

BOARD OF COUNTY COMMISSIONERS OF GUNNISON COUNTY

Resolution No. 89-17

RESOLUTION APPROVING SPECIFIC STANDARDS FOR THE
ISSUANCE OF OPTIONAL PREMISES LICENSES AND FOR
OPTIONAL PREMISES FOR A HOTEL AND RESTAURANT LICENSE

WHEREAS, the State of Colorado by Section 12-47-119.6, Colorado Revised Statutes, has made provision for an optional premises or optional premises for a hotel and restaurant license; and

WHEREAS, Gunnison County, Colorado is authorized pursuant to Section 12-47-135 and Section 12-47-135.5, Colorado Revised Statutes, to issue such licenses; and

WHEREAS, before Gunnison County, Colorado may issue optional premises licenses or optional premises for a hotel and restaurant licenses, it must adopt by resolution specific standards for the issuance of such licenses; and

WHEREAS, it is in the best interests of the general public and of the residents of Gunnison County, Colorado that the sale of liquor on optional premises or optional premises for a hotel and restaurant license be allowed and controlled by the local licensing authority pursuant to specific standards.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Gunnison County, Colorado, that:

1. Adoption of Standards. The following standards for the issuance of optional premises licenses or optional premises for a hotel and restaurant licenses shall be and hereby are adopted. Such licenses are referred to collectively as "Optional Premises License" in these standards unless otherwise specified.

2. Eligible Facilities. An Optional Premises License will not be issued unless the optional premises are located on or adjacent to an outdoor sports and recreational facility. For purposes of this resolution, an outdoor sports and recreational facility shall mean a facility which charges a fee for the use of such facility. The types of outdoor sports and recreational facilities which may be considered in relation to an Optional Premises License are the following:

- A. Golf Courses
- B. Ski Areas
- C. Country Clubs

3. Associated License. The hotel and restaurant license associated with the Optional Premises License shall also be located on or adjacent to the outdoor sports and recreational facility.

4. Minimum Size of Facility. There shall be no general restriction on the minimum size of the outdoor sports and recreational facility which may be considered eligible for an optional premises license. However, the Board of County Commissioners may consider the size of the particular outdoor sports and recreational facility in relationship to the number of Optional Premises Licenses requested for the facility, and the Board of County Commissioners may reject or limit any Optional Premises License application if the Board of County Commissioners considers the related facility to be too small to properly use an Optional Premises License.

5. Number of Optional Premises. The Board of County Commissioners, in its discretion, may restrict the number of optional premises which any one licensee may have under an Optional Premises License. Any person requesting approval of more than one Optional Premises License shall:

A. explain the reasons for each optional premises requested;

B. demonstrate how the several optional premises relate to each other from an operational standpoint; and

C. demonstrate the need for each optional premises in relationship to the outdoor sports and recreational facility and its guests.

6. Submittal Requirements. When submitting a request for the approval of an Optional Premises License, an applicant shall do the following:

A. Unless an application is a part of an application for a new hotel and restaurant license, there shall be no application processing fee, but before the Board of County Commissioners issues a new Optional Premises License, the applicant must submit a local license fee of \$325.00 and a state license fee of \$25.00.

B. An applicant for an Optional Premises License shall submit DRL Form 420, Request to Change, Alter or Modify Premises, or any similar form approved by the State licensing authority for such application.

C. An applicant for a new hotel and restaurant license with optional premises shall identify the optional premises location or locations as part of the hotel and restaurant license application. An applicant for an Optional Premises License for an existing hotel and

restaurant license need only submit an application which conforms with the requirements of these standards.

D. All applicants must submit a map illustrating the outdoor sports and recreational facility's boundaries and the approximate location or locations of each optional premises requested and each optional premises presently located on or adjacent to the outdoor sports and recreational facility.

E. All applicants shall submit a legal description of the proposed optional premises. The description must be specific enough to permit reasonable identification of the area of the optional premises. A metes and bounds survey and description of the area within which the optional premises are to be located may be required by the Board of County Commissioners when deemed necessary.

F. All applicants shall submit a description of the method or methods which will be used to identify and control the optional premises when they are in use. The applicant shall describe the signs, fencing and other notices or barriers to be used in order to identify and control the optional premises.

G. All applicants for an Optional Premises License shall demonstrate that provisions have been made for storing malt, vinous and spirituous liquors in a secure area on or off the optional premises for use on the optional premises, and shall identify the location or locations where such storage is to take place.

7. Advance Notification. Pursuant to Section 12-47-135(6) and (7), Colorado Revised Statutes, no alcoholic beverages may be served on optional premises without the licensees having provided written notice to the state and local licensing authorities at least 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 are to be used. There is no limitation on the number of days which a licensee may specify in each notice, except that no notice may specify any date of use which is more than 180 days from the notice date. All notices to the Gunnison County Clerk and Recorder shall be mailed by certified mail and must be received by the Clerk's office at least 48 hours prior to serving alcoholic beverages on the optional premises. In computing the 48 hour advance notice requirement, the notice must be delivered to or received by the Gunnison County Clerk and Recorder's office at least two (2) business days before the date upon which alcoholic beverages are to be served on the optional premises. Business days do not include Saturdays, Sundays, or any other day upon which the Gunnison County Clerk and Recorder's office is closed for business. In addition, no alcoholic beverages may be

served on optional premises without the licensee having provided written or oral notice to the office of the Gunnison County Clerk and Recorder not later than 2:00 p.m. on the day before alcoholic beverages are actually served on optional premises for each and every day when such service occurs. Such notice shall identify which of the optional premises, if there are more than one, will be utilized.

8. Procedure for Issuance. The procedure for the issuance of an Optional Premises License shall be as follows:

A. If the application for the Optional Premises License is part of an application for a new hotel and restaurant licenses for premises not previously licensed, the provisions of Section 12-47-136, Colorado Revised Statutes, for public hearing, notice and publication shall apply.

B. If the application for an Optional Premises License is to provide for optional premises to enlarge the premises for which a valid hotel and restaurant license is then in effect, the application shall be treated as a Request to Change, Alter or Modify Premises, and the requirements of Section 12-47-136, Colorado Revised Statutes, shall not apply.

C. The Board of County Commissioners shall determine whether or not the applicant has complied with the standards and criteria set forth in this resolution, and based upon such findings, shall either grant or deny the application.

9. Approval to be Available. A certified copy of the resolution of the Board of County Commissioners approving any Optional Premises License shall be prominently displayed at each optional premises location when it is in use.

10. Food Service. Meals shall also be served at any location where spirituous liquors are sold on the optional premises.

INTRODUCED BY Commissioner Field and seconded by Commissioner Petri, and passed on this 2nd day of May, 1989.

BOARD OF COUNTY COMMISSIONERS
OF GUNNISON COUNTY, COLORADO

(SEAL)

ATTEST:

BY: Daniel Rensdorf

James M. Rutledge
Gunnison County Clerk and Recorder