

## Chapter 6

# ENTERTAINMENT DISTRICT

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### **4-6-1: Definitions**

The following definitions shall apply in the interpretation of this Ordinance:

1. 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. (Ord. 1-2014, eff. 3-6-2014)
  
2. Entertainment District shall mean an area within the town of Westcliffe that is designated as an Entertainment District of a size no more than one hundred acres and containing at least twenty thousand square feet of premises licensed as a tavern, hotel and restaurant, brew pub, or vintner's restaurant at the time the District is created. Person means any natural person, firm, partnership, association or corporation. (Ord. 1-2014, eff. 3-6-2014)
  
3. Downtown Entertainment District shall mean that area contained within (Third and Main Street going west to the end of Main Street at Adams Blvd.; Second Street one block north). (Ord. 1-2014, eff. 3-6-2014)

#### 4. Promotional Association

shall mean 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 or more people who own or lease property within an Entertainment District and is certified by the Local Licensing Authority. (Ord. 1-2014, eff. 3-6-2014)

#### **4-6-2: Purpose**

It is the Purpose of this Ordinance for the Town of Westcliffe 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). (Ord. 1-2014, eff. 3-6-2014)

#### **4-6-3: Authority**

The Board of Trustees acting in its capacity as the local liquor licensing authority shall hereby be authorized to: (i) certify and decertify promotional associations; (ii) designate the location, size, security, and hours of operation of common consumption areas; and (iii) allow attachment of licensed premises to common consumption areas. (Ord. 1-2014, eff. 3-6-2014)

#### **4-6-4: Operational Requirements**

A. After certification of a Promotional Association, the Promotional Association shall abide by the following operational requirements in addition to any specific requirements imposed by the Town upon certification of the Promotional Association: (Ord. 1-2014, eff. 3-6-2014)

1. 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. (Ord. 1-2014, eff. 3-6-2014)
2. The Promotional Association shall provide and pay for an appropriate amount of security to insure compliance with the liquor code and prevent a safety risk to the neighborhood to be approved by local law enforcement and the Board of Trustees. 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. The Promotional

Association shall obtain and maintain a properly endorsed general liability and liquor liability insurance policy that is reasonably acceptable to the Local Licensing Authority of at least one million (\$1,000,000) dollars per occurrence which names the Town of Westcliffe as an additional insured. (Ord. 1-2014, eff. 3-6-2014)

3. Common Consumption areas and their attached licensed premises may serve alcohol and the customers may consume alcohol until 11:00 p.m. unless further restricted by the Board of Trustees 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 11:00 p.m. (exceptions may be made by the Board of Trustees) or as further restricted by the Board of Trustees in the certification of the Promotional Association. (Ord. 1-2014, eff. 3-6-2014)
4. Amplified outdoor music, such music at a commercial establishment or event authorized by the Town is not permitted during the hours of 9:00 p.m. through 9:00 a.m. Sunday through Thursday or during the hours 11:00 p.m. through 9:00 a.m. on Friday, Saturday or on federal or state holidays. (Ord. 1-2014, eff. 3-6-2014)
5. The Promotional Association shall abide by the requirements set forth in C.R.S. 12-47-909 in connection with any event authorized pursuant to this Ordinance. (Ord. 1-2014, eff. 3-6-2014)
6. Approved barriers in a designated Common Consumption Area for an event shall be erected and removed in accordance with the schedule established and authorized by the Town. (Ord. 1-2014, eff. 3-6-2014)
7. The Entertainment District is established in the areas depicted in Exhibit A. (Ord. 1-2014, eff. 3-6-2014)

#### **4-6-5: Certifying a Promotional Association**

A. An application for Certifying a Promotional Association under the provisions of this Ordinance and the Colorado Liquor Laws 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: (Ord. 1-2014, eff. 3-6-2014)

1. A copy of the Articles of Incorporation and Bylaws and a list of all Directors and Officers of the Promotional Association. (Ord. 1-2014, eff. 3-6-2014)

