

HUERFANO COUNTY, COLORADO

ORDINANCE NO. _____ 2013

AN ORDINANCE OF THE COUNTY COMMISSIONERS OF THE HUERFANO COUNTY CREATING AN ENTERTAINMENT DISTRICT FOR THE PURPOSES OF C.R.S. 12-47-301(11), AUTHORIZATION OF COMMON CONSUMPTION AREAS, AND ESTABLISHING APPLICATION PROCEDURES, FEES, AND HOURS OF OPERATION

WHEREAS, C.R.S. 12-47-301(11)(a), which allows consumption of alcohol beverages in common consumption area, only applies if a governing body of Local Licensing Authority has authorized it through the creation of an Entertainment District; and,

WHEREAS, the Board of Commissioners of Huerfano County wishes to allow common consumption areas within an Entertainment District of the County; and,

WHEREAS, the County Commissioners propose an Entertainment District that is less than one hundred acres and has at least twenty thousand square of premises licensed as a tavern, hotel and restaurant, brew pub, retail gaming tavern, or vinter's restaurant; and

WHEREAS, the County Commissioners of the Huerfano County wishes to establish application procedures, fees, and hours of operation of common consumption areas.

NOW, THEREFORE, BE IT ORDAINED by the County Commissioners of the Huerfano County, Colorado, that:

SECTION 1. Purpose

010. Purpose

It is the purpose of this chapter for the Huerfano County to exercise its local option to allow common consumption areas in the county by establishing an Entertainment District as provided in C.R.S. 12-47-301(11).

020. Authority

The County Commissioners acting in its capacity as the local liquor 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.

030. Operational Requirements of Promotional Associations and Common Consumption Areas

- A. 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.**
- B. The Promotional Association shall provide an appropriate amount of security to insure compliance with the liquor code and prevent a safety risk to the neighborhood. All security with 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.**
- C. 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 incident and names the Huerfano County as an additional insured.**

- D. **Common Consumption areas and their attached licensed premises may serve alcohol and the customers may consume until 12:00 a.m. 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 12:00 a.m.**
- E. **The Entertainment District for purposes of this Section is established in the areas depicted in Exhibit A.**

040. Application for Certifying a Promotional Association

Application for Certifying a Promotional Association under the provisions of this Section and the Colorado Liquor Laws shall be made to the city on forms prepared and furnished by the County Clerk. The forms shall include, but shall not be limited to:

- A. **A copy of the Articles of Incorporation and Bylaws and a list of all Directors and Officers of the Promotional Association.**
- B. **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, approximate location of security personnel.**
- C. **A detailed description of security arrangements with the Common Consumption Area.**
- D. **A list of dates and hours of operation of the Common Consumption Area.**
- E. **Documentation showing possession of the Common Consumption Area.**
- F. **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.**
- G. **An insurance certificate of General liability and liquor liability insurance name the Huerfano County as additional insured.**
- H. **Documentation of the reasonable requirements of the neighborhood, the desires of the adult inhabitants as evidenced by petitions, remonstrance's, or otherwise.**
- I. **An application fee of \$300.**

050. Application for Recertification of a Promotional Association

A Certified Promotional Association shall apply for Recertification by January 31st of each year on forms prepared and furnished by the County Clerk. The forms shall include, but shall not be limited to:

- A. A copy of any changes to the Articles of Incorporation, Bylaws and/or Directors and Officers of the Promotional Association.**
- B. The items listed on Section 040 B through G.**
- C. An Application fee of \$125.00**

060. Application for Attachment to a Common Consumption Area

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 County Clerk. The forms shall include, but shall not limited to:

- A. 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, 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, approximate location of security personnel.**
- D. An Application fee of \$300.00**

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 County Commissioners shall consider such application within sixty (60) days of receipt. The County Commissioners shall review the application for compliance with this Chapter and Colorado Liquor Law, and may either approve the application with or without conditions or deny the application.

080. Decertification of a Promotional Association

The county has the power to decertify a Promotional Association. The process shall be in the same manner as provided in C.R.S. 12-47-601 as related to liquor licenses.

SECTION 2. SAFETY CLAUSE. The County Commissioners hereby finds, determines and declares that this ordinance is promulgated under the police powers of the County, 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 County Commissioners further determines that this ordinance bears a rational relationship to the proper legislative objective sought to be attained.

SECTION 3. SEVERABILITY; CONFLICTING ORDINANCES REPEALED. If any section, subsection or clause of this ordinance shall be deemed to be unconstitutional or otherwise invalid, the validity of the remaining sections, subsections and clauses shall not be affected thereby. All ordinances or parts of ordinances of the County Code of the Huerfano County, Colorado, in conflict herewith are expressly repealed.

SECTION 4. EFFECTIVE DATE This ordinance shall take effect five days after both final posting and publication have been accomplished.

INTRODUCED BY COMMISSIONER _____ SECONDED BY
COMMISSIONER _____ AND ADOPTED BY THE COUNTY
COMMISSIONERS OF THE HUERFANO COUNTY, COLORADO, THIS _____ DAY
OF _____, 2013, ORDERED AND SET FOR PUBLIC HEARING ON
THE ___ DAY _____, 2013 AT THE HUERFANO COUNTY CENTER, 928
RUSSELL, WALSENBURG, COLORADO 81089.

