

Chapter 7 Occupation Tax¹

3-7-1. Legislative Intent.

The purpose of this chapter is to impose an occupation tax upon persons engaged in the business of manufacture or sale of malt, vinous or spirituous liquor or fermented malt beverages in the city.²

3-7-2. Imposition and Rate of Tax.

- (a) No person licensed to sell malt, vinous or spirituous liquor or fermented malt beverage in the city shall fail to pay to the city manager an occupation tax upon the business of selling malt, vinous or spirituous liquors or fermented malt beverages according to the following schedule:
- (1) The holder of a malt, vinous or spirituous liquor license shall pay an annual occupation tax as follows:
 - (A) Retailer liquor store license \$988.50
 - (B) Liquor-licensed drugstore 988.50
 - (C) Beer and wine license 1,085.00
 - (D) Hotel and restaurant license 3,253.00
 - (E) Brew pub license 3,253.00
 - (F) Tavern license 3,253.00
 - (G) Club license 1,284.00
 - (H) Arts license 1,284.00
 - (I) Race track license 2,957.50
 - (J) Vintner's restaurant 3,253.00
 - (K) Distillery pubs 3,253.00
 - (L) Lodging and entertainment facility 3,253.00
 - (M) Resort complex 3,253.00
 - (2) A fermented malt beverages licensee shall pay an annual occupation tax as follows:
 - (A) Consumption on the premises \$400.00
 - (B) Consumption off the premises 275.00
- (b) The occupation tax is due and payable to the city manager for each year for which a license has been obtained on the first day of January of each year, or as soon thereafter as the license is issued. If the city manager issues a beverage license for less than a full year, the manager shall prorate the occupation tax on the number of whole months remaining in the year. If a license under this chapter is issued for any applicant

¹Adopted by Ordinance No. 4651. Derived from Ordinance Nos. 3887, 4130.

²See Tom's Tavern v. City of Boulder, 526 P.2d 1328 (1974).

who previously paid an occupation tax for the current year for the exercise of a fermented malt beverage or liquor license, the manager shall prorate the tax and credit it to the new occupation tax applicable to the new license after the licensee surrenders the old license.

- (c) No delinquency in the payment of the occupation tax imposed by this section is a ground for suspension or revocation of a fermented malt beverage or liquor license issued by the city or state.
- (d) No person shall operate any malt, vinous or spirituous liquor or fermented malt beverage establishment in the city unless such person has paid the appropriate occupation tax. Each day of operation in violation of this subsection constitutes a separate offense.
- (e) Any person obligated to pay the tax imposed by this chapter may elect to pay the occupation tax in installments, one-half of the tax on or before January 1 of the year for which the tax is due and the remaining one-half on or before July 1 of the same year.

On any new license issued after January 1 but prior to July 1, such person may also make such an election.

- (f) If a person obligated to pay the tax imposed by this chapter goes out of business or otherwise intends not to make use of its city or state license and so certifies to the city manager under oath, the manager shall refund a prorated amount of the occupation tax previously paid attributable to the time that the license will be unused, at the rate of one-twelfth of the fee for each whole month remaining in the year. No person shall make a false statement on such certificate.
- (g) Payment of \$295.50 of the occupation tax for a license that did not possess an extended hours license as of June 30, 1997, shall be waived if the licensee submits an annual notarized statement to the city manager that malt, vinous or spirituous liquor has not and will not be sold during the hours from 8:00 p.m. to 2:00 a.m. on Sundays and on Christmas Day.

Ordinance Nos. 5425 (1991); 5835 (1996); 5899 (1997); 8223 (2018) ; 8284 (2018)

3-7-3. Reserved.

Editor's note(s)—Ord. No. 8237 Editor's note(s)—, § 2Editor's note(s)—, adopted February 6, 2018, effective March 8, 2018, repealed § 3-7-3Editor's note(s)—, which pertained to enforcement of tax liability. See Code Comparative Table for complete derivation.