

SPONSORED BY: MAYOR DODGE

COUNCILMAN'S BILL

ORDINANCE NO.

No. CB-1907
Series of 2018

1752
Series of 2018

A BILL FOR AN ORDINANCE AMENDING THE CITY OF NORTHGLENN MUNICIPAL CODE BY THE ADDITION THERETO OF A NEW ARTICLE 17 TO CHAPTER 18 REGARDING ENTERTAINMENT DISTRICTS

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NORTHGLENN, COLORADO, THAT:

Section 1. Chapter 18 of the Northglenn Municipal Code is hereby amended by the addition thereto of a new Article 17 entitled "Entertainment Districts," to read as follows:

ARTICLE 17

ENTERTAINMENT DISTRICTS

Section 18-17-1. Purpose.

It is the purpose of this Article for the City of Northglenn to exercise its local option to allow common consumption areas in the City by establishing an entertainment district as provided in 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 the Colorado Liquor Code and this Chapter 18 of the Northglenn Municipal Code.

Section 18-17-2. Authority.

(a) The Northglenn Liquor Licensing Authority as the City's local 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 consistent with this article and the provisions included herein.

(b) The local licensing authority shall have the authority to impose reasonable conditions on the licensing of common consumption areas, the certification of promotional associations, and the attachment of licensed premises to common consumption areas.

Section 18-17-3. Definitions.

The following words, terms and phrases, when used in this Article, shall have the meanings ascribed to them in this Section, except where the context clearly indicates a different meaning:

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.

Entertainment district shall mean an area within the City that is designated by the City Council 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, lodging and entertainment facility, hotel and restaurant, brew pub, distillery pub, vintner's restaurant, beer and wine licensee, manufacturer or beer wholesaler that operates a sales room, or limited winery at the time the district is created.

Local licensing authority means, for the purposes of this Article, the Northglenn Liquor Licensing Authority.

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 (2) or more people who own or lease property within an entertainment district.

Section 18-17-4. Creation of Entertainment Districts.

In order to exercise the City's local option to allow common consumption areas in the City and to effectuate the purposes and intent of Section 12-47-301(11), C.R.S., entertainments districts within the City of Northglenn are hereby authorized to be created by application made consistent with the provisions of this Article. Such districts shall be approved by separate resolution of the City Council. Upon approval of a specific entertainment district by Resolution of the City Council, the City authorizes the licensing of designated common consumption areas in which alcohol beverages may be sold and consumed subject to the requirements of this Article, the Northglenn Municipal Code, and the Colorado Liquor Code.

Section 18-17-5. Application for certifying a promotional association.

(a) Certification of a promotional association shall be applied for in a manner consistent with this Section as determined by the local licensing authority and include the following minimum information:

(1) A copy of the articles of incorporation and bylaws and a list of all directors and officers of the promotional association. A member of each 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.

(2) A detailed map of the proposed common consumption area, including: location of physical barriers, entrances and exits, location of attached licensed premises, and identification of licensed premises that are adjacent but not to be attached to 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 Entertainment District at any time, provided that the new area is clearly delineated using physical barriers to close the area to motor vehicle traffic and to limit pedestrian access.

(3) A security plan, including evidence of training and approval of personnel, a detailed description of security arrangements and the approximate location of security personnel within the common consumption area during operating hours.

(4) A list of dates and hours of operation of the common consumption area.

(5) Documentation showing possession of the common consumption area by the promotional association.

(6) A list of the attached licensees, of which there will be a minimum of two (2), listing the following information: liquor license number, a list of any past liquor violations, and a copy of any operational agreements.

(7) An insurance certificate of general liability and liquor liability insurance naming the City as an additional insured in a minimum amount of one million dollars (\$1,000,000.00).

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

(9) An application fee.

(b) Upon approval of a certification by the local licensing authority, the terms and conditions of the approval shall remain effective until and unless a revised or amended application is submitted to the local licensing authority and

approved using the same procedures under which the original application was approved.

Section 18-17-6. Application for recertification of a promotional association.

