

ORDINANCE NO. 2
Series of 2018

AN ORDINANCE OF THE TOWN OF CARBONDALE, COLORADO CREATING AN ENTERTAINMENT DISTRICT IN THE TOWN OF CARBONDALE PURSUANT TO COLORADO REVISED STATUTES SECTION 12-47-301(11) AND AMENDING CHAPTER SIX OF THE MUNICIPAL CODE TO AUTHORIZE COMMON CONSUMPTION AREAS WITHIN THE ENTERTAINMENT DISTRICT AND TO ESTABLISH APPLICABLE PROCEDURES FOR THE OPERATION OF COMMON CONSUMPTION AREAS WITHIN THE ENTERTAINMENT DISTRICT.

WHEREAS, it becomes necessary to update the Town of Carbondale's Municipal Code from time to time to address shifts in policies and to promote community development objectives; and

WHEREAS, the State of Colorado adopted Senate Bill 11-273 to authorize local jurisdictions to establish Entertainment Districts and permit consumption of alcoholic beverages in authorized common areas located within an Entertainment District ("Common Consumption Areas"); and

WHEREAS, the Board of Trustees has considered a request by the Carbondale Chamber of Commerce to enact local legislation establishing an Entertainment District within the central business district and authorizing the creation of a Common Consumption Area; and

WHEREAS, the Board of Trustees considered public testimony and weighed the merits of establishing an Entertainment District; and

WHEREAS, the Board of Trustees seeks to revise Chapter 6 of the Municipal Code to designate an Entertainment District in downtown Carbondale and set forth standards by which the consumption of alcohol in a Common Consumption Area may occur during certain events and functions planned within the Entertainment District; and

WHEREAS, the Board of Trustees finds and determines that the creation of an Entertainment District in the downtown area will enhance the community's quality of life and promote the economic vitality of downtown shops, taverns, restaurants, brew pubs, and other businesses; and

WHEREAS, for the foregoing reasons, the Board of Trustees finds and determines that the creation of an Entertainment District and enactment of regulations set forth herein to govern Common Consumption Areas within the District is in the interest of the public health, safety, and welfare of the residents of the Town of Carbondale.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF CARBONDALE, COLORADO that the Town of Carbondale Municipal Code shall be amended as follows:

1. The foregoing recitals are hereby adopted as findings and determinations of the Board of Trustees.

2. The Board of Trustees hereby approves the creation of an Entertainment District in downtown Carbondale (“Downtown Entertainment District”) pursuant to C.R.S. § 12-47-301(11) with borders shown on the map (“Downtown Entertainment District Map”) attached hereto as **Exhibit A**.

3. The Downtown Entertainment District Map shall be kept for reference in the office of the Town Clerk.

4. A new Article 8, Entertainment District, shall be added to Chapter 6 of the Town of Carbondale Municipal Code regarding sales tax licenses and regulations. The new Article 8 shall read as follows:

6-8-10. Purpose and Intent.

The purpose of this Article is to authorize the creation of an Entertainment District within which the Board of Trustees may permit the establishment of Common Consumption Areas pursuant to C.R.S. § 12-47-301(11).

6-8-20. Application.

The provisions herein shall apply to all land located within a designated Entertainment District, as defined in section 6-8-30, below. This Article does not apply to a special event permit or the holder thereof unless the permit holder desires to utilize an existing Common Consumption Area, seeks approval from the Board of Trustees, and agrees in writing to the requirements of this Article and applicable State law.

6-8-30. Definitions.

Common Consumption Area means an area designed as a common area wholly within an Entertainment District approved by the Board of Trustees that uses physical barriers to close the area to motor vehicle traffic and limit pedestrian access.

Downtown Entertainment District means that area contained within the Main Street right-of-way from Weant Drive to Snowmass Drive, as shown on the Downtown Entertainment District Map.

Downtown Entertainment District Map shall mean the map showing the boundaries of the Downtown Entertainment District, which shall be kept on file in the office of the Town Clerk.

Entertainment District means an area within the Town that the Board of Trustees has designated as an Entertainment District of a size no more than one hundred (100) acres and

containing at least twenty thousand (20,000) square feet of premises licensed as a tavern, hotel and restaurant, brew pub, distillery pub, or vintner's restaurant at the time the District is created.

Licensee means a person to whom a license is granted by the Board of Trustees to manufacture or sell alcoholic beverages as provided under the State liquor laws.

