

ORDINANCE NO. 17-_____

AN ORDINANCE AMENDING ARTICLE 5 (ALCOHOL BEVERAGES) OF CHAPTER 2 (BUSINESS LICENSING, LIQUOR REGULATION AND TAXATION) OF THE CODE OF THE CITY OF COLORADO SPRINGS 2001, AS AMENDED, PERTAINING TO ENTERTAINMENT DISTRICTS, COMMON CONSUMPTION AREAS AND PROMOTIONAL ASSOCIATIONS

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

Section 1. Section 102 (Definitions) of Part 1 (General Provisions) of Article 5 (Alcohol Beverages) of Chapter 2 (Business Licensing, Liquor Regulation and Taxation) of the Code of the City of Colorado Springs 2001, as amended, is amended to read as follows:

2.5.102: DEFINITIONS:

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COMMON CONSUMPTION AREA: Shall have the same meaning as “Common Consumption Area” defined under Colorado Revised Statutes § 12-47-103(6.6).

ENTERTAINMENT DISTRICT: Shall have the same meaning as “Entertainment District” defined under Colorado Revised Statutes § 12-47-103(7.5).

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PROMOTIONAL ASSOCIATION: Shall have the same meaning as “Promotional Association” defined under Colorado Revised Statutes § 12-47-103(24.5).

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Section 2. Section 104 (Local Licensing Authority) of Part 1 (General Provisions) of Article 5 (Alcohol Beverages) of Chapter 2 (Business Licensing, Liquor Regulation and Taxation) of the Code of the City of Colorado Springs 2001, as amended, is amended to read as follows:

2.5.104: LOCAL LICENSING AUTHORITY:

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B. City Clerk: The City Clerk shall be the local licensing authority for the purpose of reviewing and granting or denying applications for all liquor permits, **authorizations, certifications, and license or permit changes authorized** by Colorado Revised Statutes, title 12, articles 46, 47 and 48, the rules and regulations of the State licensing authority, this Code and local rules of procedure. The City Clerk, as the local licensing authority, shall be governed by the requirements of the applicable State statutes, City Code provisions, City Council resolutions and State and local rules and regulations.

Section 3. Part 2 (License or Permit Required) of Article 5 (Alcohol Beverages) of Chapter 2 (Business Licensing, Liquor Regulation and Taxation) of the Code of the City of Colorado Springs 2001, as amended, is amended to read as follows:

PART 2: LICENSE, **CERTIFICATION**, OR PERMIT REQUIRED

2.5.201: CITY LICENSE OR PERMIT REQUIRED:

* * *

C. It shall be unlawful for any person to engage in the business of selling or serving any alcohol or fermented malt beverages for consumption in a Common Consumption Area within the City unless (i) the City Clerk authorizes the attachment of the person's licensed premises to the common consumption area and (ii) the City Clerk certifies a Promotional Association for the operation of the common consumption area.

2.5.202: COMPLIANCE WITH STATE LAW; FEES REQUIRED:

The license, ~~or~~ permit, **authorization, or certification** required in section 2.5.201 of this part shall be issued in accord with and upon the payment of the fees provided by State statutes, City Code, and State and local rules and regulations.

2.5.203: APPLICATIONS:

All applications for licenses, ~~and~~ permits, **authorizations, or certifications** shall be filed with the City Clerk's Office on forms to be approved by the City Clerk and accompanied by all applicable fees, together with other information and documents as may be required by ~~the rules of the~~ Liquor and Beer **Rules and Regulations for the City of Colorado Springs** Licensing Board. The City Clerk or designee shall act as secretary to the Liquor and Beer Licensing Board and all the records shall be kept in the City Clerk's Office.

Section 4. A new Section 206 (Entertainment Districts of Part 2 (License or Permit Required) of Article 5 (Alcohol Beverages) of Chapter 2 (Business Licensing, Liquor Regulation and Taxation) of the Code of the City of Colorado Springs 2001, as amended, is created to read as follows:

2.5.206: ENTERTAINMENT DISTRICTS AUTHORIZED:

Pursuant to C.R.S. § 12-47-301(11), as amended, the City of Colorado Springs exercises its local option to authorize Entertainment Districts.

A. City Council may authorize individual Entertainment Districts by Resolution. City Council shall make a determination that the establishment of the Entertainment District size, hours of operation, and other reasonable restrictions are compatible with the geographic area in which the Entertainment District is to be located. The City Council Resolution authorizing the Entertainment District shall describe and identify the boundaries of the Entertainment District and include a detailed map attached to the Resolution. The Resolution may impose stricter limits on size, security, or hours of operation of any Common Consumption Area created within the Entertainment District so long as City Council deems the stricter limits necessary for the health, safety, and welfare of the public. An Entertainment District must meet the following minimum criteria:

1. The defined boundaries of the Entertainment District shall not exceed one hundred (100) contiguous acres; and
2. The defined boundaries of the Entertainment District shall contain at least twenty thousand (20,000) square feet of premises that at the time the district is created is licensed as an authorized Licensed Premises under C.R.S. 12-47-103(7.5)(c), as amended.

