

TOWN OF EAGLE, COLORADO
ORDINANCE NO. 11
(Series of 2019)

AN ORDINANCE OF THE BOARD OF TRUSTEES OF THE TOWN OF EAGLE, COLORADO, AUTHORIZING THE CREATION OF ENTERTAINMENT DISTRICTS IN THE TOWN PURSUANT TO C.R.S. § 44-3-301(11) AND ESTABLISHING APPLICATION PROCEDURES FOR CERTIFICATION OF PROMOTIONAL ASSOCIATIONS TO OPERATE COMMON CONSUMPTION AREAS WITHIN ENTERTAINMENT DISTRICTS

WHEREAS, pursuant to C.R.S. § 44-3-301(11) the governing body of a local licensing authority may create entertainment districts that allow consumption of alcohol beverages in common consumption areas;

WHEREAS, the Board of Trustees desires to exercise its local option to allow creation of entertainment districts with associated common consumption areas; and

WHEREAS, the Board of Trustees desires to establish in the Eagle Municipal Code (the "Code") the criteria for entertainment districts and common consumption areas, including application procedures, fees, and hours of operation for common consumption areas in entertainment district.

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

Section 1. The Code is hereby amended by the addition of new Section 5.10.110 as follows:

Section 5.10.110. - Entertainment Districts.

A. Purpose. The Town is exercising its local option to allow common consumption areas in the Town by establishing entertainment districts pursuant to the Colorado Liquor Code. The regulations in this Section are in addition to all other applicable regulations in the Colorado Liquor Code, Colorado Beer Code and this Code.

B. Authority.

1. The Local Licensing Authority, acting through the Board of Trustees, is 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.

2. The Local Licensing Authority may impose reasonable conditions on the licensing of common consumption areas, the certification of promotional associations, and the attachment of licensed premises to common consumption areas.

C. Definitions. For purposes of this Section, the following terms have the following meanings:

Common consumption area means 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 area to motor vehicle traffic and limit pedestrian access.

Entertainment district is defined as set forth in C.R.S. § 44-3-103, as amended.

Local Licensing Authority means the Town Board of Trustees.

Promotional association means an association that is incorporated in Colorado that organizes and promotes entertainment activities within a common consumption area and is organized or authorized by two (2) or more people who own or lease property within an entertainment district.

D. Creation. Entertainment districts shall be approved by resolution of the Board of Trustees. Upon approval of an entertainment district, the Liquor Licensing Authority may certify promotional associations to operate common consumption areas within the entertainment district in which alcohol beverages may be sold, served and consumed subject to the requirements of this Code, the Colorado Liquor Code and the Colorado Beer Code, and conditions set forth in the resolution approving the entertainment district.

E. Certification of a promotional association.

1. An application to certify a promotional association shall include the following minimum information:

a. A copy of the articles of incorporation and bylaws and a list of all directors and officers of the promotional association. A member of each licensed premises shall serve as one of the directors on the board of the promotional association which shall have at least two (2) licensed premises attached to the common consumption area;

b. A detailed map of the proposed common consumption area, including without limitation: the location of physical barriers, entrances and exits, the 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, 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 proposed hours of operation of the common consumption area;

e. Documentation showing possession of the common consumption area by the promotional association;

f. A list of the attached licensees, of which there will be a minimum of two (2), 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 as an additional insured in a minimum amount of two million dollars (\$2,000,000.00);

h. Documentation of the reasonable requirements of the neighborhood and the desires of the adult inhabitants for a common consumption area, as evidenced by petitions, written testimony or otherwise; and

i. The application fee as set by resolution of the Board of Trustees.

Upon certification of a promotional association, the terms and conditions of the approval shall remain effective until and unless a revised or amended application is submitted and approved using the same procedures under which the original application was approved.

3. A certified promotional association shall file an application for recertification by January 31st of each year, which shall include the following: all of the information in the original application, plus a copy of any changes to the articles of incorporation, bylaws or the directors and officers of the promotional association. Failure to submit a complete application shall be grounds for the denial of the recertification.

4. Any application by a liquor licensee to attach to an existing common consumption area of a certified promotional association shall include without limitation:

- a. Authorization for attachment from the certified promotional association;
 - b. The name of the licensee's designee to sit on the board of directors of the certified promotional association;
 - c. Detailed map of the common consumption area showing the addition of the new licensee 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; and
 - d. An application fee as set by resolution of the Board of Trustees.
- F. Review of applications for certification, recertification, decertification of, and attachment to a promotional association.
- 1. 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 review the application for compliance with this Code, the Colorado Liquor Code, and the Colorado Beer Code, and may either approve the application, with or without conditions, or may deny the application.
 - 2. The Local Licensing Authority has the power to decertify a promotional association as authorized by C.R.S. § 44-3-301(11)(c)(III), as amended.
- G. Operational requirements of promotional associations and common consumption areas.
- 1. The size of the common consumption area shall not exceed the area approved as the entertainment district within which the common consumption area is located but may, with approval of the Local Licensing Authority, be a smaller area within the entertainment district, provided that the common consumption area is clearly delineated using physical barriers to close the area to motor vehicle traffic and to limit pedestrian access.
 - 2. The promotional association shall provide an appropriate amount of security, as determined by the Local Licensing Authority, to ensure compliance with the Colorado Liquor Code, the Colorado Beer Code, and to prevent a safety risk to the neighborhood.

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 Board of Trustees 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. This Ordinance is deemed necessary for the protection of the public health, safety and welfare.

Section 4. Effective Date. This Ordinance shall take effect thirty (30) days after publication following adoption.

INTRODUCED, READ, PASSED AND ORDERED PUBLISHED this 14th day of May, 2019

TOWN OF EAGLE, COLORADO

Kevin Brubeck, Mayor

ATTEST:

Jenny Rakow, Town Clerk