

BOARD OF COUNTY COMMISSIONERS FOR ADAMS COUNTY
STATE OF COLORADO

RESOLUTION APPROVING OPTIONAL PREMISES LICENSE IN UNINCORPORATED
ADAMS COUNTY AND ESTABLISHING SPECIFIC STANDARDS FOR ISSUANCE OF
SAID OPTIONAL PREMISES LICENSE

WHEREAS, C.R.S. § 44-3-310, as amended, allows counties to grant optional premises licenses and optional premises permits for a hotel and restaurant license upon the passage of a resolution setting forth specific standards for the issuance of said optional premises license or optional premises permit for a hotel and restaurant license; and,

WHEREAS, by means of this resolution, Adams County wishes to establish said specific standards in order to allow the issuance of optional premises licenses and optional premises permits for hotel and restaurant licenses within unincorporated Adams County in order to allow for the service and consumption of alcoholic beverages on optional premises for hotel and restaurant licenses, optional premise licenses and other recreational facilities as set forth in the Colorado Liquor Code.

NOW, THEREFORE, BE IT RESOLVED, by the Board of County Commissioners of the County of Adams, State of Colorado, that the following standards are hereby adopted for the issuance of optional premises licenses, optional premises permits for hotel and restaurant licenses, and other sports and recreational liquor licenses:

1. An annually renewable optional premises license for the sale or service of alcoholic beverages may be issued by the Liquor and Marijuana Licensing Authority Board ("Board") so long as such licensed facility or site is located on or adjacent to a hotel and restaurant license, optional premise license, or sports and recreational liquor license. Any optional premises license issued shall permit the licensee to sell or serve alcoholic beverages only on the optional premises specified in the license.

There is no restriction on the minimum size of the facility or legally possessed site that may be eligible for an optional premises license. However, the Board may consider the site or facility in relationship to the number of optional premises requested for the facility or site and may reject any optional premises application as the Board sees fit. There is no restriction on the number of optional premises that any one licensee may have.

2. It shall be unlawful for any person to sell or dispense alcoholic beverages at any facility or site without having first obtained a valid optional premises license to do so as provided by this Resolution or in violation of any provision, restriction or limitation of the license if one has been issued.

3. Nothing contained herein shall preclude the Board, in its discretion, from imposing conditions, restrictions or limitations on any optional premises license in order to serve the health, safety and welfare of the public. Any such conditions may be imposed at the time the

license is initially issued, prior to any renewal of such license, or when any specific event or use of the optional premises so warrant.

4. Application for an optional premises license shall be made to the county by an applicant for hotel and restaurant licenses, optional premise licenses, and other sports and recreation facilities, upon forms to be furnished by the County for that purpose. The following information shall be provided by the applicant in addition to the information required by the state licensing authority:

a. A detailed sketch of the hotel and restaurant licenses, optional premise licenses, and other sports and recreation facilities indicating the location (s) desired to be optional premises;

b. The proposed locations of the permanent, temporary, or movable structures or vehicles that are proposed to be used for the sale or service of alcoholic beverages; and if the applicant is requesting approval of more than one optional premise, the following shall be provided:

i. An explanation of the reasons for each optional premises request;

ii. An explanation of how the optional premises relate to each other from an operational standpoint; and

iii. An explanation of the need for each optional premise in relationship to the hotel and restaurant licenses, optional premise licenses, and other sports and recreation facilities facility and its guests and users.

iv. State and indicate by reference to the map required above which optional premises will be permanent and which, if any, will be temporary or only used for specific periods of less than one year. For those that are temporary or used for specific periods, indicate the dates, times and circumstances which will govern their usage.

c. Restrictions, limitations; procedures, controls and guidelines to be utilized by the licensee to ensure compliance with the provisions of the Colorado Liquor Code and related regulation;

d. Such other information as reasonably may be required to satisfy the Board that control of the optional premises will be assured, and that the health, safety and welfare of the neighborhood and outdoor sports and recreational facility users will not be adversely affected should the optional premises license be issued;

e. The need for such an optional premise license;

f. All applicants shall submit a description of the method(s) that will be used to identify and control the optional premises when these are in use, including an explanation of methods of complying with provisions of the Colorado Liquor Code prohibiting sale to minors. For example, the applicant may describe the type of signs, fencing or other notices or barriers to be used in order to control the optional premises;

g. An applicant 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 future use on the optional premises;

5. If the applicant does not own the proposed optional premises, the applicant shall submit to the Board a written statement by the owner of the premises approving the application sought.

6. If the Board approves the application, the applicant shall provide the Board evidence that the state licensing authority has approved the location proposed to be the optional premises, as required by the Colorado Liquor Code.

7. It shall be unlawful for any alcoholic beverages to be served on a licensed optional premise without the licensee having first provided written notice to the Board and to the state licensing authority no less than forty-eight (48) hours prior to such service of alcoholic beverages. Such notice shall contain specific days and hours on which the optional premises are to be used for the sale or service of alcoholic beverages. Nothing contained herein shall preclude written notice, submitted forty-eight hours in advance, from specifying that optional premises may be utilized for a continuous or extended period of time. However, should any special or unusual event be anticipated to occur during any extended period of time, no less than forty-eight (48) hours written notice should be given to the County sheriff, or his designee, who shall have the authority, on behalf of the Board, to impose any conditions reasonably related towards serving the health, safety and welfare of the public.

8. In addition to or in lieu of any enforcement actions that the Board takes against the adjacent hotel and restaurant licenses, optional premise licenses, and other sports and recreationally licensed facilities for violations of these standards or the Colorado Liquor Code and the Regulations adopted pursuant thereto, the Board may decline to renew the optional premises license for good cause shown. In addition, the Board may suspend or revoke the optional premises license in accordance with the procedures specified in the Colorado Liquor Code and related Regulations.