ADOPTED ON SECOND READING BY THE COUNTY COMMISSIONERS OF THE
HUERFANO COUNTY, COLORADO, THIS _____ DAY OF _____,
2013, AND ORDERED PUBLISHED.

**BOARD OF COUNTY COMMISSIONERS OF
HUERFANO COUNTY, COLORADO**

BY _____

Art S. Bobian, Chairman

BY _____

Max Vezzani, Commissioner

BY _____

Ray Garcia, Commissioner

ATTEST:

**County Clerk and Recorder and
Ex-Officio to said Board**

Promotional Association/Common Consumption Area General Guidelines

- **The size of Common Consumption Area is to be contained wholly within an Entertainment District which has been defined by Huerfano County Code;**

- **Common Consumption Areas are to be clearly delineated using physical barriers to close the area to motor vehicle traffic and limit pedestrian access;**
- **Alcohol beverages sold or served with the Common Consumption Area shall be served in a container that is no larger than 16 ounces and is disposable;**
- **The neighborhood will be set by the County Clerk's Office within three to five days from the date of Promotional Association/Common Consumption Area request submittal and will be defined as a ¼ mile radius from the site proposed to be used as a Common Consumption Area;**
- **Proof of Needs and Desires of the Neighborhood is required as evidenced by petitions, written testimony, verbal testimony at the public hearing, letters of support, etc., and shall be submitted at least eight days prior to the public hearing. If a petition is chosen as one method of proving the neighborhood needs and desire, the applicant must use the petitions approved the County Clerk's Office;**
- **Revisions and amendments to this original application for Common Consumption Area Designation shall be reported to the Huerfano County's Liquor Licensing Authority and approved using the same procedures under which this original request for certification was made;**
- **Application for attachment of a licensed establishment to an already certified Common Consumption Area shall include an authorization from the Certified Promotional Association, the name of the representative from the licensed establishment that will be serving on the Board of Directors, and an amended map depicting the licensed establishments that will be serving on the Board of Directors, and an amended map depicting the licensed establishments that are adjacent to but not attached to the Common Consumption Area;**
- **The Huerfano County's Liquor Licensing Authority shall consider the merits of the application for a Promotional Association of a Common Consumption Area and may refuse to certify or may decertify a Promotional Association if the Association: 1) Fails to submit the annual report as required by January 31st of each year; 2) Fails to establish that the licensed premises and Common Consumption Area can be operated without violating the State or local Liquor Codes or creating safety risk to the neighborhood; 3) Fails to have at least**

two licensed establishments 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 Huerfano County’s Liquor Licensing Authority and name the County as 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 12-47-909, Colorado Revised Statutes, as may be amended from time to time, related to Common Consumption Area operations.

- **Application for Recertification of a Promotional Association must be made by January 31st of each year.**

HUERFANO COUNTY PROMOTIONAL ASSOCIATION/COMMON CONSUMPTION AREA CERTIFICATION REQUEST

Promotional Association Name (exactly as it appears on incorporation documentation):	
Description of Common Consumption Area Boundaries:	
Mailing Address of Promotional Association:	
Primary Contact:	
Primary Contact Phone Number Address	Primary Contact E-mail

The following must accompany this Promotional Association/Common Consumption Area Certification Request:

- \$300 for Initial Application Fee + \$150 License Fee; OR**

- \$125 for Annual Renewal Fee + \$150 License Fee AND**
- \$100 for Promotional Association Certification or \$50 for Re-Certification**
- Written Security Plan** (include evidence of training and approval of personnel as required under Section 6-207 of the Huerfano County's Municipal Code, a detailed description of security arrangements, and the planned location of security personnel within the proposed Common Consumption Area during operating hours)
- Certification or documentation for security personnel and sellers/servers completing required Responsible Vendor Training**
- Articles of Incorporation**
- Bylaws and Officer/Director Listing** (shall include one member of each licensed premises and represent at least two licensed establishments)
- Attached Licensed Establishment Listing** (State License number, violation history for preceding two-year period, and any operational agreements)
- Detailed diagram of proposed Common Consumption Area, 8 ½ x 11** (location and description of physical barriers, entrances and exits, location of attached licensed establishments, identification of licensed establishments that are adjacent but not attached to the proposed Common Consumption Area)
- Possessory Document for use of the area proposed as Common Consumption Area** (lease or the Documentation evidencing legal authorization for use of Common Consumption Area)
- Proof of Insurance of General Liability and Liquor Liability** (name the Huerfano County as additional insured in a minimum amount of \$1,000,000)

Certification of Applicant

I hereby certify that the information contained in this certification request and all attachments is true, correct, and complete to the best of my knowledge and that is my responsibility and the responsibility of my agents/employees and Board of Directors to comply with all applicable local and State laws, rules and regulations as the relate to the serving, selling and distribution of alcohol beverages.

Authorized Signature

Title

Date

Report and Approval of the Local Liquor Licensing Authority

Chairman, BOCC

County Clerk

Date

Date

	Monday Sunday	Tuesday	Wednesday	Thursday	Friday
Saturday					
January					
February					
March					
April					
May					
June					
July					
August					
September					
October					
November					
December					

Any deviation from this schedule shall be reported to the City Clerk's Office at least fifteen (15) days prior to the proposed new date and time.