

ORDINANCE NO. 705

AN ORDINANCE CREATING AN OPTIONAL PREMISES LICENSE WITHIN THE TOWN OF HAYDEN AND ESTABLISHING SPECIFIC STANDARDS FOR THE ISSUANCE OF OPTIONAL PREMISES LICENSES OR FOR OPTIONAL PREMISES FOR A HOTEL AND RESTAURANT LICENSE WITHIN THE TOWN OF HAYDEN, COLORADO

RECITALS

WHEREAS, The Town of Hayden, Colorado ("Town") is a municipal corporation duly organized and existing under the laws of the State of Colorado and Town of Hayden Home Rule Charter; and

WHEREAS, Members of the Town Council ("Council") have been duly elected and qualified; and

WHEREAS, the Town Council is authorized as the local liquor licensing authority to issue optional premises licenses provided it has adopted specific standards for their issuance; and

WHEREAS, the Town Council has reviewed the statutory requirements and standards for optional premises licenses and optional premises for hotel and restaurant licenses adopted by other municipalities within the State of Colorado; and

WHEREAS, the Town staff has proposed certain specific standards for the issuance of optional premises licenses and optional premises for hotel and restaurant licenses within the Town; and

WHEREAS, the Town Council has reviewed the standards and hereby finds that they are fair and reasonable and promote the public safety, health and welfare of the Town.

NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of Hayden, Colorado as follows:

1. 5.20.050. Optional premises licenses.

(a) Authority. The Town Council shall have the power to issue optional premises licenses and optional premises for hotel and restaurant licenses in accordance with the provisions of the Colorado Liquor Code, Section 44-3-101 et seq., C.R.S., and the provisions of this Section.

(b) Required. It shall be unlawful for any person to sell, dispense or serve malt, vinous or spirituous liquors at an outdoor sports and recreational facility as defined herein without first having obtained a valid optional premises license as provided in this Section.

(c) Standards. The following standards for the issuance of optional premises licenses or for optional premises for hotel and restaurant licenses are adopted pursuant to Section 44-3-310, C.R.S. The standards adopted herein shall be considered in addition to all other standards applicable to the issuance of licenses under this Article and the Colorado Liquor Code for an optional premises license or for an optional premises for a hotel and restaurant license. These two types of licenses for optional premises will be collectively referred to as "optional premises" in these standards unless otherwise stated.

(d) Eligible facilities. An optional premises may only be approved when that premises to be licensed is located on or adjacent to an outdoor sports and recreational facility as defined in Section 44-3-103, C.R.S.; provided, however, that the type of outdoor sports and recreational facilities which may be considered for an optional premises license shall be limited to outdoor sports, recreational facilities, municipal parks with facilities, and local fairgrounds.

(e) Size of eligible facilities. 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. However, the Town Council may consider the size of the particular outdoor sports and recreational facility in relation to the number of optional premises requested for the facility.

(f) Number of optional premises. There are no restrictions on the number of optional premises which any one (1) licensee may have on an outdoor sports or recreational facility. However, any applicant requesting approval of more than one (1) optional premises on an outdoor sports or recreational facility shall demonstrate the need for each optional premises in relationship to the outdoor sports or recreational facility and its guests.

(g) Submittal requirements. Application for an optional premises license shall be made to the Town Clerk on forms which shall contain the following information in addition to information required by the licensing authority of the State:

- (1) A map or other drawing illustrating the outdoor sports or recreational facility boundaries and the approximate location of each optional premises requested.
- (2) A description of the method which shall be used to identify the boundaries of the optional premises when it is in use.
- (3) A description of the provisions which have been made for storing malt, vinous and spirituous liquors in a secured area on or off the optional premises for the future use on the optional premises.
- (4) A description of the provisions which will be implemented to control the dispensing of alcoholic beverages to minors or visibly intoxicated persons.
- (5) If the applicant does not own the optional premises, the applicant shall submit to the Town Clerk proof of the applicant's right of possession and written authorization for the optional premises license from the owner of the optional premises.
- (6) Such other information as may be reasonably required to satisfy the Town Council that control of the optional premises will be assured and that the health, safety and welfare of the neighborhood and users of the outdoor sports and recreation facility will not be adversely affected should the optional premises license be issued.

