

ORDINANCE NO. 4460

AN ORDINANCE FOR OPTIONAL PREMISES PERMITS FOR MESA STATE COLLEGE'S BROWNSON ARENA, WALKER FIELD SOCCER STADIUM, AND ELLIOTT TENNIS CENTER, ALL ON THE MESA STATE COLLEGE CAMPUS AND TO AMEND THE GRAND JUNCTION MUNICIPAL CODE SECTION 5.12.220 TO ELIMINATE THE DISTANCE RESTRICTION FOR OPTIONAL PREMISES PERMITS IN CONJUNCTION WITH HOTEL AND RESTAURANT LIQUOR LICENSES

The City Council of Grand Junction makes the following findings:

1. Section 12-47-310, C.R.S. permits a municipality to pass an ordinance to provide for optional premises permits associated with hotel and restaurant licenses for an applicant to sell, dispense or serve alcohol beverages at locations designated by the applicant and approved by the State and local licensing authorities.
2. In conjunction with a hotel and restaurant license at the Mesa State College's College Center, service of alcohol beverages at and within designated areas of the Maverick Center (including Brownson Arena), Walker Field Soccer Stadium and at the Elliott Tennis Center on the Mesa State College campus would benefit the patrons of those facilities and ensure that alcohol service is done lawfully and with full benefit of professional management, supervision and regulation. In accordance with §12-47-310, C.R.S., the City may adopt such optional premises permits for a hotel and restaurant license and we find the facilities enumerated above to be consistent with the definition of an optional premises as defined in §12-47-103(22), C.R.S.
3. This ordinance refers only to the facilities named and specifically to the designated service areas contained within and as defined by those facilities and does not affect the status of any other liquor license(s) or lack thereof, of any other similar recreational facility. The optional premises shall be designated in the application for the Hotel and Restaurant License with Optional Premise Permits.
4. In 2004, by Ordinance No. 3620, the City Council determined that the distance restriction for hotel and restaurant liquor licenses from college campuses should be eliminated pursuant to 12-47-313(1)(d)(III), C.R.S. The City Council now finds that the distance restriction for optional premises permits issued in conjunction with hotel and restaurant liquor licenses should also be eliminated.

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

Section 1. Definitions. For the purposes of this ordinance, the following words or phrases shall have the meanings set forth.

- a. *Optional premises permit* means the same as that defined in the Colorado Liquor Code under § 12-47-310(3), C.R.S. The permits authorized in and by this ordinance are “optional premises permits” which are issued in conjunction with the hotel and restaurant license serving the Mesa State College’s College Center. Each optional premise location designated herein may be referred to singularly or collectively an “optional premise” or as “optional premises” unless the context otherwise requires.

Licensee, for the purpose of this license means that person or entity designated by Mesa State College as the owner of the Mesa State College campus, which includes the named optional premises locations and the College Center. Until Mesa State College notifies the Licensing Authorities to the contrary, and the Licensing Authorities approve a replacement licensee, Sodexo America, LLC shall be the licensee of the said hotel and restaurant and optional premises permits authorized by this ordinance.

Section 2. Standards.

The following standards are for the issuance of optional premises permits for the Maverick Center (including Brownson Arena), Walker Field Soccer Stadium and the Elliott Tennis Center, all on the campus of Mesa State College.

The licensee shall at all times when exercising the privileges pursuant to this ordinance adhere to the 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.

The licensee shall diligently enforce all rules and regulations pertaining to underage service, over service and the provision of food when serving alcohol.

Section 3. Form of Application. Application for the optional premises permits shall be made to the City Clerk on forms, which shall contain the following information in addition to information required by the State licensing authority. The application shall be heard publicly by the City’s local hearing officer.

- a) A map or other drawing illustrating the optional premises boundaries and the location of the proposed optional premises permits requested; and
- b) Proposed location(s) for permanent, temporary or movable structure(s) which are proposed to be used for the sale or service of alcohol beverages and a

statement describing the use, if any, of mobile carts that will be used for the sale or service of alcohol beverages; and

- c) A description of the method(s) which shall be used to identify the boundaries of the optional premises permits when it is in use and how the licensee will ensure that alcohol beverages are not removed from such premises; and
- d) Proof of the applicant's right to possession of the optional premises including a sufficient description of the physical boundaries of the optional premises, along with supporting documentation to the satisfaction of the local licensing authority; and
- e) A description of provisions, including a description of facilities, which have been made for storing, in a secured area on or off the optional premises, the alcohol beverages to be used in the future on the optional premises. Such information shall be filed annually with the state and local Licensing Authorities.
- f) A description of the provisions which will be implemented to control over service, prevent underage service of alcohol beverages and the availability of food service as required by law.

Section 4. Eligibility. The licensee is the current designee of Mesa State College, pursuant to a written operating agreement between Sodexo and Mesa State College. The College is the owner of the optional premises, all of which are athletic/recreational facilities.

Section 5. Size of Premises. There is no minimum or maximum size within the constraints of the designated area for each license. The optional premises permits shall not be exercised to interfere with public access to or from any of the venues or in any way to inhibit the safety of persons or number of optional premises permits for the licensee.

Section 6. Additional Conditions. Nothing contained in this ordinance shall preclude the Licensing Authority in its discretion, from imposing conditions, restrictions, or limitations on any optional premises permits in order to serve 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 permits or it may suspend or revoke the optional premises permit in accordance with the procedures specified by law.

Section 7. Notice filed with the Liquor Licensing Authority. It shall be unlawful for alcohol beverages to be served on the optional premises until the optional premises licensee has filed a written notice with the State and Local Licensing Authorities stating the specific days and hours during which the optional premises will be used for the service of alcohol beverages. Written notice must be provided to the State and Local

Licensing Authorities at least 48 hours prior to serving alcohol beverages on the optional premises. Such notice shall contain the specific hours and days on which the optional premises will be used for the consumption of alcohol beverages.

Section 8. Amending the Distance Restriction.

Section 5.12.220 Distance restriction shall be amended to read as follows:

Under the provisions of §12-47-313(1)(d)(III), C.R.S., the distance that a hotel and restaurant liquor license premises must be separated from the principal campus of a college or university in the City is reduced to zero feet. The distance that optional premises permits issued in conjunction with hotel and restaurant liquor licenses must be separated from the principal campus of a college or university in the City is also reduced to zero feet.

Under the provisions of §12-47-313(1)(d)(III), C.R.S., the distance that a brew pub liquor licensed premises must be separated from the principal campus of a college or university in the City is reduced to zero feet.

The distance shall be determined in accordance with §12-47-313(1)(d)(II), C.R.S., and Colorado Liquor Regulation 47-326.

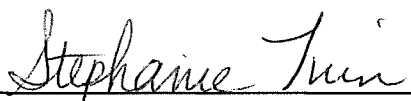
INTRODUCED ON FIRST READING THIS 4th day of April 2011 AND ORDERED PUBLISHED IN PAMPHLET FORM.

PASSED AND ADOPTED ON SECOND READING THIS 18th day of April 2011 AND ORDERED PUBLISHED IN PAMPHLET FORM.



President of the Council

ATTEST:



City Clerk