(a) A certified promotional association shall apply for recertification by January 31st of each year in a manner consistent with the provisions of this Article and include, but not be limited to:

(1) A copy of any changes to the articles of incorporation, bylaws and/or the directors and officers of the promotional association.

(2) All items noted in Section 18-17-5(a), Subsections (2) through (9) herein.

(b) The City Clerk may administratively approve such applications for recertification so long as there have been no violations of the provisions of this Article and there is no other derogatory information regarding the promotional association. Failure to submit the items required by this section, which will be known as the annual report, shall be grounds for the refusal to recertify or the decertification of a promotional association.

Section 18-17-7. Application for attachment to a common consumption area.

(a) Once 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 by the local licensing authority. Application for attachment of a licensed premises to the common consumption area by a certified promotional association shall be made in a manner consistent with the provisions of this Article and 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) 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.

(4) An application fee.

(b) The local licensing authority may refuse to authorize, refuse to reauthorize, or may deauthorize attachment if:

(1) The licensed premises to be attached is not within or on the perimeter of the common consumption area;

(2) The licensee fails to obtain or retain authority to attach to the common consumption area from the certified promotional association;

(3) The licensee fails to establish that the licensed premises and the common consumption area can be operated without violating the Northglenn Municipal Code, the Colorado Liquor Code or creating a safety risk to the neighborhood; or

(4) The licensee violates any provision contained in Section 12-47-909, C.R.S, as may be amended from time to time.

Section 18-17-8. Operation of common consumption areas.

(a) A promotional association or attached licensed premises shall not:

(1) Employ a person to serve alcohol beverages or provide security within the common consumption area unless the server has completed the server and seller training program established by the director of the liquor enforcement division of the department of revenue;

(2) Sell or provide an alcohol beverage to a customer for consumption within the common consumption area but not within the licensed premises in a container that is larger than sixteen (16) ounces;

(3) Sell or provide an alcohol beverage to a customer for consumption within the common consumption area but within the licensed premises unless the container is disposable and contains the name of the vendor in at least twenty-four (24) point font;

(4) Permit customers to leave the licensed premises with an alcohol beverage unless the beverage container complies with paragraphs (2) and (3) of this Subsection (a);

(5) Operate the common consumption area during hours the licensed premises cannot sell alcohol under the limitations imposed by the local licensing authority or the Colorado Liquor Code;

(6) Operate the common consumption area in an area that exceeds the maximum authorized by the local licensing authority or the Colorado Liquor Code;

(7) Sell, serve, dispose of, exchange, or deliver, or permit the sale, serving, giving, or procuring of, an alcohol beverage to a visibly intoxicated person or to a known habitual drunkard;

(8) Sell, serve, dispose of, exchange, or deliver, or permit the sale, serving, or giving of an alcohol beverage to a person under twenty-one (21) years of age; or

(9) Permit a visibly intoxicated person to loiter within the common consumption area.

(b) The promotional association shall promptly remove all alcohol beverages from the common consumption area at the end of the hours of operation.

(c) A person shall not consume alcohol within the common consumption area unless it was purchased from an attached licensed premises.

(d) The promotional association shall timely submit all items required by this article.


Section 18-17-9. Violations.

Noncompliance with any provision of this Article shall be deemed a violation of this Code. Violations of this Article, the Northglenn Municipal Code, or the Colorado Liquor Code shall be cause for suspension or revocation of the licensed premises within a common consumption area, modification of the boundaries of the common consumption area, or decertification of the promotional association, and may be subject to other enforcement provisions set forth in the Northglenn Municipal Code, following notice and a hearing under the Colorado Liquor Code and the Northglenn Municipal Code.


Section 18-17-10. Fees.

Application fees shall be set by resolution of the City Council.

INTRODUCED, READ AND ORDERED POSTED this 14th day of May,
2018.


ANTONIO B. ESQUIBEL
Mayor Pro Tem

ATTEST:


LISA ANDREWS, CMC
Deputy City Clerk

PASSED ON SECOND AND FINAL READING this 11th day of June,
2018.


CAROL A. DODGE
Mayor

ATTEST:


JOHANNA SMALL, CMC
City Clerk

APPROVED AS TO FORM:


COREY Y. HOFFMANN
City Attorney