B. For purposes of certifying Promotional Associations and Common Consumption Areas within Entertainment Districts, the City Clerk shall act as the local licensing authority and is authorized to:

1. Certify and decertify Promotional Associations pursuant to C.R.S. § 12-47-301(11), as amended, and any rules and regulations issued by the Colorado Department of Revenue, Liquor Enforcement Division;
2. Designate one or more Common Consumption Areas within a City Council approved Entertainment District;
3. Authorize, deauthorize, or refuse to authorize or reauthorize the attachment of a licensed premises to a Common Consumption Area; and
4. Promulgate, administer, and enforce local rules and regulations related to:
 - a. The application and application process for a Promotional Association;
 - b. The certification process and requirements for certifying a Promotional Association;
 - c. The application fees, certification fee, and other fee(s) associated with certifying a Promotional Association and authorizing the attachment of licensed premises to a Common Consumption Area;
 - d. The operational requirements and conditions or restrictions for designating the location, size, security, and attachment of licensed premises to a Common Consumption Area;
 - e. The sufficiency and method of presenting evidence through, petitions, remonstrances, or otherwise, demonstrating the reasonable requirements of the neighborhood and the desires of the adult inhabitants;
 - f. Reasonable restrictions placed upon the neighborhood by the licensing Authority;
 - g. Annual reporting and compliance requirements for Promotional Associations; and
 - h. All other matters authorized by the Colorado Liquor Code, C.R.S. § 12-47-101, *et seq.*

C. The regulations and standards for operating a certified Promotional Association and Common Consumption Area shall be in addition to all other laws, regulations, and standards applicable under this Article, the City Code, and the Colorado Liquor Code, C.R.S. § 12-47-101, *et seq.*

D. A Promotional Association and all licensed premises attached to a Promotional Association's Common Consumption Area shall be subject to the same revocation, suspension, and enforcement provisions which apply to the liquor licensee, including the suspension and revocation procedures set forth in section 2.5.601 *et seq.*, of this chapter and the Liquor and Beer Rules and Regulations of the City of Colorado Springs.

Section 5. Part 7 (General Liquor Offenses) of Article 5 (Alcohol Beverages) of Chapter 2 (Business Licensing, Liquor Regulation and Taxation) of the Code of the City of Colorado Springs 2001, as amended, is amended to read as follows:

2.5.703: CONSUMPTION REGULATIONS:

A. It shall be unlawful for any person to consume any alcohol beverage purchased by the drink except on the premises licensed **or authorized** under this section and in accord with the license **or certification**.

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2.5.704: DRINKING IN PUBLIC PROHIBITED:

A. It shall be unlawful to drink any alcohol beverage upon any street, alley, avenue, park¹, vacant lot or ground or upon any public stairway or hall, or in any other public place except licensed establishments **and authorized Common Consumption Areas** within the jurisdiction of the City.

B. In any prosecution charging a violation of this section, proof that a person was seen on any street, alley, avenue, park, vacant lot or ground, stairway, hall or any other public place whatsoever except licensed establishments **and authorized Common Consumption Areas** within the jurisdiction of the City, possessing an alcohol beverage in an open container together with proof that the container was less than full shall constitute prima facie evidence that a violation of this section occurred.

Section 6. Any person convicted of violations of Part 2 (General Liquor Offenses) of Article 5 (Alcohol Beverages) of Chapter 2 (Business Licensing, Liquor Regulation and Taxation) of the Code of the City of Colorado Springs

2001, as amended, shall be punished as provided in Part 6 (Suspension or Revocation of Licenses) of Article 5 (Alcohol Beverages) of Chapter 2 (Business Licensing, Liquor Regulation and Taxation) of the Code of the City of Colorado Springs, 2001, as amended.

Section 7. Any person convicted of violations of Part 7 (General Liquor Offenses) of Article 5 (Alcohol Beverages) of Chapter 2 (Business Licensing, Liquor Regulation and Taxation) of the Code of the City of Colorado Springs 2001, as amended, shall be punished as provided in Section 201 (General Penalty) of Part 2 (General Penalty) of Article 1 (Administration) of Chapter 1 (Administration, Personnel, and Finance) of the Code of the City of Colorado Springs, 2001, as amended.

Section 8. This ordinance shall be in full force and effect from and after its final adoption and publication as provided by Charter.

Section 9. Council deems it appropriate that this ordinance be published by title and summary prepared by the City Clerk and that this ordinance be available for inspection and acquisition in the office of the City Clerk.

Introduced, read, passed on first reading and ordered published this ____ day of _____, 2017.

Finally passed: _____

Council President

Mayor's Action:

- Approved on _____.
- Disapproved on _____, based on the following objections:

Mayor

Council Action After Disapproval:

- Council did not act to override the Mayor's veto.
- Finally adopted on a vote of _____, on _____.
- Council action on _____ failed to override the Mayor's veto.

Council President

ATTEST:

Sarah B. Johnson, City Clerk