

CITY OF LEADVILLE, COLORADO

Ordinance No. 1

Series of 2018

AN ORDINANCE ADDING A NEW SECTION 5.08.120 CONCERNING OPTIONAL PREMISES LIQUOR LICENSES TO CHAPTER 5.08 OF THE LEADVILLE MUNICIPAL CODE

WHEREAS, the City Council of the City of Leadville (“City Council”) possesses the authority pursuant to C.R.S. § 31-15-401 and its general police powers to pass and enforce regulations which may be necessary or expedient for the promotion of the health, safety and welfare of the citizens of Leadville; and

WHEREAS, the City Council also possesses the local licensing authority pursuant to Articles 46, 47 and 48 of Title 12, C.R.S., to regulate the sale of alcoholic beverages and the licensing of premises on which alcoholic beverages are sold; and

WHEREAS, C.R.S. § 12-47-301(1) prohibits a municipality from issuing optional premises licenses and optional premises permits for a hotel and restaurant license unless the governing body of the municipality adopts by ordinance specific standards for the issuance of such licenses or permits; and

WHEREAS, the City previously adopted certain regulations concerning liquor license requirements as codified in Chapter 5.08; and

WHEREAS, the City Council wishes to amend Chapter 5.08 of the Leadville Municipal Code by adding a new Section 5.08.120 to adopt specific standards for the issuance of optional premises licenses and for optional premises permits for a hotel and restaurant license pursuant to state law; and

WHEREAS, it is in the best interest of the people of the City of Leadville to revise the Leadville Municipal Code to allow for such optional premises licenses and permits in order to better serve the City’s businesses and residents.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF CITY OF LEADVILLE, COLORADO, AS FOLLOWS:

Section 1. A new Section 5.08.120 of Chapter 5.08 is hereby added to Chapter 5.08 of the Leadville Municipal Code to read in full as follows:

5.08.120. Optional premises liquor licenses.

- A. Standards. The following standards for the issuance of optional premises licenses and optional premises permits for a hotel and restaurant license are adopted pursuant to § 12-47-310, C.R.S. The standards adopted herein shall be considered in addition to the other liquor licensing requirements of this code and all other standards applicable to the issuance of optional premises licenses and optional premises permits for a hotel and restaurant license under the Colorado Liquor Code. Optional premises licenses and

optional premises permits for a hotel and restaurant license will collectively be referred to herein as "optional premises license" unless otherwise provided.

- B. Definitions. As used in this Section 5.08.120, the words "optional premises" and "outdoor sports and recreational facility" shall have the same meaning as the definitions for such terms in the Colorado Liquor Code, § 12-47-103, C.R.S.
- C. Eligible facilities.
1. There are no restrictions on the types of outdoor sports and recreational facilities for which the City will consider issuing optional premises licenses. However, the local licensing authority or deputy city clerk may consider the type of the particular outdoor sports or recreational facility as one factor in determining whether to approve an application for an optional premises license.
 2. 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 local licensing authority or deputy city clerk may consider the size of the particular outdoor sports or recreational facility in relationship to the number of optional premises requested for the facility.
- D. Number of optional premises. There are no restrictions on the number of optional premises which any one (1) licensee may have on his or her outdoor sports or recreational facility. However, any applicant requesting approval of more than one (1) optional premises shall demonstrate the need for each optional premises in relationship to the outdoor sports or recreational facility and its guests.
- E. Application requirements. To obtain an optional premises license, application shall be made to the deputy city clerk on forms to be furnished by the city clerk's office for that purpose. Such forms shall require the following information in addition to the information required by the state licensing authority and other provisions of this code:
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 list of the optional premises locations in accordance with §§ 12-47-310(3) and (4), C.R.S.;

3. A description of the method which shall be used to identify the boundaries of the optional premises when it is in use and how the licensee will ensure alcoholic beverages are not removed from such premises;
4. Proof of the applicant's right to possession of the optional premises; and
5. 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 use on the optional premises.

F. Processing applications.

1. An application for an optional premises license shall be processed in the same manner as an application for a new hotel and restaurant license. See Section 5.08.030.C of this code.
2. An application for a new hotel and restaurant license with optional premises permit shall be processed in the same manner as any other hotel and restaurant license application. See Section 5.08.030.C of this code.
3. If an application to use optional premises is filed in connection with an existing hotel and restaurant license, then the application shall be processed in the same manner as an application to modify or expand licensed premises. See Section 5.08.030.D of this code.

- G. Advance notification. Pursuant to §§ 12-47-310(3) and (4), C.R.S., no alcoholic beverages may be served on the optional premises until the licensee has provided written notice to the state and local licensing authorities 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 is no limitation on the number of days which a licensee may specify in each notice.

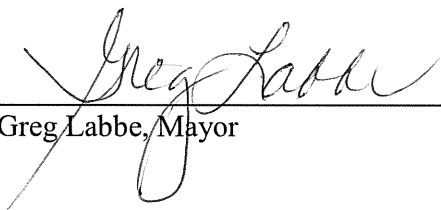
Section 2. Remaining provisions. Except as specifically amended hereby, all other provisions of the Leadville Municipal Code shall continue in full force and effect.

Section 3. Codification Amendments. The codifier of Leadville's Municipal Code is hereby authorized to make such numerical, technical and formatting changes as may be necessary to incorporate the provisions of this Ordinance within the Leadville Municipal Code.

Section 4. Severability. Should any one or more sections or provisions of this Ordinance be judicially determined invalid or unenforceable, such judgment shall not affect, impair or invalidate the remaining provisions of this Ordinance, the intention being that the various sections and provisions are severable.

Section 5. Repeal. Any and all ordinances or codes or parts thereof in conflict or inconsistent herewith are, to the extent of such conflict or inconsistency, hereby repealed; provided, however, that the repeal of any such ordinance or code or part thereof shall not revive any other section or part of any ordinance or code provision heretofore repealed or superseded and this repeal shall not affect or prevent the prosecution or punishment of any person for any act done or committed in violation of any ordinance or code hereby repealed prior to the taking effect of this ordinance.

INTRODUCED, READ, APPROVED AND ORDERED PUBLISHED in full on first reading this 6th day of February, 2018.



Greg Labbe, Mayor

ATTEST:

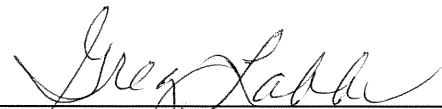


Bethany Maher, Deputy City Clerk

PUBLISHED in full in The Herald Democrat, a newspaper of general circulation in the City of Leadville, Colorado, on February 15th, 2018.

PASSED AND ADOPTED ON FINAL READING AND ORDERED PUBLISHED BY
TITLE ONLY, with any amendments, this 7th day of March, 2018.

CITY OF LEADVILLE, COLORADO



Greg Labbe, Mayor

ATTEST:



Bethany Maher, Deputy City Clerk

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circulation in the City of Leadville, Colorado, on _____, 2018.