Promotional Association means an association that is incorporated within 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 and is certified by the Board of Trustees.

6-8-40. General Provisions.

(a) The Board of Trustees may designate Entertainment Districts from time to time when creation of same is found to be in the best interest of the public and the specific geographic area to be served and when the proposed district is consistent with the definition and purpose of an Entertainment District contained in this Article. The Board of Trustees may by resolution revise the boundaries of an existing Entertainment District to include or exclude properties.

(b) By establishing an Entertainment District, the Board of Trustees has the authority to certify and decertify Promotional Associations; designate the location, size, security parameters, and hours of operation of one or more Common Consumption Areas; authorize, de-authorize, or refuse to authorize a Licensee's attachment of licensed premises to Common Consumption Areas; and impose reasonable conditions of approval on the licensing and re-authorization of Common Consumption Areas and Promotional Associations and attachment of licensed premises to Common Consumption Areas, consistent with the provisions included in this Chapter, other provisions of this Code, and applicable State law.

(c) The standards for Common Consumption Areas and Promotional Associations are adopted pursuant to C.R.S. § 12-47-301(11), as may be amended from time to time. The standards adopted herein shall be considered in addition to all other standards applicable to the issuances of licenses under State law and this Code.

6-8-50. Creation of Downtown Entertainment District.

In order to exercise the Town's local option to allow Common Consumption Areas within the Town and to effectuate the purposes and intent of C.R.S. § 12-47-301(11), there is hereby designated the "Downtown Entertainment District," which contains an area within the Main Street right-of-way, from Weant Drive to Snowmass Drive, as shown in the Downtown Entertainment District Map, a copy of which is on file with the Town Clerk. Said District has been determined to satisfy the size and licensed premises conditions contained within the definition of Entertainment District in this Article.

6-8-60. Certification of Common Consumption Areas and Promotional Associations.

(a) Within an Entertainment District, the Board of Trustees may license a Common Consumption Area upon application by a Promotional Association in accordance with the requirements of this Article and applicable State law.

(b) An application for the certification of a Promotional Association under the provisions of this Article and the State liquor laws shall be submitted to the Board of Trustees on forms furnished by the Town Clerk. At minimum, the application shall include the following information:

- (1) An application fee of \$100.00.
- (2) A copy of articles of incorporation and bylaws of the Promotional Association.
- (3) A list of names of all directors and officers of the Promotional Association. A member of each attached 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. Each Promotional Association shall designate and name an Event Manager. If the application is for a Common Consumption Area within the Downtown Entertainment District, at least one official representative of the Chamber of Commerce shall serve as a director on the board of the Promotional Association.
- (4) A detailed map of the Common Consumption Area, including: the size in acreage or square footage of the Common Consumption Area; 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 during the hours of operation for the Common Consumption Area.
- (5) A detailed security plan for the proposed Common Consumption Area, including evidence of completed liquor training of all serving personnel as required under Section 6-8-80 of this Code and number and location of security personnel during the dates and hours of operation of the Common Consumption Area.
- (6) A proposed list of dates and hours of operation of the Common Consumption Area.
- (7) Documentation showing possession of the Common Consumption Area by the Promotional Association.

(8) A list of the attached licensed premises with the following information: liquor license number, list of past liquor violations, if any, and a copy of any operational agreements between the Licensees.

(9) A certificate of general liability and liquor liability insurance in a minimum amount of \$1,000,000.00 and naming the Town as an additional insured.

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

(11) A signed statement that the Common Consumption Area and all licensed establishments therein will be operated in compliance with this Article, all applicable provisions of this Code, and the State liquor laws.

(c) The Board of Trustees shall consider the merits of the application for certification of a Promotional Association and may refuse to certify or recertify or may decertify a Promotional Association if the Association:

(1) fails to submit the annual report as required under Section 6-8-80 of this Code by January 31 of each year;

(2) fails to establish that the licensed premises and Common Consumption Area can be operated without violating this Article or applicable State law or without creating a safety risk to the neighborhood;

(3) fails to have at least two (2) licensed premises attached to the Common Consumption Area;

(4) fails to obtain or maintain a properly endorsed general liability and liquor liability insurance policy that is reasonably acceptable to the Board of Trustees and names the Town as an additional insured;

(5) fails to demonstrate that the use is compatible with the reasonable requirements of the neighborhood or the desires of the adult inhabitants; or

(6) is in violation of C.R.S. § 12-47-909, as may be amended from time to time, related to common consumption area operations.

