

ORDINANCE NO. 5037

AN ORDINANCE AMENDING THE GRAND JUNCTION MUNICIPAL CODE BY ESTABLISHING A PROCESS FOR OPTIONAL PREMISES LICENSES IN THE CITY OF GRAND JUNCTION, COLORADO AND AMENDING ORDINANCE NO. 5010 CONCERNING THE STATUTORY CITATIONS THEREIN

Recitals:

The Grand Junction Municipal Code at 5.12.010 et. seq. provides *inter alia* that the Hearing Officer shall determine after hearings in accordance with the State liquor and beer codes certain applications for licensure and apply established legal principles to those applications. With this Ordinance, the City Council does establish a process for optional premises licenses in the City of Grand Junction, Colorado.

Colorado law (§§44-3-310 and 413 C.R.S.) permits a municipality to pass an ordinance to provide optional premises license(s) for an applicant to sell, dispense or serve alcohol beverages at location(s) designated by the applicant and approved by the Local Licensing Authority and the State. The service area must be designated annually and upon designation of the area(s) for service no alcohol beverages may be served without the licensee having provided 48 hours' notice prior to serving.

Service of alcohol beverages at and within designated area(s) of existing licensees may be shown to benefit the patrons of the licensed facility and so long as the service of alcohol is done lawfully and with full benefit of professional management, supervision and regulation the City Council authorizes the Local Licensing Authority to accept, evaluate and decide Optional Premises license applications. As determined by the City Clerk in consultation with the City Attorney this ordinance shall be codified in the Grand Junction Municipal Code as 5.12.245

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION:

For the purposes of this ordinance, the following words or phrases shall have the meanings set forth. Additions to the GJMC are shown in ALL CAPS.

- a. *OPTIONAL PREMISES LICENSE* MEANS THE SAME AS THAT DEFINED IN THE COLORADO LIQUOR CODE UNDER § 44-3-310(4) AND 44-3-413, C.R.S.
- b. *OPTIONAL PREMISES APPLICANT OR OPTIONAL PREMISES LICENSEE* MEANS THE SAME AS THAT DEFINED IN THE COLORADO LIQUOR CODE UNDER § 44-3-310(4) AND 44-3-413, C.R.S.

C) AN APPLICANT FOR AN OPTIONAL PREMISES LICENSE SHALL FILE WITH THE CITY CLERK THE FOLLOWING INFORMATION IN ADDITION TO INFORMATION, REQUIRED BY THE STATE (APPLICATION).

D) WHEN THE APPLICATION IS COMPLETE AND ACCEPTED AS TO FORM BY THE CITY CLERK THE APPLICATION WILL BE SCHEDULED AND HEARD PUBLICLY BY THE GRAND JUNCTION LIQUOR LICENSING AUTHORITY (LOCAL AUTHORITY) THE APPLICATION SHALL INCLUDE AND DESCRIBE:

- (1) AN ILLUSTRATION OF THE OPTIONAL PREMISES AREA/SIZE/BOUNDARIES AND THE LOCATION OF THE PROPOSED OPTIONAL PREMISES LICENSE REQUESTED, THAT THE OPTIONAL PREMISES LICENSE SHALL NOT BE EXERCISED TO INTERFERE WITH PUBLIC ACCESS OR INHIBIT THE SAFETY OF PERSONS USING/ACCESSING THE FACILITY(IES); AND
- (2) A DESCRIPTION OF THE METHOD WHICH SHALL BE USED TO IDENTIFY THE BOUNDARIES OF THE OPTIONAL PREMISES LICENSE WHEN IT IS IN USE AND HOW THE LICENSEE WILL ENSURE ALCOHOL BEVERAGES ARE NOT REMOVED FROM SUCH PREMISES; AND,
- (3) A DESCRIPTION OF PROVISIONS, INCLUDING A DESCRIPTION OF FACILITIES, WHICH HAVE BEEN MADE FOR STORING THE ALCOHOL BEVERAGES IN A SECURED AREA ON OR OFF THE OPTIONAL PREMISES AND FOR FUTURE USE ON THE OPTIONAL PREMISES IF OR WHEN ALCOHOL BEVERAGES ARE NOT SERVED INCLUDING THAT ALL ALCOHOL WILL BE STORED IN THE DESIGNATED AND APPROVED AREAS IN THE OPTIONAL PREMISES;
AND,
- (4) A DESCRIPTION OF THE PROVISIONS WHICH WILL BE IMPLEMENTED TO CONTROL OVER SERVICE, PREVENT UNDERAGE SERVICE OF ALCOHOL BEVERAGES AND FOR FOOD SERVICE; AND,
- (5) A DESCRIPTION OF THE OPERATIONAL RELATIONSHIP BETWEEN THE LICENSED PREMISES AND THE OPTIONAL PREMISES, INCLUDING BUT NOT LIMITED TO THAT THE APPLICANT IS THE OWNER; AND,
- (6) AN OATH OR AFFIRMATION THAT THE LICENSEE SHALL AT ALL TIMES WHEN EXERCISING THE LICENSE ADHERE TO THE APPLICABLE REQUIREMENTS AND ALL OTHER STANDARDS APPLICABLE TO THE CONSIDERATION AND/OR ISSUANCE OF LICENSES UNDER THE COLORADO LIQUOR CODE AND ANY AND ALL APPLICABLE LOCAL LAWS, RULES AND REGULATIONS.

