

**TOWN OF KEYSTONE
ORDINANCE NO. 2024-O-09**

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF
KEYSTONE, COLORADO, AMENDING THE TOWN LIQUOR CODE
AND ORDINANCE 2024-O-03**

WHEREAS, the Town of Keystone (“Town” or “Keystone”) is a home rule municipal corporation created pursuant to Article XX of the Colorado Constitution; and

WHEREAS, pursuant to § 31-15-501, C.R.S., municipalities have the power to license, regulate, and tax businesses within the limits of the Town; and

WHEREAS, pursuant to Title 44, Articles 3 and 4, C.R.S., the Town has the authority to establish a local liquor licensing authority; and

WHEREAS, on April 9, 2024, Town Council adopted Ordinance 2024-O-03 regulating the licensing of distribution and sale of alcoholic beverages and adopting the Town Liquor Code; and

WHEREAS, since May 9, 2024, the Town Clerk has been administering liquor licenses in the Town of Keystone and has identified amendments to the Town Liquor Code; and

WHEREAS, Town Council adopts amendments to the regulations for the licensing of the distribution and sale of alcoholic beverages in the Town of Keystone.

**THE TOWN COUNCIL OF THE TOWN OF KEYSTONE, COLORADO,
ORDAINS:**

Section 1. The foregoing recitals are hereby affirmed and incorporated herein by this reference as findings of the Town Council.

Section 2. Repeal and Replace Paragraph N of Ordinance 2024-O-03 to provide for Optional Premise Permits. Paragraph N of Ordinance 2024-O-03 is repealed and replaced with the following to allow for issuance of optional premise permits with a hotel and restaurant license:

N. Optional premises license and optional premises permit.

Pursuant to Section 44-3-310, C.R.S., the Town adopts the following standards for issuance of an optional premises licenses and optional premises permits for a hotel and restaurant license.

(A) An annually renewable optional premises license for the sale or service of alcoholic beverages may be issued by the Liquor Licensing Authority for one or more optional premises within an outdoor sports and recreational facility that charges a fee for

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the use of such facility.

- (1) An application for an optional premises license shall be accompanied by the fees required by this Title.
- (2) An optional premises license shall allow the licensee to sell and serve alcoholic beverages by the drink only to customers for consumption on the optional premises and for storage of alcohol beverages in a secure area on or off the optional premises for future use on the optional premises.
- (3) An optional premises license application shall be reviewed and approved or denied according to the Town Liquor Code.

(B) An annually renewable optional premises permit for a hotel and restaurant license may be issued by the Liquor Licensing Authority for an outdoor sports and recreational facility that charges a fee for the use of such facility, if such facility is part of an existing or a new hotel and restaurant license, and the optional premises is on or adjacent to the hotel and restaurant premises. Any optional premise permit shall allow the licensee to sell or serve alcoholic beverages only on the optional premises specified in the permit.

- (1) An application for an optional premises permit for a hotel and restaurant license shall be made by the applicant for a hotel and restaurant license or by the hotel and restaurant licensee.
- (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. If an application to permit an optional premise is filed in connection with an existing hotel and restaurant license, the application shall be processed in the same manner as an application to modify or expand licensed premises. No local fee shall be required in connection with an application for an optional premises permit for an existing hotel and restaurant license.
- (3) In addition to or in lieu of any enforcement actions the Liquor Licensing Authority takes against the hotel and restaurant license for violations of this Code or the Colorado Liquor Code and regulations adopted pursuant to such codes, the Liquor Licensing Authority may decline to renew the optional premises permit for good cause shown, subject to judicial review. In addition, the Liquor Licensing Authority may suspend or revoke the optional premises permit in accordance with the procedures specified in Colorado Liquor Code Regulation 47-600, as the same may be amended from time to time, and upon

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consideration of the criteria specified in this Title.

- (4) Nothing contained in this Section shall preclude the Liquor Licensing Authority, in its discretion, from denying an application for an optional premises permit or imposing conditions, restrictions or limitations on any optional premises permit, in order to serve the public health, safety and welfare. Any such conditions may be imposed when the permit is initially issued or should any specific event or use of the optional premises so warrant.

(C) Unless otherwise permitted by law, it shall be unlawful for any person to sell or dispense alcoholic beverages at an outdoor sports and recreational facility without having first obtained a valid optional premises license or optional premises permit or in violation of any provision, restriction or limitation of such a license or permit.

(D) Definitions: The following terms shall be defined as provided below. Terms not defined in this Subsection (D) shall be defined consistent with state law.

Ancillary facility shall mean a permanent, temporary or moveable structure or vehicle located on optional premises and used to dispense alcoholic beverages.

Athletic field shall mean a prepared surface outdoors for use while playing or participating in an organized sport.

Outdoor sports and recreational facility shall mean a facility that consists of an athletic field, golf course, tennis court, or some combination thereof.

(E) No one licensee or permittee shall have more than five optional premises within an outdoor sports and recreational facility. No optional premise may include a parking lot.

