

ORDINANCE NO. ____-2017

Series of 2017

AN ORDINANCE OF THE TOWN OF ERIE, COLORADO AMENDING TITLE 4, “BUSINESS REGULATIONS,” CHAPTER 8, “ALCOHOLIC BEVERAGES,” OF THE ERIE MUNICIPAL CODE TO ADD A NEW SECTION 4-8-13, “ENTERTAINMENT DISTRICTS, COMMON CONSUMPTION AREAS AND PROMOTIONAL ASSOCIATIONS;” AUTHORIZING AND CREATING AN ENTERTAINMENT DISTRICT IN ACCORDANCE WITH THE COLORADO LIQUOR CODE; PROVIDING FOR THE AUTHORIZATION OF COMMON CONSUMPTION AREAS WITHIN THE ENTERTAINMENT DISTRICT; ESTABLISHING APPLICATION PROCEDURES, FEES, AND HOURS OF OPERATION FOR COMMON CONSUMPTION AREAS WITHIN THE ENTERTAINMENT DISTRICT; ESTABLISHING APPLICATION PROCEDURES AND OPERATIONAL REQUIREMENTS FOR PROMOTIONAL ASSOCIATIONS; AND SETTING FORTH DETAILS IN RELATION THERETO.

WHEREAS, pursuant to C.R.S. §12-47-301(11)(a) of the Colorado Liquor Code the governing body of a Local Licensing Authority may create an Entertainment District, which allows consumption of alcohol beverages in Common Consumption Areas; and

WHEREAS, the Board of Trustees of the Town of Erie desires to create an Entertainment District to allow Common Consumption Areas within such Entertainment District of the Town; and

WHEREAS, the Board of Trustees proposes an Entertainment District that is less than one hundred acres and contains premises licensed as a tavern, hotel and restaurant, brew pub, retail gaming tavern, or vintner’s restaurant; and

WHEREAS, the Board of Trustees desires to establish application procedures, fees, and hours of operation for Common Consumption Areas; and

WHEREAS, the Board of Trustees also desires to establish application procedures and operational requirements for Promotional Associations; and

WHEREAS, it is deemed to be in the best interest of the public health, safety and welfare of the residents of the Town of Erie to amend the Erie Municipal Code as set forth herein below.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF ERIE, COLORADO, AS FOLLOWS:

Section 1. That Title 4, “Business Regulations,” Chapter 8, “Alcoholic Beverages,” of the Erie Municipal Code is hereby amended to add a new Section 4-8-13, “Entertainment Districts, Common Consumption Areas and Promotional Associations,” to read as follows:

4-8-13: ENTERTAINMENT DISTRICTS, COMMON CONSUMPTION AREAS AND PROMOTIONAL ASSOCIATIONS:

A. Purpose and Authority

1. It is the Purpose of this Section for the Town to exercise its local option to allow Common Consumption Areas in the Town by establishing an Entertainment District as provided in C.R.S. §12-47-301 (11).

2. The Board of Trustees hereby grants the authority to the Town of Erie Local Licensing Authority to: (a) certify and decertify Promotional Associations; (b) designate the location, size, security, and hours of operation of Common Consumption Areas; and, (c) allow attachment of licensed premises to Common Consumption Areas.

B. Definitions.

Common Consumption Area shall mean an area designed as a common area located within a designated Entertainment District and approved by the Local Licensing Authority that uses physical barriers to close the areas to motor vehicle traffic and limit pedestrian access.

Downtown Entertainment District shall mean that area as set forth on **Exhibit A**, attached hereto and incorporated herein by this reference.

Entertainment District shall mean an area within the Town that is designated as an Entertainment District of a size 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 shall mean an association that: (a) has a board of directors; (b) has at least one director from each licensed premises attached to the Common Consumption Area on the board of directors; and, (c) agrees to submit annual reports by January 31 of each year to the Local Licensing Authority showing a detailed map of the boundaries of the Common Consumption Area, the Common Consumption Area's hours of operation, a list of attached licensed premises, a list of the directors and officers of the Promotional Association, security arrangements within the Common Consumption Area, and any violation of this Section committed by an attached licensed premises.

C. Downtown Entertainment District Established.

There is hereby established and designated an Entertainment District known as the Downtown Entertainment District containing that area set forth as described in Paragraph B., "Definitions," herein above. Said district has been determined to meet the size and licensed premises descriptions consistent with the definition of Entertainment District in this Section.

D. General provisions.

1. Entertainment Districts may be established by the Town from time to time

as determined to be in the best interest of the public and the specific geographic area to be served, subject to demonstration that the proposed district is consistent with the definition and purpose of an Entertainment District contained in this Section.

2. Common Consumption Areas shall be approved by the Local Licensing Authority, consistent with its authority granted herein, provided the Local Licensing Authority finds that, in addition to finding that the applicable requirements of this Section and of Colorado Liquor Code requirements have been met, all of the following conditions are met:

(a) The size of the Common Consumption Area is contained wholly within an Entertainment District as set forth in this Section;

(b) The area is clearly delineated using physical barriers to close the area to motor vehicle traffic and limit pedestrian access;

(c) The Promotional Association has met the conditions further listed under Paragraph E. "Operational Requirements of Promotional Associations and Common Consumption Areas; Application for Certifying a Promotional Association," herein below.

E. Operational Requirements of Promotional Associations and Common Consumption Areas; Application for Certifying a Promotional Association:

1. The Local Licensing Authority is hereby authorized to: certify and decertify Promotional Associations; designate the location, size, security and hours of operation of Common Consumption Areas; and allow attachment of licensed premises to Common Consumption Areas consistent with this Section and the provisions included herein.