E) NOTHING CONTAINED IN THIS ORDINANCE SHALL PRECLUDE THE LOCAL AUTHORITY IN ITS DISCRETION, FROM IMPOSING CONDITIONS, RESTRICTIONS,

OR LIMITATIONS ON AN OPTIONAL PREMISES LICENSE IN ORDER TO PROTECT THE PUBLIC HEALTH, SAFETY AND WELFARE. ANY SUCH CONDITIONS MAY BE IMPOSED WHEN THE LICENSE IS INITIALLY ISSUED, ISSUED FOR ANY SPECIFIC EVENT, OR RENEWED. THE AUTHORITY SHALL HAVE THE RIGHT TO DENY ANY REQUEST FOR AN OPTIONAL PREMISES LICENSE OR IT MAY SUSPEND OR REVOKE THE OPTIONAL PREMISES LICENSE IN ACCORDANCE WITH THE PROCEDURES SPECIFIED BY LAW.

F) IT SHALL BE UNLAWFUL FOR ALCOHOL BEVERAGES TO BE SERVED ON THE OPTIONAL PREMISES UNTIL THE OPTIONAL PREMISES LICENSEE HAS FILED WRITTEN NOTICE WITH THE STATE AND THE LOCAL AUTHORITY STATING THE SPECIFIC DAYS AND HOURS DURING WHICH THE OPTIONAL PREMISES WILL BE USED. NOTICE MUST BE FILED WITH THE STATE AND LOCAL AUTHORITY 48 HOURS PRIOR TO SERVING ALCOHOL BEVERAGES ON THE OPTIONAL PREMISES. SUCH NOTICE SHALL CONTAIN THE SPECIFIC DAYS AND HOURS ON WHICH THE OPTIONAL PREMISES WILL BE USED FOR THE CONSUMPTION OF ALCOHOL BEVERAGES.

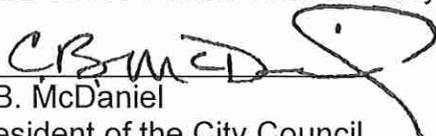
Furthermore, this Ordinance amends Ordinance No. 5010 by replacing the citations to the former Colorado Liquor Code, C.R.S. 12-47-101 *et seq.* contained in Ordinance No. 5010 with the current citations expressed in C.R.S. 44-3-101 *et. seq.*

If any clause, sentence, paragraph, or part of this Ordinance or the application thereof to any person or circumstances shall for any reason be adjudged by a court of competent jurisdiction invalid, such judgment shall not affect the remaining provisions of this Ordinance.

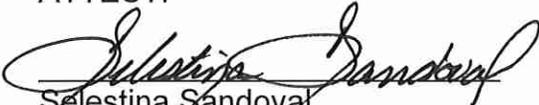
The City Council finds and declares that this Ordinance is promulgated and adopted for the public health, safety and welfare and this Ordinance bears a rational relation to the legislative object sought to be obtained.

INTRODUCED ON FIRST READING THIS 6th day of October 2021.

PASSED AND ADOPTED ON SECOND READING AND ORDER PUBLISHED IN PAMPHLET FORM THIS 20th day of October 2021.


C.B. McDaniel
President of the City Council



ATTEST:

Selestina Sandoval
Deputy City Clerk

I HEREBY CERTIFY THAT the foregoing Ordinance, being Ordinance No. 5037 was introduced by the City Council of the City of Grand Junction, Colorado at a regular meeting of said body held on the 6th day of October 2021 and the same was published in The Daily Sentinel, a newspaper published and in general circulation in said City, in pamphlet form, at least ten days before its final passage.

I FURTHER CERTIFY THAT a Public Hearing was held on the 20th day of October 2021, at which Ordinance No. 5037 was read, considered, adopted and ordered published in pamphlet form by the Grand Junction City Council.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of said City this 22nd day of October 2021.


Deputy City Clerk

Published: October 8, 2021
Published: October 22, 2021
Effective: November 21, 2021

