

RESOLUTION

**THE OURAY COUNTY
BOARD OF OURAY COUNTY COMMISSIONERS**

Concerning Beer and Liquor Licensing Policies and Procedures

WHEREAS, the Board of County Commissioners of Ouray County, Colorado, met in regular session on July 10, 2006; and

WHEREAS, C.R.S. 12-46-101, *et seq.*, and C.R.S. 12-47-101, *et seq.*, provide the terms, conditions, limitations, and restrictions concerning the manufacture and sale of malt, vinous and spirituous liquors; and

WHEREAS, Said statutes set forth certain mandates for local licensing authorities, including the Ouray County Liquor Licensing Authority; and

WHEREAS, the Board of County Commissioners of Ouray County, Colorado, which acts as the Ouray County Liquor Licensing Authority (the Board) believes it to be in the best interest of the health, safety and welfare of the citizens of Ouray County to codify the local laws and procedures governing the approval of licenses for the sale of beer and liquor within the unincorporated areas of the County, thereby creating the Ouray County Beer and Liquor Code, Policies and Procedures, attached as Exhibit "A"; and

WHEREAS, on July 10, 2006, the Board is desirous of adopting this resolution to consolidate and codify previous policies into one document; and.

WHEREAS, C.R.S. 12-47-505 authorizes the Board of County Commissioners of Ouray County, Colorado as local licensing authority to establish a schedule of fees concerning the granting of liquor licenses within said County; and

WHEREAS, pursuant to such authority, the Board of County Commissioners of Ouray County, Colorado has established the Liquor License Fee schedule attached hereto as Exhibit "B" and incorporated herein by reference and be it further resolved that such fee schedule may be amended from time to time as appropriate in accordance with the above referenced statutory authority; and

WHEREAS, said Board of County Commissioners finds that such Liquor License Fee schedule attached hereto is in the best interest of Ouray County, Colorado and the citizens residing therein as such schedule facilitates the application and granting of liquor licenses with said County;

NOW THEREFORE, BE IT RESOLVED THAT, the Ouray County Beer and Liquor Code, Policies and Procedures, attached as Exhibit "A" be and are hereby adopted and the Liquor License Fee schedule attached hereto as Exhibit "B" be adopted and Incorporated herein by reference; and,

THAT, this Resolution is intended to codify the authority granted to the Board by the Colorado Revised Statutes and the Code of Colorado Regulations and shall not dilute, in any manner, the authority granted to the Board as set forth therein or as otherwise set forth in a previous resolution of this Board.

THAT, if any part, section, subsection, sentence, clause or phrase of this Resolution is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Resolution; and the Board hereby declared it would have passed this Resolution, and each part, section, subsection, sentence, clause or phrase thereof, regardless of the fact that any one or more parts, sections, subsections, sentences, clauses or phrases be declared invalid.

Adopted this 10th day of July, 2006.

BOARD OF COUNTY COMMISSIONERS
OF OURAY COUNTY, COLORADO

Attest:

Heidi M. Albritton, Chair

Michelle Nauer, Clerk and Recorder

Don Batchelder, Vice Chair

By:

Linda Munson-Haley,
Deputy Clerk of the Board

Kristi R. Westfall, Member

OURAY COUNTY BEER AND LIQUOR CODE POLICIES AND PROCEDURES

EXHIBIT A

1. **3.2% FERMENTED MALT BEVERAGES** (Section 12-46-103 *et seq.*, C.R.S.)

The Board of County Commissioners of Ouray County sitting as the Ouray County Liquor Licensing Authority (“Liquor Authority”) shall be the authority to issue 3.2% fermented malt beverage licenses to applicants carrying on business within unincorporated Ouray County. Such authority shall be in accordance with the applicable sections of the Colorado Revised Statutes, as may be amended from time to time.

1.1 **Filing Qualifications** (Sections 12-46-104 and 12-45-301, C.R.S.)