(d) Once certified by the Board of Trustees as a Promotional Association, the Association may operate a Common Consumption Area within the Entertainment District in accordance with the terms and conditions of the approved license.

(e) A Promotional Association shall apply for annual recertification by January 31 of each year on Town-approved forms in a manner consistent with the provisions of this Section. A recertification application shall include, but not be limited to:

(1) A copy of any changes to the articles of incorporation, bylaws and/or the directors, officers, or Event Manager of the Promotional Association.

(2) All items under Subsection 6-8-60(b), Paragraphs (1) through (10), above.

(f) Once certified, a Promotional Association may authorize the attachment of a licensed premises to an existing Common Consumption Area, subject to approval by the Board of Trustees. Application for attachment of a licensed premises to a Common Consumption Area shall be made in a manner consistent with the provisions of this Article and shall 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) an updated map of the Common Consumption Area to reflect the addition of the licensed premises, 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 of \$100.00; and

(5) a signed statement certifying that the licensed premises will operate within the Common Consumption Area in accordance with all requirements of this Article.

(g) The Board of Trustees may deauthorize or refuse to authorize or reauthorize a Licensee's attachment to a Common Consumption Area if the licensed premises are not within or on the perimeter of the Common Consumption Area and if the Licensee:

(1) fails to obtain or retain consent from the Promotional Association to be attached to a Common Consumption Area;

(2) fails to establish that the licensed premises and Common Consumption Area can be operated without violating this Article or applicable State law;

(3) creates a public safety risk to the neighborhood, including but not limited to permitting breaches in the secured perimeter of the Common Consumption Area, permitting unauthorized liquor consumption outside of the Common Consumption Area, generating noise or nuisance complaints caused by activities within the Common Consumption Area or similar documented public safety risks;

(4) is an art gallery;

(5) is a retail liquor store; or

(6) violates any provision of C.R.S. § 12-47-909.

(h) All renewal applications for Common Consumption Areas shall be submitted to the Town Clerk no later than 45 days prior to the date on which the license expires. If there is evidence that the license should not be renewed, the Town Clerk shall set the application for hearing before the Board of Trustees.

6-8-70. Review of applications for certification, recertification, and attachment to Promotional Association and decertification.

(a) Upon receipt of an application for certification or recertification of a Promotional Association or attachment of a Licensee to an existing Common Consumption Area, the Board of Trustees shall consider such application at a noticed public hearing within sixty (60) days of receipt. The Board of Trustees shall review the application for compliance with this Chapter and State liquor laws and may, in its discretion, either approve the application with or without conditions or deny the application. The decision to deny any such application by the Board of Trustees shall be in writing and shall be provided to the applicant within seven (7) business days of when the decision is rendered.

(b) The Board of Trustees has the authority to limit the terms and conditions of an approved certification of a Promotional Association, including but not limited to restricting the dates and times of the operation of a Common Consumption Area.

(c) The Board of Trustees may decertify a Promotional Association. Decertification shall follow the provisions of C.R.S. § 12-47-601 as related to liquor licenses.

6-8-80. Operational Requirements of Promotional Associations and Common Consumption Areas.

(a) A certified Promotional Association must operate in accordance with the following requirements:

(1) The size of the licensed Common Consumption Area shall not be modified except with approval of the Board of Trustees.

(2) The Promotional Association shall provide adequate security in terms of personnel, physical barriers, and training to ensure compliance with all requirements of this Article, applicable State law, and to prevent a public safety risk. Before operation of a Common Consumption Area, all security within the Common Consumption Area or its attached licensed premises shall complete the state server and seller training program, and training certificates shall be provided to the Town Clerk. Security personnel must be paid by the Promotional Association, but may be supplemented by additional volunteer security personnel. Paid security personnel must be stationed at any and all entrances and exits. Paid

security officials must patrol alleys and areas adjacent to the Common Consumption Area to ensure that no unauthorized alcohol consumption occurs outside the Common Consumption Area. Security shall be provided for one (1) hour following the end of the hours of operation of the Common Consumption Area. Additional volunteer security personnel may be utilized for purposes of patrolling within the Common Consumption Area during the hours of operation of the Common Consumption Area.