(F) Application for an optional premises license or an optional premises permit as part of a hotel and restaurant license shall be made to the Town Clerk, upon forms to be furnished by the Town Clerk for that purpose, which forms shall require the following information in addition to any information required by the state licensing authority and this Title:

- (1) A detailed diagram of the outdoor sports and recreational facility indicating:
 - (a) The location of the outdoor sports and recreational facility;
 - (b) The location of all proposed optional premises;
 - (c) The proposed locations of the ancillary facilities that are

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proposed to be used for the sale or service of alcoholic beverages;

- (d) The seating, if any;
- (e) Restroom facilities, if any;
- (f) Restrictions, if any, to access to the optional premises; and
- (g) Location of secured area or areas for use in storing malt, vinous and spirituous liquors for future use on the optional premises.

(2) A written statement setting forth what will be done to secure the optional premises and storage area or areas and the reason the licensing authority should grant the license or permit; and

(3) Such other information as reasonably may be required to satisfy the local licensing authority that control of the optional premises will be assured, and that the health, safety and welfare of the neighborhood and outdoor sports and recreational facility users will not be adversely affected should the license or permit be issued.

(G) If the applicant does not own the proposed optional premises, it shall submit to the Town Clerk a written statement by the owner of the premises approving the application sought.

(H) The applicant shall provide the Town Clerk with evidence that the state licensing authority has approved the location proposed to be optional premises, as required by the Colorado Liquor Code.

(I) It shall be unlawful for any alcoholic beverages to be served on a licensed or permitted optional premises without the licensee or permittee having first provided written notice to the Town Clerk and the state licensing authority no less than 48 hours prior to such service of alcoholic beverages. Such notice shall contain specific days and hours on which the optional premises are to be used for the sale or service of alcoholic beverages. Nothing contained in this Section shall preclude written notice, submitted within the time limits set out above, from specifying that an optional premise may be utilized for a continuous or extended period of time. However, should any special or unusual event be anticipated to occur during any extended period of time, no less than 48 hours written notice should be given to the Town Clerk, or designee, who shall have the authority, on behalf of the Liquor Licensing Authority, to impose any conditions reasonably related towards serving the public health, safety and welfare. The licensee or permittee may file more than one notice during a calendar year.

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Section 3. Amendment of Ordinance 2024-O-03 to add a new Paragraph T related to Special Event Permits. The following regulations related to Special Event Permits are added to the Town Liquor Code as follows:

T. Special event permit.

(A) The Town Clerk may, pursuant to Section 44-5-101 et seq., C.R.S., and the Colorado Code of Regulations, approve an application for a special event permit for the sale, by the drink only, of fermented malt beverages, or of malt, spirituous or vinous liquors to qualified organizations and political candidates. Such special event permit shall authorize a permittee to sell and/or serve such alcohol beverages at the location and for the duration of time specified on the issued permit.

(B) If the Town Clerk receives an objection to the issuance of a special event permit from one (1) or more parties in the designated neighborhood as determined by the Town Clerk's Office, the matter will be scheduled for a hearing before the Liquor License Authority at its next regularly scheduled meeting, at which time the Liquor License Authority shall consider any and all objections, and it may, pursuant to Section 44-5-101 et seq., C.R.S., either approve or deny the special event permit application.

(C) If the Town Clerk decides to deny the application for a special event permit applied for under this Paragraph, and the applicant wishes to contest the denial, the applicant shall be entitled to a hearing before the Liquor License Authority at its next regularly scheduled meeting, at which time the Liquor License Authority shall consider whether the Town Clerk properly applied the law pursuant to Section 44-5-101 et seq., C.R.S., and whether to uphold the decision of the Town Clerk or overturn it and approve the special event permit application.

(D) Notwithstanding the language in Paragraph B, the Town Clerk has the authority to administratively approve new applications for special event permits.

(E) Special event permits are reviewed under a local-only approval method.

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.

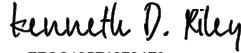
Section 5. Codification. This ordinance may be codified and numbered for

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purposes of codification without the need for further approval by the Town Council.


Section 6. Effective Date. This ordinance shall take effect thirty (30) days after publication.

INTRODUCED, READ AND PASSED AS AN ORDINANCE, ON FIRST READING, AT A REGULAR MEETING OF THE TOWN COUNCIL OF THE TOWN OF KEYSTONE, COLORADO, THIS 27th DAY OF AUGUST 2024.

Signed by:


FFCC103F18734F8...
Kenneth D. Riley, Mayor

ATTEST:

DocuSigned by:


04E4BE3CF50A1424...
Town Clerk


APPROVED AS TO FORM:

Signed by:


80754004A1B745C...
Town Attorney

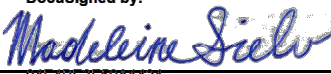
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READ, PASSED AND ADOPTED WITH A ROLL CALL VOTE OF 5 IN FAVOR AND 0
OPPOSED ON SECOND READING, AT A REGULAR MEETING OF THE TOWN
COUNCIL OF THE TOWN OF KEYSTONE, COLORADO, THIS 10th DAY OF
SEPTEMBER 2024.

Signed by:


FFCC105F18734F9
Kenneth D. Riley, Mayor

ATTEST:

DocuSigned by:


04E4BE3F00A1424...
Town Clerk

APPROVED AS TO FORM:

Signed by:


89751994A1B74FC
Town Attorney