

**Town of Erie
Ordinance No. 028-2024**

An Ordinance of the Town Council of the Town of Erie Repealing and Reenacting Section 4-8-13 of the Erie Municipal Code, Related to Entertainment Districts, Common Consumption Areas and Promotional Associations

Whereas, the Town Council wishes to update and simplify the regulations related to entertainment districts, common consumption areas and promotional associations.

Now Therefore be it Ordained by the Town Council of the Town of Erie, Colorado, as follows:

Section 1. Section 4-8-13 of the Erie Municipal Code is hereby repealed in its entirety and reenacted as follows:

4-8-13 – Entertainment districts, common consumption areas and promotional associations.

A. *Authority and purpose:*

1. The Town exercises its local option to allow common consumption areas in the Town by establishing an entertainment district as provided in C.R.S. § 44-3-301(11).

2. The Town Council hereby grants the authority to the Town's local licensing authority (the "Authority") to certify and decertify promotional associations, to designate the location, size, security, and hours of operation of common consumption areas, and to allow attachment of licensed premises to common consumption areas.

B. *Definitions:*

Common consumption area: A common area located entirely within a designated entertainment district for the consumption of alcohol beverages that uses physical barriers to close the areas to motor vehicle traffic and limit pedestrian access.

Entertainment district: An area of no more than one hundred (100) acres and containing premises licensed as a tavern, hotel and restaurant, brew pub or vintner's restaurant at the time the entertainment district is created.

Promotional association: An association incorporated in Colorado to organize and promote entertainment activities within a common consumption area and that has a board of directors that contains at least one (1) director from each licensed premises attached to the common consumption area.

C. *Common consumption areas:* The Authority shall approve a common consumption area if the Authority finds that the common consumption area complies with this Section and the Colorado Liquor Code.

D. *Certification of a promotional association:*

1. Application for certification of a promotional association shall be made on forms prepared and furnished by the Town Clerk, and shall include the following:

a. A copy of the articles of incorporation and bylaws and a list of all directors and officers of the promotional association;

b. A detailed map of the common consumption area, including locations of physical barriers, entrances and exits, location of attached licensed premises and identification of licensed premises that are adjacent, but not to be attached to the common consumption area;

c. A security plan, including evidence of training and approval of personnel, and a detailed description of security arrangements and the approximate location of security personnel within the common consumption area during operating hours;

d. A list of dates and hours of operation for the upcoming calendar year;

e. Documentation showing possession of the common consumption area;

f. A list of the attached licensees, with their license number, any past violations and copies of any operational agreements;

g. A certificate of general liability and liquor liability insurance naming the Town as an additional insured in a minimum amount of \$1,000,000;

h. The application fee established by resolution of the Town Council; and

i. Evidence of the reasonable requirements of the neighborhood and the desires of the adult inhabitants as evidenced by petitions or otherwise.

2. The Authority shall review the application for compliance with the requirements of this section, the Colorado Liquor Code and the desires and needs of the community and after consideration and a public hearing, the Authority may either approve the application with or without conditions or deny the application.

3. Upon approval of certification by the Authority, the promotional association shall abide by the operational requirements set forth herein in addition to any specific requirements imposed by the Authority.

E. *Operational requirements.*

1. The size of the common consumption area shall not exceed the area approved by the Authority, but the promotional association may make such area smaller at any time, provided the new area is clearly delineated using physical barriers to close the area to motor vehicle traffic and limit pedestrian access.

2. Common consumption areas and their attached licensed premises may serve alcohol and customers may consume alcohol until 2:00 a.m. unless further restricted by the Authority. The hours of sale and consumption may differ between the licensed premises and common consumption area.

3. All security personnel shall complete the server and seller training program established by the Colorado Department of Revenue.

F. *Recertification/decertification of a promotional association.*

1. A promotional association shall apply to the Town Clerk for recertification by January 31st of each year, with the information required in Section 4-8-13(D)(1)(a-h).

2. Pursuant to C.R.S. § 44-5-101, *et seq.*, the Town Clerk may administratively approve the recertification for a promotional association if: a complete application is received; no person has filed a written objection to the recertification; there are no material modifications to the common consumption area premises or usage; no derogatory information is discovered and there have been no violations by an attached licensed premises in the past twelve (12) months.

3. The Town Clerk may refer any recertification application to the Authority at the Town Clerk's sole discretion.

4. If the recertification application is referred to the Authority, the Authority shall hold a public hearing to consider the application, and may either approve the recertification with or without conditions or decertify the promotional association.

5. Pursuant to C.R.S. § 44-3-301(11), the Authority may decertify the promotional association for any of the following reasons:

a. The promotional association fails to submit a complete recertification application by January 31.

b. The promotional association fails to establish that the licensed premises and common consumption area can be operated without violating this Section and the Colorado Liquor Code, and without creating a safety risk to the neighborhood.

c. The promotional association fails to have at least two (2) licensed premises attached to the common consumption area.

d. The promotional association fails to abide by the operational requirements of this Section or violates any provision of C.R.S. § 44-3-910.

G. *Attachment to a common consumption area.*

1. An application to attach to an existing common consumption area shall be on forms furnished by the Town Clerk, which shall include the following:

a. Authorization for attachment from a certified promotional association and the name of the representative director that will sit on the board of the certified promotional association;

b. A detailed map of the common consumption area including: location of physical barriers, entrances and exits, location of attached licensed premises, identification of licensed premises that are adjacent but not to be attached to the common consumption area, and approximate location of security personnel; and

c. The application fee established by resolution of the Town Council.

2. The Authority shall review the application for compliance with the requirements of this Section, the Colorado Liquor Code, and the desires and needs of the community, and after consideration and a public hearing, the Authority may either approve the application with or without conditions or deny the application.

Section 2. Severability. If any article, section, paragraph, sentence, clause, or phrase of this Ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect the validity or constitutionality of the remaining portions of this Ordinance. The Town Council hereby declares that it would have passed this Ordinance and each part or parts hereof irrespective of the fact that any one, or part, or parts be declared unconstitutional or invalid.

Section 3. Safety. The Town Council finds that the adoption of this Ordinance is necessary for the protection of the public health, safety and welfare.

Section 4. Effective Date. This Ordinance shall take effect 10 days after publication following adoption.

Introduced, Read, Passed and Ordered Published this 23rd day of July, 2024.

Justin Brooks, Mayor

Attest:

Debbie Stamp, Town Clerk