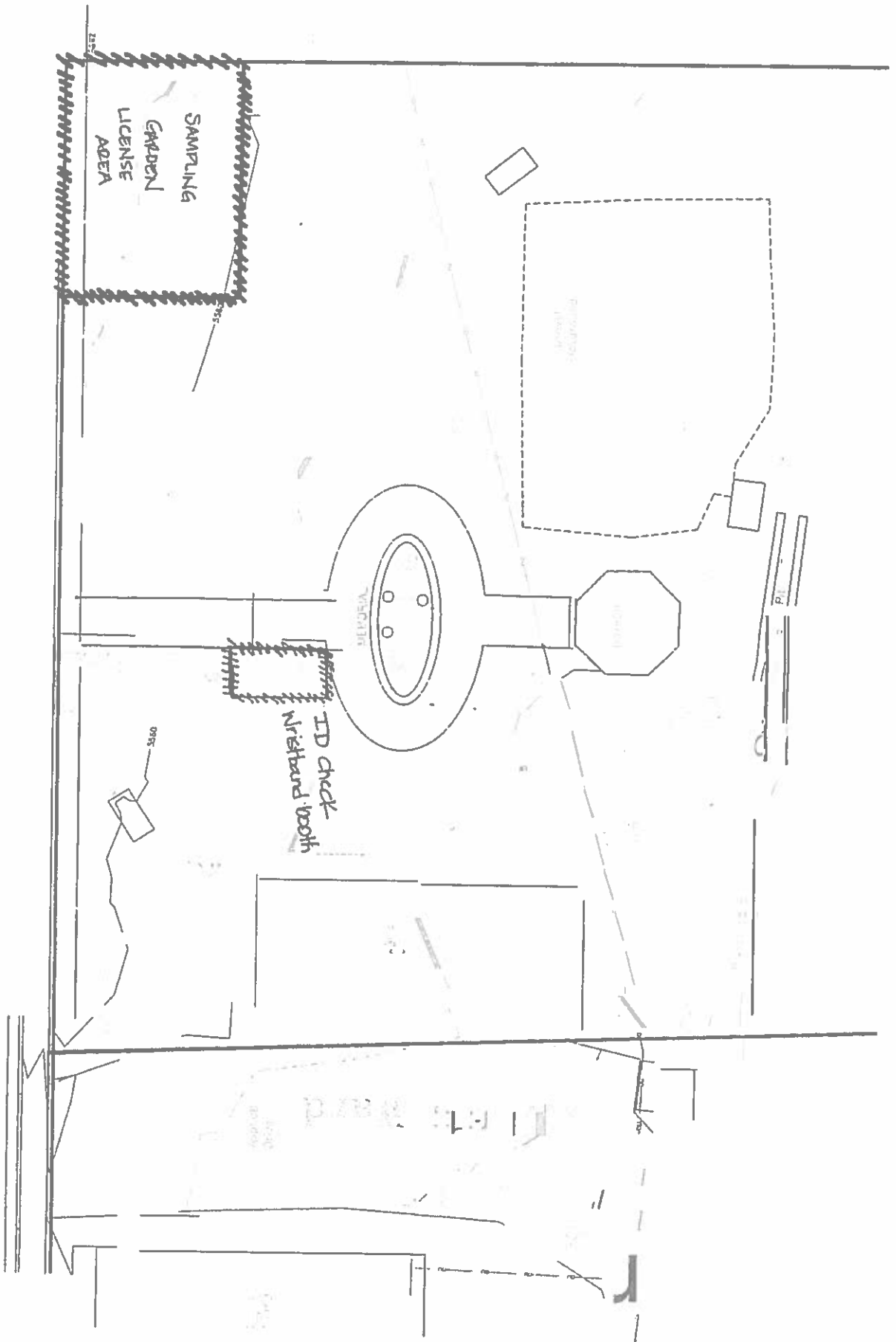
- Application must first be submitted to the local licensing authority (city or county) at least thirty (30) days prior to the event.
- The premises to be licensed must be posted at least ten (10) days before a hearing can be held. (44-5-106 C.R.S.)
- An approved application must be received by the liquor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

(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.

Main Street (Hwy)



INTERNAL REVENUE SERVICE  
P. O. BOX 2508  
CINCINNATI, OH 45201

DEPARTMENT OF THE TREASURY

Date: MAY 31 2018

NEW CASTLE COMMUNITY MARKET  
PO BOX 632  
NEW CASTLE, CO 81647-0000

Employer Identification Number:  
81-5363201  
DLN:  
26053530005208  
Contact Person:  
CUSTOMER SERVICE ID# 31954  
Contact Telephone Number:  
(877) 829-5500  
Accounting Period Ending:  
December 31  
Form 990-PF Required:  
Yes  
Effective Date of Exemption:  
May 8, 2018  
Addendum Applies:  
Yes

Dear Applicant:

We're pleased to tell you we determined you're exempt from federal income tax under Internal Revenue Code (IRC) Section 501(c)(3). Donors can deduct contributions they make to you under IRC Section 170. You're also qualified to receive tax deductible bequests, devises, transfers or gifts under Section 2055, 2106, or 2522. This letter could help resolve questions on your exempt status. Please keep it for your records.

Organizations exempt under IRC Section 501(c)(3) are further classified as either public charities or private foundations. We determined you're a private foundation within the meaning of Section 509(a).

You're required to file Form 990-PF, Return of Private Foundation or Section 4947(a)(1) Trust Treated as Private Foundation, annually, whether or not you have income or activity during the year. If you don't file a required return or notice for three consecutive years, your exempt status will be automatically revoked.

If we indicated at the top of this letter that an addendum applies, the enclosed addendum is an integral part of this letter.

For important information about your responsibilities as a tax-exempt organization, go to [www.irs.gov/charities](http://www.irs.gov/charities). Enter "4221-PF" in the search bar to view Publication 4221-PF, Compliance Guide for 501(c)(3) Private Foundations, which describes your recordkeeping, reporting, and disclosure requirements.

Letter 1076