(3) Common Consumption Areas and their attached licensed premises may serve alcohol for consumption within the Common Consumption Area until 9:00 p.m. This requirement shall have no effect on service of alcohol for consumption within any licensed premises. It is unlawful for the Promotional Association to allow consumption of alcoholic beverages in the Common Consumption Area after 9:00 p.m. The Promotional Association shall promptly remove all alcoholic beverages from the Common Consumption Area at the end of the hours of operation.

(4) The Promotional Association shall post signs at the entrances and exits of the Common Consumption Area notifying customers of the hours of operation and restrictions associated with the Common Consumption Area.

(5) All serving personnel must complete a liquor training program approved by the Town Clerk prior to staffing the Common Consumption Area. Certificates of training must be provided to the Town Clerk prior to service of alcohol within the Common Consumption Area.

(6) No patron shall leave the Common Consumption Area with an unconsumed alcoholic beverage.

(7) Wrist bands shall be issued to adult patrons who are 21 years of age or older.

(8) All adult patrons consuming an alcoholic beverage within the Common Consumption Area must be wearing a valid and visible wrist band, and no alcoholic beverage may be sold for consumption within the Common Consumption Area but not within the licensed premises unless the patron is wearing a valid and visible wrist band.

(9) All alcoholic beverages provided for consumption within the Common Consumption Area but not within the licensed premises must be served in designated containers sold by the Promotional Association and attached licensed premises. The containers may not exceed 16 ounces and must be disposable. The containers must be marked with a distinct number, so as to be traceable to the original purchaser. Each attached licensed premises shall acquire and maintain a distinct adhesive sticker that states the Licensee's business name in at least 24-point font. Servers shall apply the Licensee's sticker to the beverage

container each time an alcoholic beverage is served for consumption within the Common Consumption Area but not within the licensed premises.

(10) Only approved and designated containers are allowed within the Common Consumption Area, and no outside alcoholic beverages are permitted.

(11) Beverage containers may not be shared amongst individuals.

(12) A clear visible perimeter must be maintained with minimal entrances and exits.

(13) Security personnel must ensure that no alcohol is brought into the Common Consumption Area other than in the approved marked containers.

(14) Security personnel must ensure that the approved marked containers are empty before an individual may exit the Common Consumption Area.

(15) Individuals may not enter an attached licensed premises with an approved beverage container unless the container is empty.

(16) Posted and marked handicapped access must be maintained.

(17) Sidewalks may not be blocked.

(18) Third Street must remain open to vehicle traffic. Physical barriers must exist on both sides of Third Street with designated and secured entrances and exits. Security personnel must escort patrons across Third Street and must physically transport approved marked containers across Third Street. No patron may be in possession of an alcoholic beverage on Third Street.

(19) A Promotional Association must submit an annual report by January 31 each year, and such report shall include the following minimum information: a detailed map of the Common Consumption Area, the Common Consumption Area's hours of operation, a list of attached licensed premises, a list of the directors, officers, and Event Manager of the Promotional Association, security arrangements within the Common Consumption Area, and any violation of this Article or applicable State law by an attached licensed premises.

6-8-90. Violations.

Noncompliance with any provision of this Article shall result in the assessment of a penalty to the Event Manager in the amount of \$500.00. Violations of this Article shall be cause for suspension or revocation of the attached licensed premises, the Common Consumption Area license, or decertification of the Promotional Association, as applicable, and may be subject to other enforcement provisions set forth in this Code and in applicable State law.

6-8-100. Fees.

Application, renewal, and licensing fees set forth herein may be amended by resolutions of the Board of Trustees.

5. The additions and amendments to the Town Municipal Code enacted by this Ordinance shall automatically be repealed one (1) calendar year from its date of approval unless otherwise extended by the Board of Trustees.

6. If any other ordinance or parts of ordinances are in conflict with the standards set forth in this Ordinance, they are hereby repealed to the extent of such conflict only.

7. This Ordinance shall be effective upon posting and publication in accordance with the Carbondale Home Rule Charter.

INTRODUCED, READ AND PASSED THIS 23rd day of January, 2018.

TOWN OF CARBONDALE, COLORADO
a Colorado home rule municipal corporation,


Dan Richardson, Mayor

ATTEST:

Cathy Derby, Town Clerk

POSTED: 1/24/18
PUBLISHED: March 1, 2018
EFFECTIVE: April 1, 2018



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INTRODUCED, READ AND PASSED THIS ____ day of _____, 2018.

