



# Grapevine



January 2005

## Smoking Ordinance

**Smoke-free Public Places.** Smoking is prohibited in all enclosed public places including restaurants (which are defined as establishments earning more than 55% of their total annual income from food sales) retail stores, public sporting events, banks, public transportation, public waiting areas, etc. This year, licensees holding a hotel-restaurant, tavern, club, arts, beer-wine license or a 3.2% beer on premise license were sent certification forms for reclassification to a free-standing bar as defined in the ordinance. Reclassification does not affect the class of liquor license. These forms were due back to the City Clerk in December.

**Smoke-free Workplace.** Except in areas in which smoking is specifically allowed by the new ordinance, employees sharing an office or any other enclosed area must be provided a smoke-free workplace if they request it.

**Signage.** All businesses that serve the public in an enclosed area must now have one of two smoking-related signs. (1) "No Smoking"; or (2) "Smoking is Allowed Inside" must be clearly visible at all public entrances. See the website for sign sizes. If you do not have signs on your business, you were in violation of the existing ordinance as of January 1, 2004.

**Questions.** Call the City Clerks Office (970-244-1511) or visit our website for full details or attend the public forum scheduled on February 4, 2005. See below for details.



## Recap of 2004

Here's what transpired in liquor licensing in 2004. There were 10 new applications processed: 1-Tavern; 6-Hotel/Restaurant; 2-Beer/Wine; and 1-Retail Liquor Store. There were also 12 transfers of ownership, 17 changes in corporate structure, 5 modification of premises, 17 registrations of new managers, 3 trade name change, 2 change in location, and 129 renewals processed. 9 special events permits were issued also.

Three Liquor Awareness Training sessions were held. Four issues of the Grand Junction Grapevine were published and sent out to keep you, our licensees, current as to new laws and changes in the liquor code along with general information of interest to those involved in the liquor service arena.

### Did you know...

You can get information regarding a Special Occupational Tax Stamp from the Department of Treasury—Alcohol and Tobacco Tax and Trade Bureau (TTB) Telephone 800-937-8864 or between the hours of 8:00 a.m. and 5:00 pm at (Eastern time), 513-684-2979.

The state law prohibiting the sale and consumption of alcohol on Election Day was repealed in 1990.

Watch our Website  
at [www.gjcity](http://www.gjcity) for  
Upcoming Trainings  
held in the City Hall  
Auditorium

All businesses must be in compliance with the City of Grand Junction Smoking in Public Places Municipal Ordinance by January 1, 2006. If you have questions about implementing the ordinance in your business, bring them to:

**What:**

Question and Answer Forum about the Smoking Ordinance and how your business could be affected.

**When:**

9:00 A.M. on Friday, February 4<sup>th</sup>, 2005

**Where:**

Municipal Hearing Room in City Hall  
250 North 5<sup>th</sup> Street, Grand Junction, CO

The entire ordinance is available at [www.gjcity.org](http://www.gjcity.org). If you have questions about the forum, please call 244-1593



**Congratulations  
on your New License**

**11/17/04 - Zen Garden, Inc.  
dba Zen Garden, Hotel and  
Restaurant**

### Due to Renew

Renewals are due to this office **45** days prior

Red Lobster	3/07
Lincoln Park Golf	3/10
Fiesta Guadalajara	3/16
Metro Movie Playhouse	3/16
Wrigley Field	3/17
The Vineyard	3/17
Two Rivers Conv Ctr	3/30
Dia. Shamrock #4115	3/31
Johnny Carino's	4/02
Pantuso's	4/16
Teller Arms Liquor	4/17
Junct'n Square Pizza	4/18
Orchard Mesa Liquors	4/19
Country Inn of Gr. Jct.	4/20
Loco Food Store #11	4/22
Horizon Liquors	4/24
Andy's Food Store	4/27
Johnny's Beer & Liquor	5/07
Stop N Save #11	5/17
Loyal Order of Moose	5/18
Gr. Jct. Athletic Club	5/24
Gay Johnson's	5/26
Crown Liquors	5/27

State Liquor Enforcement  
(303) 205-2300

City Sales Tax  
244-1521

Newsletter prepared by:  
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### Upcoming Holidays and Events

January 17	Martin Luther King's Birthday (City Offices are Open)
February 9	Ash Wednesday
February 12	Lincoln's Birthday
February 14	Valentines Day
February 21	Presidents Day (City Offices Closed)
February 22	Washington's Birthday
February 25	Ash Wednesday
March 17	St. Patrick's Day
March 20	Spring Begins
March 27	Easter

BEVERAGE ANALYST ARTICLE  
August 2004

### **POKER TOURNAMENTS ON LIQUOR-LICENSED PREMISES**

Gambling on liquor-licensed premises is not allowed under the Liquor Code. Does that mean poker tournaments are prohibited? Possibly. The specifics of each arrangement are critical to determining legality. The following is a brief overview of the gambling laws. (Note that the discussion below does not apply to licensed casinos: they have their own separate rules.)

Where bars get involved in sponsoring poker tournaments, great caution is advised. The Liquor Code does not define prohibited gambling, but the Criminal Code (Title 18 of the Colorado Revised Statutes) does provide a definition. Basically, it can be summarized as follows: if you pay money, take a chance, and can win money or something of value, then that is gambling. Although poker involves great skill, betting on it makes it gambling. So if a tournament is held where players are risking real money to win money or something of value (e.g., a car), that is prohibited gambling.

An exception to the laws prohibiting gambling involves a friendly poker game; friends get together and play for money at a private residence. That is usually a legal situation provided there is no take and no house advantage, and everyone shares a bona-fide social relationship. In contrast, a bar sponsoring such poker games may be in violation of the Liquor Code. Why? First, the players may include strangers, persons with no social relationship to the other players. Their presence makes the gambling illegal professional gambling. Third, some jurisdictions consider the bar that offers, promotes, or sponsors such games as making money indirectly by selling drinks — profiting from gambling turns a friendly poker game into illegal professional gambling.

What can be allowed? A poker tournament is legal where players pay nothing to enter and are given free chips. No drinks need to be purchased, and players do not have to make a donation or payment of any kind. Winners are awarded prizes. Such a contest is a give-away and is not gambling.

However, licensed establishments contemplating any activities that even remotely resemble gambling should check with legal counsel and local law enforcement before undertaking such activities. Sometimes police and prosecutors have unique interpretations of the laws.

This article was written by Roger M. Morris, Esq., the former Director of the Colorado Liquor Enforcement Division