

RESOLUTION NO. 2015 - 16

A RESOLUTION ADOPTING STANDARDS FOR THE ISSUANCE OF OPTIONAL PREMISES LICENSES AND OPTIONAL PREMISES FOR A HOTEL AND RESTAURANT LICENSE PURSUANT TO THE PROVISIONS OF SECTION 12-47-310, C.R.S.

WHEREAS, Section 12-47-310, C.R.S., permits a county to adopt standards for the issuance of optional premises licenses or optional premises for a hotel or restaurant license for outdoor sports or recreational facilities as defined in Section 12-47-103(22) within the unincorporated areas of the County; and

WHEREAS, the Board of County Commissioners of the County of Rio Blanco, State of Colorado, wishes to adopt such standards.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF RIO BLANCO, COLORADO, AS FOLLOWS:

1. The following standards for the issuance of optional premises licenses or optional premises for a hotel and restaurant license are hereby adopted pursuant to the provisions of Section 12-47-310, C.R.S.

A. These standards shall be considered in addition to all other standards applicable to the issuance of licenses under the Colorado Liquor Code for optional premises license or optional premises for a hotel and restaurant license. These two types of licenses for optional premises will collectively be referred to as "optional premises" in these standards unless otherwise provided.

B. Eligible Facilities. An optional premises may only be approved when that premises is located on or adjacent to an outdoor sports and recreational facility as defined in Section 12-47-103(22). The types of outdoor sports and recreational facilities which may be considered for an outdoor premises license include the following:

- i. County Club;
- ii. Golf Courses and driving ranges;
- iii. Swimming pools
- iv. Outdoor tennis courts and clubs; and
- v. Equestrian centers.

There are no restrictions on the minimum size of the outdoor sports and recreational facilities which may be eligible for the approval of an optional premises license.

C. Number of Optional Premises. The Local Liquor Licensing Authority, in its discretion, may restrict the number of optional premises which any one licensee may have. Any licensee requesting approval of more than one optional premises shall:

- i. explain the reason for each optional premises requested;
- ii. demonstrate how the optional premises relate to each other from an operational standpoint;
- iii. demonstrate to the satisfaction of the Local Liquor Licensing Authority the need for each optional premises in relationship to the outdoor sports and recreational facility and its guests; and
- iv. demonstrate that the optional premises will not adversely affect the neighborhood in which it is located.

D. Submittal Requirements. When submitting a request for the approval of an optional premises, an applicant shall also submit the following:

- i. An application fee of one hundred dollars (\$100. 00) per optional premises in addition to the other applicable local and state license fees as set forth in C.R.S. §12-47-505.
- ii. A map or other drawing illustrating the outdoor sports or recreational, facility boundaries and the approximate location of each optional premises requested.
- iii. A legal description of the approximate area within which the optional premises shall be located.
- iv. A description of the method which shall be used to identify the boundaries of the optional premises.
- v. A description of the provisions which have been made for storing, vinous and spirituous liquors in a secured area on or off the optional premises for the future use on the optional premises.
- vi. All applicants shall submit a description of the method which will be used to identify and control the optional premises. For example, the applicant may describe the types of signs, fencing or other notices or barriers to be used in order to control the optional premises.

2. Advance Notification. Pursuant to Section 12-47-310(3) and (4), C. R. S., no alcoholic beverages may be served on an optional premises without the licensee having provided written notice to the state and local liquor licensing authorities 48 hours prior to serving alcoholic beverages on the optional premises. The notice must contain the specific days and hours during which the optional premises is to be used. In this regard, there is no limitation on the number of days which a licensee may specify in each notice.

3. Notice and Hearing Procedures. An application for an optional premises license, or an application for optional premises for a new hotel and restaurant license, shall be scheduled in the same manner as any other new liquor license application and the posting, publication and hearing requirements of Section 12-47-311, C.R.S., shall apply. An application for an optional premises for an existing hotel and restaurant license shall be scheduled for public hearing not less than ten (10) days from the date of the application, and public notice shall be given by posting and publishing in accordance with Section 12-47-311, C.R.S. At the public hearing on any optional premises application, the Board will consider the criteria of Section 12-47-312(2)(a), C.R.S., and the within standards, and make findings as to whether the applicant has complied with said criteria and these standards.

4. The Board hereby finds, determines and declares that this Resolution is necessary and proper for the health, safety and welfare of the County of Rio Blanco and the inhabitants thereof.

5. If any part, section, subsection, sentence, clause or phrase of this Resolution is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Resolution; and the Board hereby declares it would have passed this Resolution, and each part, section, subsection, sentence, clause or phrase thereof, regardless of the fact that any one or more parts, sections, subsections, sentences, clauses or phrases be declared invalid.

DULY MOVED, SECONDED, AND PASSED ON A VOTE OF 2 FOR AND 0 AGAINST, THIS 26th DAY OF May, 2015.

**BOARD OF COUNTY COMMISSIONERS
OF RIO BLANCO COUNTY, COLORADO**

ATTEST:

Boots M. Campbell
Boots M. Campbell, Clerk to the Board

Jeffrey D. Eskelson, Chairman

Shawn J. Bolton, Commissioner

Jon D. Hill, Commissioner