2. A list of all of the licensed premises which have opted to be included in the applicable promotional association, and 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. (Ord. 1-2014, eff. 3-6-2014)
3. A detailed description of security arrangements within the Common Consumption Area. (Ord. 1-2014, eff. 3-6-2014)
4. A list of dates and hours of operation of the Common Consumption Area for the upcoming calendar year. (Ord. 1-2014, eff. 3-6-2014)
5. Documentation showing legal right to the use of public property or rights-of-way within the designated Common Consumption Area. (Ord. 1-2014, eff. 3-6-2014)
6. 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. (Ord. 1-2014, eff. 3-6-2014)
7. An insurance certificate of general liability and liquor liability insurance of at least one million (\$1,000,000) dollars per occurrence naming the Town of Westcliffe as additional insured. (Ord. 1-2014, eff. 3-6-2014)
8. Documentation of the reasonable requirements of the neighborhood, the desires of the adult inhabitants as evidenced by petitions, remonstrances, or otherwise. (Ord. 1-2014, eff. 3-6-2014)
9. An application fee of \$150 and \$50 license fee. (Ord. 1-2014, eff. 3-6-2014)

**4-6-6: Recertifying a Promotional Association**

A. A Certified Promotional Association shall apply for Recertification by January 31<sup>st</sup> of each year on forms prepared and furnished by the Town Clerk. The information required shall include, but shall not be limited to: (Ord. 1-2014, eff. 3-6-2014)

1. A copy of any changes to the Articles of Incorporation, Bylaws and/or Directors and Officers of the Promotional Association. (Ord. 1-2014, eff. 3-6-2014)
2. The items listed in Section 1, Subsection E of this Ordinance. (Ord. 1-2014, eff. 3-6-2014)

3. An Application fee of \$150 and \$50 license fee. (Ord. 1-2014, eff. 3-6-2014)
4. A list of dates and hours of operation of the Common Consumption Area for the upcoming calendar year. (Ord. 1-2014, eff. 3-6-2014)
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. (Ord. 1-2014, eff. 3-6-2014)

**4-6-7: Attachment of a Common Consumption Area**

- A. 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: (Ord. 1-2014, eff. 3-6-2014)
1. Authorization for attachment from a Certified Promotional Association. (Ord. 1-2014, eff. 3-6-2014)
  2. The name of the representing Director to sit on the board of the Certified Promotional Association. (Ord. 1-2014, eff. 3-6-2014)
  3. 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. (Ord. 1-2014, eff. 3-6-2014)
  4. An Application fee of \$50. (Ord. 1-2014, eff. 3-6-2014)

**4-6-8: Review Applications**

- A. The Town has the power to decertify a Promotional Association for any of the reasons set forth in C.R.S. 12-47-301 (11) (c) (III). (Ord. 1-2014, eff. 3-6-2014)

**1. Safety Clause**

The Board of Trustees hereby finds, determines and declares that this ordinance is promulgated under the police powers of the Town, that it is promulgated for the health, safety, morals and general welfare of the public and that this ordinance is necessary for the preservation of the health and safety and for the protection of public convenience and welfare. The Board of Trustees further determines that this ordinance bears a rational relationship to the proper legislative objective sought to be attained. (Ord. 1-2014, eff. 3-6-2014)

## **2. Ordinance Effect**

This ordinance shall not have any effect on existing litigation or pending administrative proceeding and shall not operate as an abatement of any such action or proceeding. (Ord. 1-2014, eff. 3-6-2014)

## **3. Severability**

The provisions of this ordinance are severable and the invalidity of any section, phrase, clause or portion of the ordinance as determined by a court of competent jurisdiction shall not affect the validity or effectiveness of the remainder of the ordinance. (Ord. 1-2014, eff. 3-6-2014)

## **4. Effective Date**

This ordinance shall become effective upon **March 6, 2014**. (Ord. 1-2014, eff. 3-6-2014)

## **5. Public Hearing**

A public hearing on the ordinance was held on the 13th day of January, 2014 in the Board of Trustees Chambers, Town Hall, 305 Main Westcliffe, Colorado 81252. (Ord. 1-2014, eff. 3-6-2014)