

TOWN OF BUENA VISTA, COLORADO

**ORDINANCE NO. 11
(SERIES OF 2016)**

AN ORDINANCE CREATING AN ENTERTAINMENT DISTRICT AND AMENDING CHAPTER 6 OF THE BUENA VISTA MUNICIPAL CODE BY THE ADDITION OF A NEW ARTICLE VI CONCERNING COMMON CONSUMPTION AREAS.

WHEREAS, the Town of Buena Vista, Colorado (the "Town") is a statutory town under the laws of the State of Colorado;

WHEREAS, pursuant to C.R.S. § 12-47-301, the Town is authorized to create an entertainment district in which common consumption areas for alcoholic beverages may be designated and managed by certified promotional associations upon approval by the local licensing authority;

WHEREAS, the Board of Trustees desires to amend the Buena Vista Municipal Code to establish an entertainment district and provide for the certification of promotional associations and designated of common consumption areas; and

WHEREAS, the Board of Trustees finds that the creation of an entertainment district will provide opportunities to engage in more activities, uses, events and socializing in the historic downtown area, and will enhance the economic vitality of downtown retail shops, taverns, hotels and restaurants, beer and wine bars, distilleries and other businesses.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF BUENA VISTA, COLORADO:

Section 1. Chapter 6 of the Buena Vista Municipal Code is amended by the addition of a new Article VI as follows:

Article VI - Entertainment Districts

Sec. 6-111. - Purpose

It is the purpose of this Article 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), as it may be amended. 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 Code.

Sec. 6-112. - Authority

(a) The local licensing authority shall be 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 Article and the provisions included herein.

(b) The local licensing authority shall have the authority to 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.

Sec. 6-113. - Definitions.

As used in this Article, the following words shall have the meanings ascribed below:

Common Consumption Area means an area designated for the consumption of alcohol beverages, located within the entertainment district and approved by the local licensing authority that is closed to motor vehicle traffic and which has limited pedestrian access.

Entertainment District means an area within the Town that is designated as an entertainment district of a size no more than 100 acres and containing at least 20,000 square feet of premises licensed as a tavern, hotel and restaurant, brew pub, distillery pub, retail gaming tavern, vintner's restaurant, beer and wine licensee, manufacture that operates a sales room, beer wholesaler that operates a sales room, or limited winery at the time of its creation.

Local Licensing Authority means the Board of Trustees of the Town of Buena Vista.

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 or more persons who own or lease property within the entertainment district.

Sec. 6-114. - Creation of Entertainment District and General Requirements.

(a) In order to exercise the Town's local option to allow common consumption areas in the Town and to effectuate the purposes and intent of C.R.S. § 12-47-301(11), there is hereby designated the "Town of Buena Vista East Main Street Downtown Entertainment District" whose boundaries include all land, inclusive of rights of way, located and as show on the map attached to hereto as Exhibit A.

(b) Properties may be included or excluded from the entertainment district by resolution of the Board of Trustees. By establishing the entertainment district, the Town authorizes the licensing of designated common consumption areas in which alcoholic beverages may be sold and consumed subject to the requirements of this Article, this Code and the Colorado Liquor Code.

Sec. 6-115. - Application for certifying a promotional association.

(a) Once certified by the local licensing authority as a promotional association, the association may operate a common consumption area within an entertainment district and authorize the attachment of a licensed premises to the common consumption area, subject to approval by the local licensing authority. Application for attachment of a licensed premises to the common consumption area by a certified promotional association shall be made in a manner consistent with the provisions of this Article and include, but not be limited to, the following information:

(1) 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 (1) 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.

(2) Application and license fees;

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

(4) Proposed hours, dates and days of operation of the common consumption area.

(5) A site plan detailing the proposed common consumption area including, without limitation, the following information: boundaries and size of the area, location and description of physical barriers, location of all entrances and exits, location of all attached licensed premises and location of signs to be posted notifying customers of the hours of operation and restrictions associated with the common consumption area. The boundary of the common consumption area shall not exceed the boundary of the area approved as the entertainment district within which the common consumption area is located, but may be a smaller area within the entertainment district at any time, provided that the new area is clearly delineated using physical barriers to close the area to motor vehicle traffic and to limit pedestrian access.

(6) 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 serving personnel approved by the Town Clerk and number and location of security personnel during the days and hours of operation of the common consumption area.

(7) 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.

(8) Documentation showing possession of the common consumption area by the promotional association.

(9) Proof of insurance of general liability and liquor liability naming the Town, its elected, officers, employees, agents, attorneys and insurers as additional insureds in a minimum amount of \$1,000,000.00.

