

ORDINANCE NO. 2016-02

AN ORDINANCE OF THE CITY OF FRUITA, COLORADO AUTHORIZING THE CREATION OF AN ENTERTAINMENT DISTRICT IN THE CITY OF FRUITA PURSUANT TO COLORADO REVISED STATUTES SECTION 12-47-301 (11) AND ESTABLISHING APPLICATION PROCEDURES, FEES, AND REGULATIONS CONCERNING PROMOTIONAL ASSOCIATIONS AND COMMON CONSUMPTION AREAS WITHIN THE ENTERTAINMENT DISTRICT

WHEREAS, pursuant to C.R.S. 12-47-301(11)(a) the governing body of a Local Liquor Licensing Authority may create an Entertainment District, which allows consumption of alcoholic beverages in common consumption areas; and

WHEREAS, the Fruita City Council desires to create an Entertainment District to allow common consumption areas within such Entertainment District of the City of Fruita; and

WHEREAS, the Fruita City Council desires to establish application procedures, fees and regulations concerning the operation of common consumption areas.

NOW, THEREFORE BE IT HEREBY ORDAINED BY THE CITY COUNCIL OF THE CITY OF FRUITA, COLORADO:

Section 1. Chapter 5.21 is hereby added to Title 5 of the Fruita Municipal Code to read as follows:

Chapter 5.21

ENTERTAINMENT DISTRICT

Sections:

- 5.21.010 Purpose and Authority**
- 5.21.020 Definitions**
- 5.21.030 Entertainment Districts – Creation and Amendment**
- 5.21.040 Common Consumption Areas**
- 5.21.050 Promotional Associations**
- 5.21.060 Application for Attachment to a Common Consumption Area**
- 5.21.070 Review of Applications for Certification, Recertification or Attachment**
- 5.21.080 Decertification of a Promotional Association**

5.21.010 PURPOSE AND AUTHORITY

- A. Purpose: It is the purpose of this Chapter to authorize the creation of Entertainment Districts within which, through its Local Licensing Authority, the City may allow the establishment of common consumption areas as provided for in C.R.S. 12-47-301(11) and establish application procedures and regulations concerning common consumption areas.
- B. Authority: 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 Chapter.

5.21.020 DEFINITIONS. As used in this Chapter, the following words shall have the following meanings:

- A. “Common Consumption Area” shall mean an area within a designated Entertainment District that uses physical barriers to close the area to motor vehicle traffic, limits pedestrian access, includes at least two licensed premises, and allows for the consumption of alcoholic beverages pursuant to the provisions of this Chapter and the Colorado Liquor Code.
- B. “Entertainment District” shall mean an area within the City that is designated by Resolution of the City Council as an Entertainment District in accordance with Section 12-47-301 (11) (b) C.R.S., as amended consisting of 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, beer and wine, manufacturer that operates a sales room pursuant to section 12-47-402(2) or (6), beer wholesaler that operates a sales room pursuant to section 12-47-406 (1) (b) (I), or vintner’s restaurant at the time the district is created.
- C. “Local Licensing Authority” shall mean the Fruita City Council or any authority designated by ordinance to serve as the Local Licensing Authority.
- D. “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.

5.21.030 ENTERTAINMENT DISTRICTS – CREATION AND AMENDMENT.

Entertainment Districts may be established or amended by Resolution of the Fruita City Council 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. Within fifteen (15) days of the creation or amendment of an Entertainment District, the Local Licensing Authority shall notify the State Licensing Authority of the creation or amendment of said Entertainment District and provide a map

thereof.