(h) Processing of applications. An application for a new optional premises license or an optional premises for a new hotel and restaurant license shall be processed in the same manner as any other new license application. An application for an optional premises filed in connection with an existing hotel and restaurant license shall be processed in the same manner as an application to modify or expand the licensed premises.

(i) Discretion of the Town Council. The decision of the Town Council whether to grant an optional premises license shall be discretionary. The Town Council shall have the right to deny any request for such a license or to place on the license any conditions, restrictions or requirements which, in its discretion, it deems appropriate to serve the public health, safety and welfare. The Town Council shall also have the right to suspend or revoke the optional premises license in accordance with the procedures provided for in the Colorado Liquor Code.

(j) Notice of Operation. Pursuant to Section 44-3-310, C.R.S., no alcoholic beverages may be served on the optional premises unless the licensee has provided written notice to the Town Council (local licensing authority) and the state licensing authority forty-eight (48) hours prior to serving alcoholic beverages on the optional premises. Such notice must contain the specific days and hours on which the optional premises are to be used. In this regard, there shall be no limitation on the number of days which a licensee may specify in each notice. However, no notice may specify any date of use which is beyond the current license period.

2. All prior ordinances or parts of such prior ordinances, codes or parts of codes in conflict with the provisions of this Ordinance are hereby repealed.

3. If any paragraph, section, sub-section, sentence, clause or phrase of this Ordinance is, for any reason, held to be invalid, unconstitutional and/or unenforceable, such provisions shall be deemed to be separate, distinct and independent and the remaining provisions of this Ordinance shall continue in full force and effect.

Section 1. Severability. If any portion of this Ordinance is found to be void or ineffective, it shall be deemed severed from this Ordinance and the remaining provisions shall remain valid and in full force and effect.

Section 2. Effective Date. This Ordinance, immediately on final passing and adoption, shall be published in accordance with Section 3-3h of the Home Rule Charter and recorded in the Town Book of Ordinances kept for that purpose, authenticated by the signatures of the Mayor and Town Clerk. This Ordinance shall be in full force and effect immediately in accordance with Section 3-3h of the Hayden Home Rule Charter, and the tax provided for herein shall be effective immediately on adoption, April 15, 2021.

Section 3. Public hearing. A public hearing on this Ordinance shall be held on the 15th day of April, 2021, beginning at 7:30 p.m. at the Hayden Town Hall, 178 West Jefferson Ave, Hayden, Colorado.

INTRODUCED, READ, AND ORDERED PUBLISHED PURSUANT TO SUBSECTION 3-3(d) OF THE HAYDEN HOME RULE CHARTER, BY THE TOWN COUNCIL OF THE TOWN OF HAYDEN, COLORADO, UPON A MOTION DULY MADE, SECONDED AND PASSED AT ITS REGULAR MEETING HELD AT THE TOWN OF HAYDEN, ON THE 1st DAY OF APRIL, 2021, AND A PUBLIC HEARING SET FOR APRIL 15, 2021.


Zachary Wuestewald, Mayor


ATTEST


Sharon Johnson, Town Clerk

FINALLY ADOPTED, PASSED, APPROVED, AND ORDERED PUBLISHED PURSUANT TO SUBSECTIONS 3-3 (e) through (h) OF THE HAYDEN HOME RULE CHARTER, BY THE TOWN COUNCIL OF THE TOWN OF HAYDEN, COLORADO, UPON A MOTION DULY MADE, SECONDED AND PASSED AT ITS REGULAR MEETING HELD AT THE TOWN OF HAYDEN, ON THE 15th DAY OF APRIL, 2021.


Zachary Wuestewald, Mayor

ATTEST


Sharon Johnson, Town Clerk