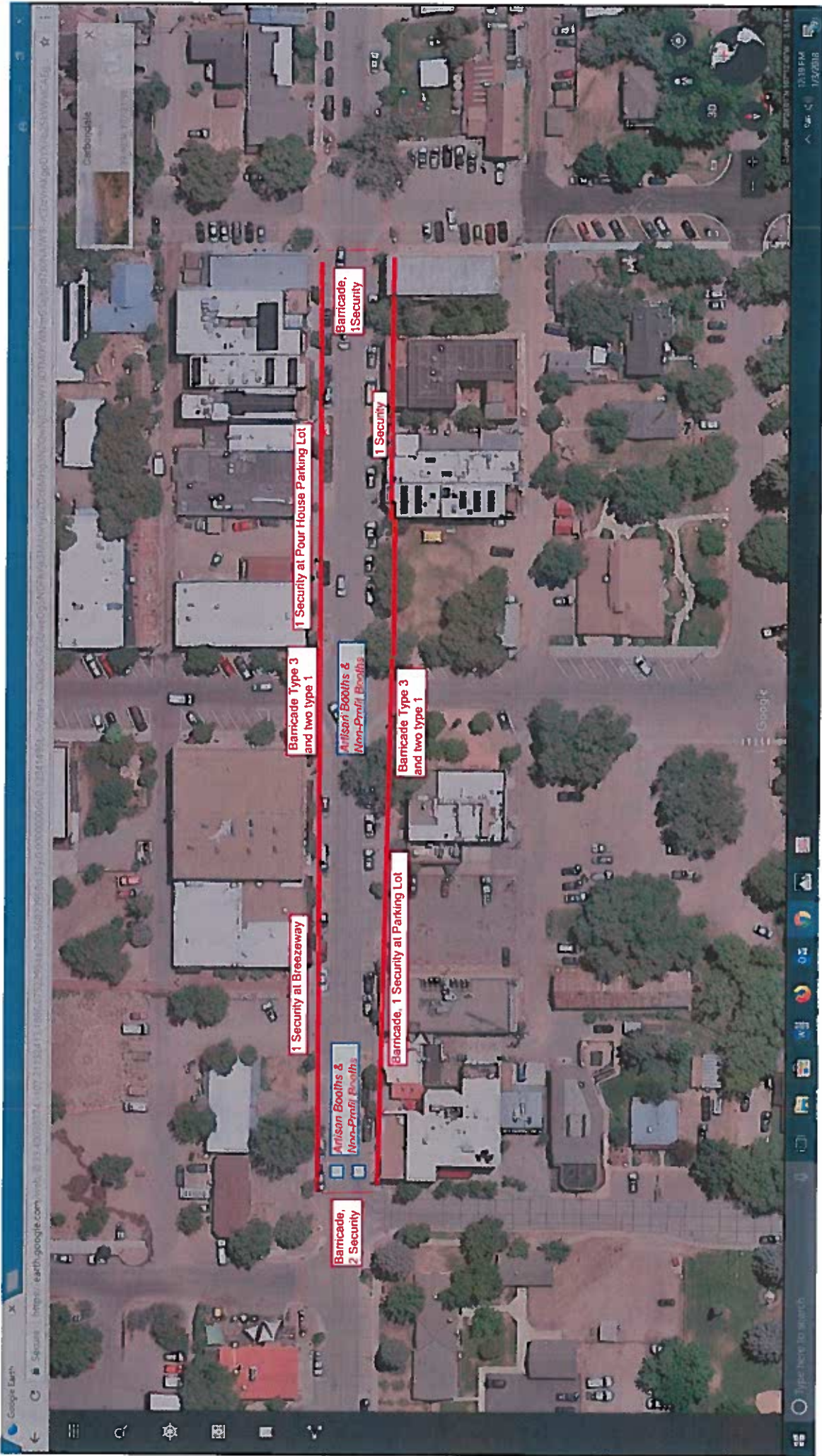
TOWN OF CARBONDALE, COLORADO
a Colorado home rule municipal corporation,

Dan Richardson, Mayor

ATTEST:

Cathy Derby, Town Clerk

POSTED: _____
PUBLISHED: _____
EFFECTIVE: _____



Barricade, 2 Security

Arison Booths & Non-Pmfr Booths

1 Security at Breezeway

Barricade, 1 Security at Parking Lot

Barricade Type 3 and two type 1

Arison Booths & Non-Pmfr Booths

1 Security

1 Security at Pour House Parking Lot

Barricade, 1 Security

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1/24/2018