2. The following standards related to Promotional Associations and Common Consumption Areas are hereby adopted pursuant to the provisions of C.R.S. §12-47-301(11), as may be amended from time to time, and this Section. The standards adopted herein shall be considered in addition to all other standards applicable to the issuance of licenses under the Colorado Liquor Code and this Section.

3. Certification of a Promotional Association shall be applied for in a manner consistent with this Section and the Colorado Liquor Code as determined by the Local Licensing Authority. An application for Certifying a Promotional Association shall be made to the Town on forms prepared and furnished by the Town Clerk. The information required shall include, but shall not be limited to:

(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 proposed Common Consumption Area, including: location 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. The size of the Common Consumption Area shall not exceed the area approved by the local licensing authority; however, 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.

(c) A security plan, including evidence of training and approval of personnel as required under Section 4-8-13 of this Code, a detailed description of security arrangements and the approximate location of security personnel within the Common Consumption Area during operating hours. Such security shall be considered as part of the application for approval of the Promotional Association. All security within the Common Consumption Area or its attached licensed premises shall complete the server and seller training program established by the Director of the Liquor Enforcement Division of the Department of Revenue.

(d) A list of dates and hours of operation of the Common Consumption Area for the upcoming calendar year.

(e) Documentation showing possession of the Common Consumption Area by the Promotional Association.

(f) A list of the attached licensees listing the following information: liquor license number, a list of any past liquor violations and a copy of any operational agreements.

(g) An insurance certificate of general liability and liquor liability insurance naming the Town of Erie as an additional insured in a minimum amount of one million dollars (\$1,000,000.00).

(h) Documentation of how the application addresses the reasonable requirements of the neighborhood and the desires of the adult inhabitants as evidenced by petitions, written testimony or otherwise.

(i) An application fee as set forth in Section 2-10-2 of this Code.

(j) Common Consumption Areas and their attached licensed premises may serve alcohol and the customers may consume alcohol until 2:00 a.m. unless further restricted by the Local Licensing Authority in the certification of the Promotional Association. The hours of sale and consumption may differ between the licensed premises and Common Consumption Area. It is unlawful for any attached licensed premise to serve or the Promotional Association to allow consumption of alcohol beverages in the Common Consumption Area after 2:00 a.m. or as further restricted by the Local Licensing Authority in the certification of the Promotional Association

(k) Upon approval of a certification by the Local Licensing Authority, the Promotional Association shall abide by the operational requirements set forth herein in addition to any specific requirements imposed by the Local Liquor Authority. The conditions of the approval shall remain effective until and unless a revised or amended application is submitted to the Local Licensing Authority and approved using the same procedures under which the original application was approved.

F. Application for Recertification of a Promotional Association

A Certified Promotional Association shall apply for Recertification by January 31st of each year on forms prepared and furnished by the Town Clerk. The information required shall include, but shall not be limited to:

1. A copy of any changes to the Articles of Incorporation, Bylaws and/or Directors and Officers of the Promotional Association.
2. The items listed 4-8-13. E. 3.(a) through 3.(i).
3. An application fee as set forth in Section 2-10-2 of this Code.
4. A list of dates and hours of operation of the Common Consumption Area for the upcoming calendar year.
5. Any changes to the Certified Promotional Association from the original certification, including but not limited to changes to the Common Consumption Area or the security arrangements.

G. Application for Attachment to a Common Consumption Area

An application by a liquor licensee to attach to an existing Common Consumption Area of a Certified Promotional Association shall be on forms prepared and furnished by the Town Clerk. The information required shall include, but shall not be limited to:

1. Authorization for attachment from a Certified Promotional Association. The name of the representing Director to sit on the board of the Certified Promotional Association.
2. 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, approximate location of security personnel.
3. An application fee as set forth in Section 2-10-2 of this Code.

H. Review of Applications for Certification, Recertification, or Attachment

Upon receipt of an application for Certification or Recertification of a Promotional Association, or Attachment of a liquor licensee to an existing Common Consumption Area, the Local Licensing Authority shall consider such application within sixty (60) days of receipt. The Local Licensing 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 Local Licensing Authority may either approve the application with or without conditions or deny the application.

I. Decertification of a Promotional Association

The Local Licensing Authority has the power to decertify a Promotional Association. The process shall be in the same manner as provided in C.R.S. §12-47-601 as related to liquor licenses.

EXHIBIT A (map)

Section 2. That Title 2, “Revenue and Finance,” Chapter 10, “Fee Schedule,” Section 2-10-2, “Administrative Fees,” of the Erie Municipal Code is hereby amended to add a new fee section address Promotional Associations, to read as follows:

Application for Promotional Association	\$500.00 per year
Application for Attachment to a Common Consumption Area	\$100 .00 per year
Application for Recertification of a Promotional Association	\$100 .00 per year

Section 3. Severance Clause. 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 Board of Trustees hereby declares that it would have passed this Ordinance and each part or parts thereof, irrespective of the fact that any one part or parts may be declared invalid or unconstitutional.

Section 4. Repeal. All other Ordinances, or parts of any Ordinances in conflict herewith are hereby repealed.

Section 5. Effective Date. This ordinance shall take effect thirty (30) days after publication following final passage.

INTRODUCED, PASSED, ADOPTED AND ORDER PUBLISHED IN FULL BY THE BOARD OF TRUSTEES OF THE TOWN OF ERIE THIS ____ DAY OF _____, 2017.

PUBLISHED IN FULL ON THE ____ DAY OF _____, 2017.

TOWN OF ERIE, COLORADO, a Colorado
municipal corporation

By: _____
Tina Harris, Mayor

ATTEST:

By: _____
Nancy Parker, Town Clerk

Chp 4-8-13 1/14//17 (2)