All completed applications submitted to Ouray County must include the following:

- a. All information called for in applicable statutes, regulations or state-approved applications forms.
- b. An area map showing the proposed licensed premises outlined in red.
- c. A statement from the applicant affirming that he or she understands the laws pertaining to the serving of alcohol and will abide by the same.
- d. All applicable fees according to the fee schedule attached as Exhibit “B”.
- e. Any other information deemed necessary by the Liquor Authority or its designee in reviewing the application.

1.2 **Review of Application File**

Once the application is submitted it shall be reviewed by the County Clerk & Recorder’s office and the County Attorney’s office, if necessary, for completeness for the purposes of advising the Liquor Authority on any legal problems or inadequacies of the documents submitted and suggested corrections therefore. A completed application with accompanying fees shall be acted upon by the Liquor Authority pursuant to the applicable provisions of the Colorado Revised Statutes.

2. **ALCOHOLIC LIQUORS**

The Liquor Authority shall be the authority to issue liquor licenses to applicants residing in or outside the State of Colorado, and conducting business within unincorporated Ouray County. Shall authority shall be in accordance with applicable section of the Colorado revised Statutes.

2.1 **Filing Qualifications** (Sections 12-46-104 and 12-45-301, C.R.S.)

All completed applications submitted to Ouray County must include the following:

- a. All information called for in applicable statutes, regulations or state-approved applications forms.
- b. An area map showing the proposed licensed premises outlined in red.
- c. A statement from the applicant affirming that he or she understands the laws pertaining to the serving of alcohol and will abide by the same.
- d. All applicable fees according to the fee schedule attached as Exhibit “B”.
- e. Any other information deemed necessary by the Liquor Authority or its designee in reviewing the application.

2.2 Review of Application File

Once the application is submitted it shall be reviewed by the County Clerk & Recorder's office and the County Attorney's office, if necessary, for completeness for the purposes of advising the Liquor Authority on any legal problems or inadequacies of the documents submitted and suggested corrections therefore. A completed application with accompanying fees shall be acted upon by the Liquor Authority pursuant to the applicable provisions of the Colorado Revised Statutes.

3. SPECIAL EVENTS PERMITS (Section 12-48-101 *et seq.*, C.R.S.)

3.1 Filing Requirements (Section 12-48-107, C.R.S.)

All completed applications submitted to Ouray County must include the following:

- a. All information called for in applicable statutes, regulations or state-approved applications forms.
- b. Permissions to be on the premises.
- c. Certificate of Good Standing
- d. An area map showing the proposed licensed premises outlined in red.
- e. All applicable fees according to the fee schedule attached as Exhibit "B" or as may be amended from time to time.
- f. Any other information deemed necessary by the Liquor Authority or its designee in reviewing the application.

3.2 Review of Application File

Once the application is submitted it shall be reviewed by the County Clerk & Recorder's office and the County Attorney's office, if necessary, for completeness for the purposes of advising the Liquor Authority on any legal problems or inadequacies of the documents submitted and suggested corrections therefore. A completed application with accompanying fees shall be acted upon by the Liquor Authority pursuant to the applicable provisions of the Colorado Revised Statutes.

4. OPTIONAL PREMISES (Section 12-47-310 C.R.S.)

The Liquor Authority shall be the authority to issue optional premises licenses to applicants residing in our outside the State of Colorado, and conducting business within unincorporated Ouray County. Such authority shall be in accordance with applicable sections of the Colorado revised Statutes, as may be amended from time to time.

The following standards for the issuance of Optional premises licenses or for optional premises for a hotel and restaurant license are hereby adopted pursuant to the provisions of Section 12-47-310 C.R.S.

4.1 Filing Requirements (Section 12-47-310, C.R.S.)

All completed applications submitted to Ouray County must include the following:

- a. All information called for in applicable statutes, regulations or state-approved applications forms.
- b. A map or drawing illustrating the outdoor sports or recreational facility boundaries, the location of each optional premise requested, and the areas in which the applicant

desires to store malt, vinous, and spirituous liquors for future use on the optional premises.

