

CITY OF CENTRAL, COLORADO

ORDINANCE 15-06

**AN ORDINANCE AMENDING ARTICLE 6 OF CHAPTER 6 OF THE
CITY OF CENTRAL MUNICIPAL CODE REGARDING
ENTERTAINMENT DISTRICTS**

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, C.R.S. § 12-47-301(11) authorizes the expanded consumption of alcohol within common areas located within designated entertainment districts that are established by local jurisdictions; and

WHEREAS, pursuant to Ordinance No. 12-06, the City Council established the Central City Entertainment District, and authorized the licensing of designated common consumption areas; and

WHEREAS, the City's Entertainment District regulations are codified in Article VI of Chapter 6 of the Municipal Code; and

WHEREAS, in accordance with C.R.S. § 12-47-301(11)(f), a local licensing authority may set hours during which a common consumption area and attached licensed premises may serve alcohol; and

WHEREAS, the Liquor Enforcement Division of the Colorado Department of Revenue, in consultation with the Colorado Attorney General's Office, issued Bulletin 14-01 dated October 1, 2014, which bulletin concludes that a local licensing authority has the authority to set hours of operation outside of the 2:00 a.m. to 7:00 a.m. restriction set forth in C.R.S. § 12-47-901(5)(b); and

WHEREAS, Section 6-6-80(e)(6) of the Municipal Code currently prohibits the consumption of alcoholic beverages in any common consumption area after 10:00 p.m.; and

WHEREAS, the City Council desires to amend Article 6 of Chapter 6 of the Municipal Code concerning entertainment districts by removing the current 10:00 p.m. limitation on hours of operation of a common consumption area; and

WHEREAS, City Council desires to further amend Article 6 of Chapter 6 of the Municipal Code to allow a promotional association to request extended hours of operation between 2:00 a.m. and 7:00 a.m. as part of its application for designation as a common consumption area.

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

Section 1. Section 6-6-70(b)(5) of the Municipal Code is hereby amended to require any application for a common consumption area to specifically include any request for extended hours of operation (between the hours of 2:00 a.m. and 7:00 a.m.), to read in full as follows:

(5) Proposed hours, dates and days of operation of the common consumption area, specifically including any request for extended hours of operation of the common consumption area between 2:00 a.m. and 7:00 a.m.

Section 2. Section 6-6-70(b)(6) of the Municipal Code is hereby amended to require any application for a common consumption area to specifically include in the site plan a detailed description of whether any portion of the common consumption area will be located outside together with a detailed description of a plan to comply with the maximum db(A) levels established in Section 7-2-210(a) of the Code (“Maximum Permissible Noise Levels”), to read in full as follows:

(6) A site plan detailing the proposed common consumption area, including the following information: boundaries of the area, including the specific identification of any portion(s) of the area that is proposed to be located out of doors, 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; restrictions associated with the common consumption area; and a detailed description of the promotional association’s plan to comply with the maximum db(A) levels established in Section 7-2-210(a) of the Municipal Code.

Section 3. Section 6-6-80 of the Municipal Code is hereby amended to delete subsection (e)(6) in its entirety.

Section 4. Safety Clause. The City Council hereby finds, determines, and declares that this Ordinance is promulgated under the general police power of the City of Central, that it is promulgated for the health, safety, and welfare of the public, and that this Ordinance is necessary for the preservation of health and safety and for the protection of public convenience and welfare. The City Council further determines that the Ordinance bears a rational relation to the proper legislative object sought to be attained.

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 4th day of August, 2015, at Central City, Colorado.

CITY OF CENTRAL, COLORADO

Ronald E. Engels, Mayor

Approved as to form:

Marcus McAskin, 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 ___ day of _____, 2015.

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 _____, 2015.

POSTED AND PUBLISHED BY TITLE [AND SUMMARY IF AMENDED ON SECOND READING] in the Weekly Register Call newspaper on _____, 2015.

CITY OF CENTRAL, COLORADO

Ronald E. Engels, Mayor

ATTEST:

Reba Bechtel City Clerk