

ORDINANCE NO. 6.03

AN ORDINANCE ADOPTING STANDARDS FOR THE  
ISSUANCE OF OPTIONAL PREMISES LIQUOR  
LICENSES AND HOTEL AND RESTAURANT LICENSES  
WITH OPTIONAL PREMISES WITHIN THE TOWN OF LARKSPUR

WHEREAS, the General Assembly has amended Article 47 of Title 12, Colorado Revised Statutes, 1973, to authorize the issuance of optional premises licenses permitting the sale of liquor by the drink at outdoor recreational facilities; and

WHEREAS, Section 135.5 of Article 47 of Title 12, Colorado Revised Statutes, 1973, requires the governing body of a municipality to adopt specific standards prior to the issuance of any such optional premises licenses; and

WHEREAS, it has been determined by the Town Council of the Town of Larkspur, Colorado that such optional premises shall be available within the Town of Larkspur, and that the Town shall adopt standards for the issuance thereof.

NOW THEREFORE be it ordained by the Town Council of the Town of Larkspur, Colorado, as follows:

SECTION 1 - AUTHORITY

In accordance with Colorado Revised Statutes 12-47-135.5 the issuance of an optional premises license, or an optional premises for hotel and restaurant licenses shall be allowed in a municipality only after such municipality has adopted by ordinance specific standards for the issuance of such licenses.

## SECTION 2 - TYPES OF LICENSES AVAILABLE

Upon proper application, appropriate review and approval by State and local licensing authorities, an applicant, upon satisfying the stated conditions herein, may receive one of the following types of optional premises liquor licenses:

- A. Optional Premises License
- B. Optional Premises for Hotel and Restaurant License

Receipt of such license shall authorize the holder thereof to sell, dispense or serve malt, vinous and spirituous liquors by the drink to its customers at such specific locations and upon the conditions enumerated and approved by the State and local authorities.

## SECTION 3 - ELIGIBILITY FOR OPTIONAL PREMISES LICENSE

A. An applicant for an optional premises license must be qualified and eligible to receive a liquor license in accordance with all general personal qualifications for the receipt of any type of liquor license.

B. In addition thereto, an applicant for an optional premises license must show the following:

- (1) He owns, leases or otherwise has a right of possession to the requested location or locations for such optional premises license.
- (2) The license requested is to be used in conjunction with an outdoor sports and recreational facility wherein a fee is charged for the use of such facility. Such outdoor sports or recreational

facility may include, but shall not be limited to a golf course, tennis courts, race track, aquatic facility, equestrian facility, a game field or fields, outdoor facility for a winter sport.

- (3) The minimum size for the outdoor sports and recreational facility to be eligible for an optional premises license shall be 2.5 acres.

SECTION 4 - ELIGIBILITY FOR OPTIONAL PREMISES FOR  
HOTEL AND RESTAURANT LICENSE

A. An applicant for an optional premises for hotel and restaurant license must be qualified and eligible to receive a liquor license in accordance with each and every statutory, State and local requirement necessary for the receipt of a hotel and restaurant liquor license. Ownership of such a license for the same premises shall fulfill this eligibility requirement, and, the optional premises for hotel and restaurant license may be applied for by the holder of a hotel and restaurant license.

B. In addition thereto, an applicant for an optional premises license must show the following:

- (1) He owns, leases or otherwise has a right of possession to the requested location or locations for such optional premises license.
- (2) The license requested is to be used in conjunction with an outdoor sports and recreational facility wherein a fee is charged for the use of such facility. Such outdoor sports or recreational facility may include but shall not be limited to a

golf course, tennis courts, race track, aquatic facility, equestrian facility, game field or fields, or, outdoor facility for a winter sport.

- (3) The minimum size for the outdoor sports and recreational facility to be eligible for an optional premises license shall be 2.5 acres.

#### SECTION 5 - STANDARDS

Each and every applicant for an optional premises license or an optional premises for hotel and restaurant license shall further submit the following information to the Town of Larkspur with his license application:

A. The applicant shall request the specific number of optional premises locations desired, not to exceed ten (10) in number. Each applicant who otherwise qualifies under this ordinance shall be entitled to request at least two (2) locations notwithstanding the applicant's premises' area.