5.21.040 COMMON CONSUMPTION AREAS.

- A. Application. Within a designated Entertainment District, Common Consumption Areas may be licensed by the Local Licensing Authority upon application by a Promotional Association on forms provided by the City Clerk in conformance with the requirements of the Colorado Liquor Code and this Chapter. At a minimum, the following information shall be provided:
- 1) Name, address and list of all officers of the Promotional Association
 - 2) Name and address of the existing establishments licensed under the Colorado Liquor Code that are attached to the Common Consumption Area (a minimum of two licensed establishments are required) which have opted to be included in the Promotional Association including the Liquor License number, a list of any past liquor violations and a copy of any operational agreements
 - 3) Documentation of how the application addresses the reasonable requirements of the neighborhood or desires of the adult inhabitants as evidenced by petitions, written testimony, or otherwise
 - 4) The size, in terms of acreage or square footage, of the Common Consumption Area. All areas must be contiguous within the Common Consumption Area. 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 be a smaller area within the District
 - 5) Proposed dates, days and hours of operation of the Common Consumption Area.
 - 6) A site plan detailing the proposed Common Consumption Area including the following information:
 - a. boundaries of the area,
 - b. location and description of physical barriers,
 - c. location of all entrances and exits,
 - d. location of all attached licensed premises,
 - e. location of signs to be posted notifying customers of the hours of operation and restrictions association with the Common Consumption Area,
 - f. identification of licensed premises that are adjacent but not attached to the Common Consumption Area.
 - 7) A security plan detailing security arrangements for the Common Consumption Area including, but not limited to the following information:
 - a. evidence of completed liquor training of all serving personnel,
 - b. number and location of security personnel during the days and hours of operation of the Common Consumption Area
 - 8) Signed statement that the Common Consumption Area and all licensed establishments therein can be operated in compliance with this Chapter and the Colorado Liquor Code;
 - 9) Documentation evidencing legal authorization for use of the Common Consumption Area; and

- 10) Proof of insurance of general liability and liquor liability naming the City of Fruita as an additional insured in a minimum amount of one million dollars (\$1,000,000).
- 11) Application fee in the amount established by the Annual Fees and Charges Resolution adopted by the Fruita City Council

B. Hours of Operation. Common consumption areas and their attached licensed premises may serve alcohol and the customers may consume alcohol until 12:00 a.m. or as further restricted by the Local Licensing Authority in the certification of the Promotional Association. The hours of operation may differ between the licensed premises and the common consumption area. It is unlawful for any attached licensed premises to serve or the Promotional Association to allow consumption of alcohol beverages in the Common Consumption Area after 12:00 a.m. or as further restricted by the Local Licensing Authority in the certification of the Promotional Association.

5.20.050 PROMOTIONAL ASSOCIATIONS.

If 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 of the Local Licensing Authority. To qualify for certification, a Promotional Association must:

- A. Submit a copy of the Articles of Incorporation and Bylaws and a list of the names of all Directors and Officers of the Promotional Association.
- B. Include at least two licensed premises attached to the Common Consumption Area
- C. Have at least one director from each licensed premises attached to the Common Consumption Area on the board of directors; and
- D. Submit a request for recertification of the Promotional Association and pay a recertification fee as established by the Annual Fees and Charges Resolution adopted by the Fruita City Council.
- E. Recertification requests and annual reports shall be submitted by January 31 of each year to the Local Licensing Authority showing the items listed in Section 5.21.040 (A) along with any violation of the Liquor Code committed by an attached licensed premises and a copy of any changes to the articles of incorporation, bylaws and/or directors and officers of the Promotional Association

5.21.060 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 City Clerk. The information required shall include, but shall not be limited to:

- A. Written authorization for attachment from a certified Promotional Association
- B. The name of the representing Director to sit on the Board of the Certified Promotional Association
- C. Detailed map of the Common Consumption Area including:
 - 1. Location of physical barriers
 - 2. Entrances and exits
 - 3. Location of attached licensed premises
 - 4. Identification of licensed premises that are adjacent but not to be attached to the Common Consumption Area
 - 5. Approximate location of security personnel
 - 6. Application fee as established by the Annual Fees and Charges Resolution adopted by the Fruita City Council

5.21.070 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 Chapter, the Colorado Liquor Laws 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.

5.21.080 DECERTIFICATION OF A PROMOTIONAL ASSOCIATION.

The Local Licensing Authority has the authority to decertify a Promotional Association if the Association:

- A. Fails to submit the annual report as required under Section 5.21.050 by January 31st of each year or fails to pay the required application fee
- B. Fails to establish that the licensed premises and Common Consumption Area can be operated without violating this Section, any provision of the Colorado Liquor Code or Regulations or without creating a safety risk to the neighborhood
- C. Fails to have at least two (2) licensed premises attached to the Common Consumption Area
- D. Fails to obtain or maintain a properly endorsed general liability and liquor liability insurance policy that is acceptable to the local licensing authority and names the City of Fruita as an additional insured

- E. The use is not compatible with the reasonable requirements of the neighborhood or the desires of the adult inhabitants
- F. Violates any provision of C.R.S. 12-47-909, “Common Consumption Areas,” as amended

**PASSED AND ADOPTED BY THE FRUITA CITY COUNCIL,
THIS _____ DAY OF _____, 2016.**

ATTEST:

CITY OF FRUITA, COLORADO

Margaret Sell, City Clerk

BY: _____
Lori Buck, Mayor