- c. All applicants shall submit a description of the method that will be used to identify and control the optional premises when it is in use. For example, the applicant may describe the types of signs, fencing or other notices or barriers to be used in order to control the optional premises.
- d. All applicable fees according to the fee schedule attached as Exhibit "B" or as may be amended from time to time.
- e. Any other information deemed necessary by the Liquor Authority or its designee in reviewing the application.

4.2 Review of Application File

Once the application is submitted it shall be reviewed by the County Clerk & Recorder's office and the County Attorney's office, if necessary, for completeness for the purposes of advising the Liquor Authority on any legal problems or inadequacies of the documents submitted and suggested corrections therefore. A completed application with accompanying fees shall be acted upon by the Liquor Authority pursuant to the applicable provisions of the Colorado Revised Statutes.

4.3 An optional premise may only be approved when that premise is located on or adjacent to an outdoor sports and recreational facility as defined in Section 12-47-310. The types of outdoor sports and recreational facilities which may be considered for an outdoor premises license include the following:

- a. Country Club
- b. Golf Course and Driving Range
- c. Ice Skating Area
- d. Ski Area
- e. Swimming Pool
- f. Outdoor Tennis Courts and Clubs
- g. Equestrian Center
- h. Horse shoe Pit
- i. Dude Ranch
- j. Athletic Facility
- k. Others as deemed eligible by the Local Authority and the Liquor License Coordinator as its designee.

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 Authority may consider the size of the particular outdoor sports or recreational facility in relationship to the number of optional premises requested for the facility, and may deny any optional premises application if the Local Authority considers the related facility to be too small.

4.4 Number of Optional Premises

The Liquor Authority, in its discretion, may restrict the number of optional premises, which any one licensee may have. Any licensee requesting approval of more than one optional premise shall:

- a. Explain the reason for each optional premises requested.
- b. Demonstrate how the optional premises relate to each other from an operational standpoint.

- c. Demonstrate to the satisfaction of the Liquor Authority the need for each optional premises in relationship to the outdoor sports and recreational facility and its guests.
- d. Demonstrate that the optional premises will not adversely affect the neighborhood in which it is located.

4.5 Advance Notification

Pursuant to Section 12-47-310(3), no alcoholic beverages may be served on an optional premise without the licensee having provided written notice to the State and Liquor Authority 48 hours prior to serving alcoholic beverages on the optional premises. The notice must contain the specific days and hours during which the optional premises are to be used.

5. BED AND BREAKFAST PERMITS (SECTION 12-47-410, C.R.S.)

5.1 Bed & Breakfast Permit

The Liquor Authority shall be the authority to issue Bed and Breakfast permits to applicants residing in or outside the State of Colorado and operating a bed and breakfast with not more than twenty (20) sleeping rooms that offers complimentary malt, vinous & spirituous liquors for consumption only on the premises and only be overnight guests. A bed and breakfast permittee shall not sell alcoholic beverages by the drink and shall not serve alcoholic beverages for more than four (4) hours in any one day.

5.2 Filing Qualifications

All completed applications submitted to Ouray County must include the following:

- a. All information called for in applicable statutes, regulations or state-approved applications forms.
- b. An area map showing the proposed licensed premises outlined in red.
- c. All applicable fees according to the fee schedule attached as Exhibit "B" or as may be amended from time to time.
- d. Any other information deemed necessary by the Liquor Authority or its designee in reviewing the application.

5.3 Review of Application File

Once the application is submitted it shall be review by the County Clerk & Recorder office and the County Attorney's office, if necessary, for completeness for the purposes of advising the Liquor Authority on any legal problems or inadequacies of the documents submitted and suggested corrections therefore. A completed application with accompanying fees shall be acted upon by the Liquor Authority pursuant to the applicable provisions of the Colorado Revised Statutes.