B. A map to scale disclosing each and every location requested on the premises and specifically showing:

- (1) Area of service
- (2) Seating, if any
- (3) Restroom facilities
- (4) Fencing or screening, if utilized to assist in security and in limiting access to the serving area
- (5) Storage area, if applicable

C. A written statement setting forth the applicant's reasons for requesting optional premises locations and the number thereof, the specific methods of security to be utilized to identify, control and protect the various locations, the provisions for protecting and securing storage areas.

#### SECTION 6 - DATES AND HOURS OF SERVICE

Prior to serving at any optional premises location, the license holder must provide the Town of Larkspur, through the office of the Town Clerk, a minimum of forty-eight (48) hours notice of the exact dates, times and locations to be used under the license. Such notice may include several dates but shall not be valid for more than ninety (90) days. Forty-eight (48) hours notice shall be deemed to be two (2) business days, actual notice to be received at the Town Clerk's office between the hours of 8:30 o'clock A.M. and 4:30 o'clock P.M.

#### SECTION 7 - DATES AND HOURS OF SERVICE

An applicant for an optional premises license shall pay such fees as are required by the State of Colorado Department of Revenue and the Town of Larkspur and are in force at the time of the submission of the application. The procedures to be followed are:

A. For the receipt of an optional premises license, an applicant shall follow all required procedures enumerated with the liquor code for the granting of a new liquor license, including, but not limited to, posting, publication and a public hearing to determine needs and requirements of the neighborhood.

B. For the receipt of an optional premises for hotel and restaurant license, an applicant shall follow all required procedures enumerated with the liquor code for the granting of a new liquor license, including, but not limited to, posting, publication and a public hearing to determine needs and requirements of the neighborhood.

C. For the receipt of an optional premises for hotel and restaurant license, where the applicant already possesses a hotel and restaurant license, the applicant shall supply all other information required in accordance herewith; however, the State and local authorities may proceed to approve the request for the optional premises without further publication, posting or public hearing.

#### SECTION 8 - REASONABLE DISCRETION


The issuance of any optional premises license shall be at the reasonable discretion of the Town of Larkspur and the Town Council reserves the right to deny any such request or to place thereon any additional standards, or requirements which it, in its reasonable discretion, may deem appropriate.

#### SECTION 9 - ENFORCEMENT AND PENALTY

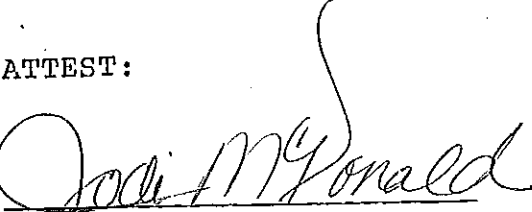
It shall be the duty of the officials of the Town of Larkspur to enforce all provisions hereof including any and all special provisions adopted by the Town Council with respect to any particular license, and, in the event of non-compliance, to issue a Summons and Complaint to the holder of a license or any other person not abiding by the terms hereof. Any person convicted of violating

any provision of this Ordinance shall be punished by a fine not to exceed \$300.00. Each and every day that a violation of this Ordinance continues shall constitute a separate offense.

Passed and adopted this 6<sup>th</sup> day of February, 1985 by a vote of the Town Council of the Town of Larkspur of 7 for and 0 against.

  
Anna M. Trueblood, Mayor  
Town of Larkspur

ATTEST:

  
Town Clerk  
Town of Larkspur

Publication Date: \_\_\_\_\_

I hereby certify that the within ordinance was published on the \_\_\_\_\_ day of \_\_\_\_\_, 1985, in the Douglas County News-Press, a newspaper of general circulation published in the Town of Castle Rock, County of Douglas, State of Colorado.

\_\_\_\_\_  
Town Clerk, Town of Larkspur

(SEAL)

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Passed and adopted this 6<sup>th</sup> day of February, 1985 by a vote of the Town Council of the Town of Larkspur of 7 for and 0 against.

Anna M. Trueblood, Mayor  
Anna M. Trueblood, Mayor  
Town of Larkspur

ATTEST:

Jodi McDonald  
Town Clerk  
Town of Larkspur

Publication Date: October 31, 1985

I hereby certify that the within ordinance was published on the 31<sup>st</sup> day of October, 1985, in the Douglas County News-Press, a newspaper of general circulation published in the Town of Castle Rock, County of Douglas, State of Colorado.

Carrisa Deablo  
Town Clerk, Town of Larkspur

(SEAL)