

**CITY OF CENTRAL, COLORADO
ORDINANCE 12-06**

**AN ORDINANCE OF THE CITY OF CENTRAL, COLORADO AMENDING
ARTICLE VII OF CHAPTER 6 OF THE MUNICIPAL CODE TO CREATE AN
ENTERTAINMENT DISTRICT IN WHICH COMMON AREAS FOR THE
CONSUMPTION OF ALCOHOL MAY BE OPERATED BY
PROMOTIONAL ASSOCIATIONS AND TO ALLOW ADMINISTRATIVE
APPROVALS FOR CERTAIN LIQUOR RELATED APPLICATIONS**

WHEREAS, the City of Central, Colorado is a home rule municipal corporation authorized to adopt ordinances in furtherance of the public health, safety and welfare; and

WHEREAS, the State of Colorado adopted Senate Bill No. 11-273 which authorizes the expanded consumption of alcohol within common areas located within designated entertainment districts that are established by local jurisdictions; and

WHEREAS, the City Council desires to establish an entertainment district for the purposes contemplated by Senate Bill No. 11-273; and

WHEREAS, the City Council proposes an Entertainment District that is less than one hundred acres and has at least twenty thousand square feet of premises licensed as a tavern, hotel and restaurant, brew pub, retail gaming tavern, or vintner's restaurant; and

WHEREAS, the City Council wishes to allow common consumption areas within an Entertainment District of the City; and

WHEREAS, the City Council wishes to establish application procedures, fees, and regulations concerning the operation of common consumption areas.

BE IT ORDAINED BY THE CITY COUNCIL FOR THE CITY OF CENTRAL, COLORADO THAT:

Section 1. Section 6-200 of Article VII of Chapter 6, titled "Liquor Licenses" is hereby amended to add the following definitions:

Common Consumption Area means a pedestrian area located wholly within a designated Entertainment District and approved by the Liquor Licensing Authority that uses physical barriers to close the areas to motor vehicle traffic and limit pedestrian access.

Common Consumption Area Law means Sections 12-47-301(11), 12-47-908, 12-47-909 of the Colorado Revised Statutes, as may be amended.

Entertainment District means an area within the City that is designated as an Entertainment District of a size no more than one hundred acres and containing at least twenty thousand square

feet of premises licensed as a tavern, hotel and restaurant, brew pub, or vintner's restaurant at the time the District is created.

Licensee means a person to whom a license is granted by the Local Licensing Authority to manufacture or sell alcohol beverages as provided under the Colorado Liquor Code.

Local Licensing Authority means the City Council of the City of Central.

Promotional Association means an association that is incorporated within Colorado that organizes and promotes entertainment activities within a Common Consumption Area, is organized or authorized by two or more people who own or lease property within an Entertainment District, and is certified by the Local Licensing Authority.

Section 2. Article VII of Chapter 6, titled "Liquor Licenses," is hereby amended to add a new Section 6-204 to allow for administrative approvals of certain applications to read in full as follows:

Sec. 6-204. Administrative Applications.

(a) The following liquor-related applications may be decided by the City Clerk, subject to appeal or referral to the Local Licensing Authority:

1. Transfer of ownership of existing license;
2. Change of corporate structure of existing license;
3. Renewal of existing license;
4. Manager registration for existing license;
5. Special events permit;
6. Change of corporate or trade name permit for existing license;
7. Bed and breakfast permits;
8. Recertification of Promotional Associations; and
9. All other City license-related applications not requiring a public hearing by the Colorado Liquor Code.

(b) The City Clerk may refer to the Local Licensing Authority for a decision regarding any administrative application when, as determined in the discretion of the City Clerk, the public interest would be best served by the determination of the matter by the Local Licensing Authority.

(c) Administrative applications denied by the City Clerk may be appealed to the Local Licensing Authority. Appeals must be submitted in writing to the City Clerk within ten (10) days of denial, and may request a hearing. Appeals to the Local Licensing Authority will be decided de novo.

(d) As authorized pursuant to Section 12-48-107(5) of the Colorado Revised Statutes, approval by the City of a special event permit application shall not require the state's approval or disapproval. Within ten (10) days of issuance of a special event permit, the City Clerk shall

notify the state liquor enforcement division of the name of the organization to which a special event permit was issued, the address of the permitted location, and the permitted dates of alcohol beverage service.

Section 3. Article VII of Chapter 6, titled “Liquor Licenses,” is further amended to add the following new sections to allow for the creation of Entertainment Districts and Common Consumption Areas to read in full as follows:

Sec. 6-205. Creation of Entertainment District and General Requirements.