(b) Upon approval of a certification by the local licensing authority and subject to decertification under C.R.S. § 12-47-301(11)(c)(III), the terms and 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, or action is taken by the local licensing authority to modify the terms and conditions.

(c) An application for certification of a promotional association of common consumption area shall be considered at a duly noticed public hearing of the local licensing authority based on the following criteria of approval:

(1) There must be at least two licensed establishments attached to a 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 maintained using physical barriers to prohibit motor vehicle traffic (except emergency vehicles) and to limit pedestrian access.

(d) Notice of the public hearing required under this Section shall be published on the Town's website at least 15 days prior to the date of the hearing.

6-116. - Application for recertification of a promotional association.

(a) A certified promotional association shall apply for recertification by January 31st of each year in a manner consistent with the provisions of this Article and include, but not be limited to:

(1) A copy of any changes to the articles of incorporation, bylaws and/or the directors and officers of the promotional association.

(2) All items noted in Section 6-115(a), subsections (2) through (9) herein.

(b) Failure to submit the items required by this Section, which will be known as the annual report, shall be grounds for the refusal to recertify or the decertification of a promotional association, after a duly noticed hearing.

6-117. - Application for attachment to a common consumption area.

(a) Once certified by the local licensing authority as a promotional association, the association may operate a common consumption area within an entertainment district and authorize the attachment of a licensed premises to the common consumption area, subject to approval by the local licensing authority. Application for attachment of a licensed premises to the common consumption area by a licensed premises permitted to apply under the Colorado Liquor Code shall be made in a manner consistent with the provisions of this Article and include, but not be limited to, the following information:

(1) Authorization for attachment from the certified promotional association.

(2) Name of the representative from the licensed premises proposed for attachment who would serve as an additional director on the board of the certified promotional association.

(3) 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.

(4) An application fee.

(b) The local licensing authority may refuse to authorize, may deauthorize or may refuse to reauthorize a licensee's attachment to a common consumption area if the licensed premises is not within or on the perimeter of the common consumption area and if the licensee:

(1) Fails to obtain or retain authority to attach to the common consumption area from the certified promotional association;

(2) Fails to establish that the licensed premises and common consumption area can be operated without violating this Article, the Code or the Colorado Liquor Code;

(3) Fails to establish that the licensed premises and the common consumption area can be operated without violating this Code, the Colorado Liquor Code or creating a safety risk to the neighborhood; or

(4) Violates C.R.S. § 12-47-909 of the Colorado Liquor Code.

6.118. - Operational Requirements of Common Consumption Areas.

(a) A promotional association or attached licensed premises shall not:

(1) Modify the size or boundary of the common consumption area without the prior approval of the local licensing authority.

(2) Employ a person to serve alcohol beverages or provide security within the common consumption area unless the server has completed the server and seller training program established by the director of the liquor enforcement division of the department of revenue;

(3) Sell or provide an alcohol beverage to a customer for consumption within the common consumption area but not within the licensed premises in a container that is larger than sixteen ounces;

(4) Sell or provide any alcohol beverage to a customer for consumption within the common consumption area but within the licensed premises unless the container is disposable and contains the name of the vendor in at least twenty-four point font;

(5) Permit customers to leave the licensed premises with an alcohol beverage unless the beverage container complies with paragraphs (3) and (4) of this Subsection (a);

(6) Operate the common consumption area during hours the licensed premises cannot sell alcohol under the limitations imposed by the local licensing authority or the Colorado Liquor Code;

(7) Operate the common consumption area in an area that exceeds the maximum area authorized by the local licensing authority or the Colorado Liquor Code;

(8) Sell, serve, dispose of, exchange, or deliver, or permit the sale, serving, giving, or procuring of, an alcohol beverage to a visibly intoxicated person or to a known habitual drunkard;

(9) Sell, serve, dispose of, exchange, or deliver, or permit the sale, serving, or giving of an alcohol beverage to a person under twenty-one years of age; or

(10) Permit a visibly intoxicated person to loiter within the common consumption area.

(b) The promotional association shall promptly remove all alcohol beverages from the common consumption area at the end of the hours of operation.

(c) A person shall not consume alcohol within the common consumption area unless it was purchased from an attached licensed premises.

(d) This section does not apply to a special event permit under the Code or the holder thereof unless the permit holder desires to use an existing common consumption area and agrees in writing to the requirements of this Section and the requirements imposed by the local licensing authority concerning the common consumption area.

Sec. 6-119. - Violations.

(a) Noncompliance with any provision of this Article shall be deemed a violation of this Code. Violations of this Article, this Code, or the Colorado Liquor Code shall be cause for suspension or revocation of the licensed premises, the common consumption area license or decertification of the promotional association, as applicable and shall also be subject to the general penalty provision in Sec. 1-72 of this Code.