6. TASTING PERMITS (Section 12-47-310(10) C.R.S.)

The Liquor Authority shall be the authority to issue tasting permits to applicants operating retail liquor stores or liquor-licensed drugstores within unincorporated Ouray County. Such authority shall be in accordance with applicable sections of the Colorado revised Statutes, as may be amended from time to time.

6.1 Filing Requirements

All completed applications submitted to Ouray County must include the following:

- a. All information called for in applicable statutes, regulations or state-approved applications forms.
- b. All applicable fees according to the fee schedule attached as Exhibit "B" or as may be amended from time to time.
- c. Any other information deemed necessary by the Liquor Authority or its designee in reviewing the application.

6.2 Review of Application File

Once the application is submitted it shall be review by the County Clerk & Recorder office and the County Attorney's office, if necessary, for completeness for the purposes of advising the Liquor Authority on any legal problems or inadequacies of the documents submitted and suggested corrections therefore. A completed application with accompanying fees shall be acted upon by the Liquor Authority pursuant to the applicable provisions of the Colorado Revised Statutes.

LIQUOR LICENSE FEES

Exhibit "B"

License Type: (Annual Fee)	State Fee	Local Fee
3.2% Beer License	117.50*	7.50**
Retail Liquor Store License	312.50*	37.50**
License Drug Store	312.50*	37.50**
Beer & Wine License	436.25*	63.75**
Hotel & Restaurant License	500.00*	75.00**
Tavern License	500.00*	75.00**
Racetrack License	500.00*	75.00**
Brew-Pub License	750.00*	75.00**
Arts License	308.75*	41.25**
Club License	308.75*	41.25**
Optional Premises License	500.00*	75.00**
Resort Complex License	500.00*	75.00**
Retail Gaming License	500.00*	75.00**

Renewal Fees:

Annual Renewal of Liquor License	50.00**
Late Renewal Application	500.00**

Permit Applications/Report of Changes/Other	State Fee	Local Fee
Addition of permits to Resort Complex	75.00 (each)	100.00
Liquor Store or 3.2 on & off Deliver Permit	-0-	-0-
Out of State Deliver Permit	100.00	-0-
Manager's Registration (Hotel & Restaurant)	75.00	75.00
Change of Manager (Other Licenses)	-0-	-0-
Retail Warehouse Storage Permit	75.00	-0-
Wholesale Branch House Permit	100.00	-0-
Change of Corporate or Trade Name Permit	50.00	-0-
Change, Alter or Modify Premises	150.00	500.00
Renewal of Optional Premises (Per Opt. Prem.)	100.00	
Bed & Breakfast Permit	50.00	25.00
Duplicate License	50.00	-0-
Expansion, Add Opt Prem to H & R	100.00	100.00
Mini Bar Permit	-0-	325.00
Modification of Premises	150.00	50.00
Duplicate License	50.00	-0-
Corporate/LLC Change	100.00	100.00
(Charged by the local or state authority, not both)		
Delivery Permit	-0-	-0-
Special Events – 3.2%	10.00/day	10.00/License
Special Events – Liquor	25.00/day	25.00/License
Tasting Permit (Retail Liquor Store Only)	-0-	25.00
Temporary Permit [C.R.S. 12-47-303(4)]	-0-	100.00

STATE LICENSING FEES: The fees listed below are in addition to the state fees listed above.

* New License or Transfer of Ownership	\$1125.00
* New License, Concurrent Review	\$1225.00

LOCAL LICENSING AUTHORITY APPLICATION FEES: The fees listed below are in addition to the local fees listed above (C.R.S. 12-47-505).

** New License (This includes poster(s) and public notice)	\$500.00
** Transfer of Location of Ownership	\$500.00

NEW APPLICATIONS, TRANSFERS OF OWNERSHIP, OR MANAGER'S REGISTRATIONS:

Payable to "*Colorado Bureau of Investigation*" \$38.50 (per card)
(Business, Cashier's or Certified Checks only)