(a) In order to exercise the City’s local option to allow Common Consumption Areas in the City and to effectuate the purposes and intent of C.R.S. Section 12-47-301(11), there is hereby established and designated the Central City Entertainment District whose boundaries include all lands, inclusive of rights-of-way, located in the Historic Downtown Gaming and Gregory Gulch Gaming zone districts as such districts’ boundaries may be changed. Properties may be included or excluded from the Central City Entertainment District by resolution of the City Council. By establishing the Central City Entertainment District, the City authorizes the licensing of designated Common Consumption Areas in which alcohol beverages may be sold and consumed subject to the requirements of this Article, the Code and the Common Consumption Area Law.

(b) The Local Licensing Authority has the following powers with respect to Common Consumption Areas and Promotional Associations:

1. Designate one or more Common Consumption Areas;
2. Certify or decertify a Promotional Association;
3. Authorize inclusion or exclusion of licensed establishments from a Common Consumption Area;
4. Impose reasonable conditions of approval on the licensing of Common Consumption Areas, certification of Promotional Associations; or the inclusion or exclusion of licensed establishments within the Common Consumption Area; and
5. Exercise all powers necessary to effectuate the purposes of the Common Consumption Area Law.

(c) The standards for Common Consumption Area licenses issued to Promotional Associations shall be in addition to all other standards applicable under this Article, the Code and the Colorado Liquor Code.

(d) Decisions on applications for Common Consumption Areas, Promotional Associations and inclusions and exclusions from the Common Consumption Area shall be made by the Local Licensing Authority within sixty (60) days of receipt of a complete application. A decision to deny any such application by the Local Licensing Authority shall be in writing and shall be provided to the applicant within five (5) business days of the decision.

Sec. 6-206. Common Consumption Areas.

(a) Within the Central City Entertainment District, Common Consumption Areas may be licensed by the Local Licensing Authority upon application by a Promotional Association in conformance with the requirements of this Article and the Colorado Liquor Code.

(b) A Promotional Association may submit an application for the designation of a Common Consumption Area on forms approved by the City Clerk in accordance with the following minimum information:

1. Application and license fees.
2. Name, address and list of all officers of Promotional Association.
3. Documentation of how the application addresses the reasonable requirements of the neighborhood or desires of the adult inhabitants.
4. The size, in terms of acreage or square footage, of the Common Consumption Area; all areas must be contiguous within the Common Consumption Area.
5. Proposed hours, dates and days of operation of the Common Consumption Area.
6. A site plan detailing the proposed Common Consumption Area including the following information: boundaries of the area, location and description of physical barriers, location of all entrances and exits, location of all attached licensed premises, location of signs to be posted notifying customers of the hours of operation and restrictions associated with the Common Consumption Area.
7. A security plan detailing security arrangements for the Common Consumption Area including but not limited to the following information: evidence of completed liquor training of all security personnel approved by the City Clerk, number and location of security personnel during the days and hours of operation of the Common Consumption Area, and evidence of appropriate licensing under Article III, Chapter 6 of this Code;
8. Signed statement that the Common Consumption Area and all licensed establishments therein can be operated in compliance with this Article, all applicable provisions of this Code, and the Colorado Liquor Code;
9. Documentation evidencing legal authorization for use of the Common Consumption Area; and
10. Proof of Insurance of general liability and liquor liability naming the City of Central and its officers and employees as additional insured in a minimum amount of One Million Dollars (\$1,000,000).

(c) An application for establishment of a Common Consumption Area shall be considered at a duly noticed public hearing of the Liquor Licensing Authority based on the following criteria of approval.

1. There must be at least two (2) licensed establishments within the Common Consumption Area;
2. Use of the Common Consumption Area is compatible with the reasonable requirements of the neighborhood or the desires of the adult inhabitants; and

3. Evidence that the Common Consumption Area is clearly delineated and continuously maintained using physical barriers to prohibit motor vehicle traffic (except emergency vehicles) and to limit pedestrian access.

(d) A tavern, hotel and restaurant, brew pub, retail gaming tavern, or vintner's restaurant Licensee may request inclusion into the licensed Common Consumption Area by submitting an application to the Liquor Licensing Authority with the following information:

1. Written request and approval from the Promotional Association to allow the Licensee to include within the Common Consumption Area, unless the Promotional Association does not exist, in which case the Licensee shall request authorization from the Promotional Association when it is established and prior to the Licensee's license renewal.

2. Confirmation that the Licensee's licensed premises is located within the Entertainment District and within the Common Consumption Area.

(e) The Local Licensing Authority may reject a Licensee's inclusion in a Common Consumption Area if the licensed premises is not within the Common Consumption Area and if the Licensee:

1. Fails to obtain consent from the Promotional Association to include within the Common Consumption Area;

2. Fails to establish that the licensed premises and Common Consumption Area can be operated without violating this Article or the Common Consumption Law;

3. Creates a public safety risk to the neighborhood in terms of law enforcement call-outs, breaches in securing the perimeter of the Common Consumption Area, unauthorized liquor consumption outside of the Common Consumption Area, noise or nuisance complaints generated from activities within the Common Consumption Area, or similar, documented public safety risks; or

4. Violates Section 12-47-909 of the Colorado Liquor Code.

(f) All renewal applications for Common Consumption Areas shall be submitted to the City Clerk no later than forty-five (45) days prior to the date on which the license expires. If there is evidence that the license should not be renewed, the City Clerk shall set the application for hearing with the Local Licensing Authority.