Sec. 6-120. - Fees.

Application, renewal and licensing fees shall be established and amended by resolutions of the Board of Trustees.

INTRODUCED, READ, ADOPTED AND ORDERED PUBLISHED this 24th day of May, 2016.

THIS ORDINANCE SHALL BECOME EFFECTIVE THIRTY DAYS FROM PUBLICATION.

TOWN OF BUENA VISTA, COLORADO

By: _____

Joel Benson, Mayor

ATTEST:

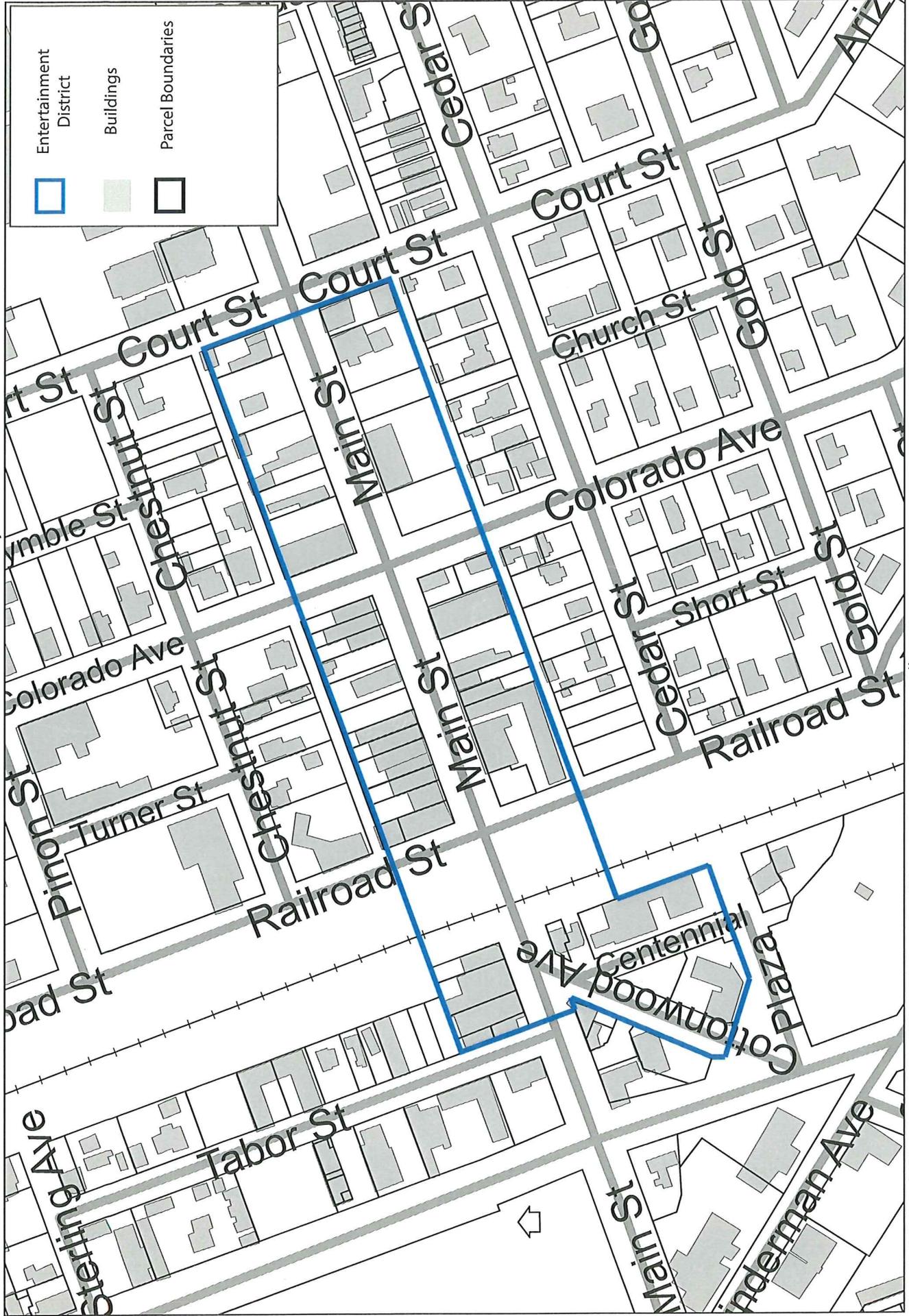
Janell Sciacca, Town Clerk



ENTERTAINMENT DISTRICT

Town of Buena Vista, CO

Exhibit A to
Ord. No. 11
(Series 2016)



This map is not intended to be used for survey purposes or to supersede information provided by license surveyors. Created by the Town of Buena Vista Planning Department

May 2016