Sec. 6-207. Promotional Associations.

(a) For certification and re-certification as a Promotional Association, the following information is required to be submitted to the City Clerk in conjunction with or prior to application for establishment of a Common Consumption Area:

1. Application fee;

2. Copy of articles of incorporation and bylaws;

3. List of names of all directors and officers of the Promotional Association;

4. List of licensed establishments within the Common Consumption Area; and
5. Certificates of general liability and liquor liability insurance are provided in the amounts required under this Article.

(b) The Local Licensing Authority may certify a Promotional Association if the following criteria of approval are met:

1. The annual reporting requirements have been or will be met;
2. Evidence establishes that the Common Consumption Area can be and is operated without violating the Colorado Liquor Code, this Article or other applicable provision of this Code;
3. There are at least two (2) licensed premises within the Common Consumption Area; and
4. The required insurance as set forth in Section 6-207(b)(9) is not provided or continuously maintained.

(c) A Promotional Association shall apply for annual recertification by January 31 of each year on forms prepared and approved by the City Clerk.

(d) The Local Licensing Authority may decertify a Promotional Association subject to the process as provided in Section 12-47-601 of the Colorado Liquor Code.

(e) Operational Requirements of Promotional Associations.

1. The size of the licensed Common Consumption Area shall not be modified except with the approval of the Local Licensing Authority.
2. The Promotional Association shall provide adequate security in terms of personnel, physical barriers, training and similar means, to ensure compliance with the Colorado Liquor Code and to prevent a public safety risk to the neighborhood.
3. The Promotional Association shall post signs at the entrances and exits of the Common Consumption notifying customers of the hours of operation and restrictions associated with the Common Consumption Area.
4. No one shall leave the Common Consumption Area with an unconsumed alcohol beverage.
5. All security personnel must complete a liquor training program approved by the City Clerk prior to staffing the Common Consumption Area.
6. Common Consumption Areas may be operated until 10 p.m. on the days specified in the application. It is unlawful for any Promotional Association to allow consumption of alcohol beverages in the Common Consumption Area after 10 p.m.

Sec. 6-208. Violations.

Noncompliance with any provision of this Article or the Common Consumption Law shall be deemed a violation of this Code. Violations of this Article shall be cause for suspension or revocation of the licensed premises, the Common Consumption Area license or decertification of

the Promotional Association and may be subject to other enforcement provisions set forth in this Code.

Sec. 6-209. Fees.

Application, renewal and licensing fees shall be set by resolution of the City Council.

Section 4. Codification Amendments. The codifier of Central City's Municipal Code is hereby authorized to make such numerical and formatting changes as may be necessary to incorporate the provisions of this Ordinance within the Central City Municipal Code.

Section 5. 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 6. Repeal. Any and all ordinances or codes or parts thereof in conflict or inconsistent herewith are, to the extent of such conflict or inconsistency, hereby repealed; provided, however, that the repeal of any such ordinance or code or part thereof shall not revive any other section or part of any ordinance or code heretofore repealed or superseded and this repeal shall not affect or prevent the prosecution or punishment of any person for any act done or committed in violation of any ordinance hereby repealed prior to the effective date of this Ordinance.

Section 7. Effective Date. This Ordinance shall become effective immediately following publication, public hearing and the approval of City Council following second reading in accordance with Sections 5.9 and 5.10 of the City Charter.

INTRODUCED AND READ by title only on first reading at the regular meeting of the City Council of the City of Central on the 5th day of June, 2012, at Central City, Colorado.

CITY OF CENTRAL, COLORADO

Ronald E. Engels, Mayor

Approved as to form:

Linda C. Michow, City Attorney

ATTEST:

Reba Bechtel, City Clerk

PASSED AND ADOPTED on second reading, at the regular meeting of the City Council of the City of Central on the 27th day of June, 2012.

CITY OF CENTRAL, COLORADO

Ronald E. Engels, Mayor

ATTEST:

Reba Bechtel, City Clerk

POSTED IN FULL AND PUBLISHED BY TITLE AND SUMMARY in the Weekly Register Call newspaper on _____, 2012.

POSTED AND PUBLISHED BY TITLE [AND SUMMARY IF AMENDED ON SECOND READING] in the Weekly Register Call newspaper on _____, 2012.

CITY OF CENTRAL, COLORADO

Ronald E. Engels, Mayor

ATTEST:

Reba Bechtel City Clerk