

RESOLUTION NO. 23 - 10

THE BOARD OF COUNTY COMMISSIONERS OF HUERFANO COUNTY, COLORADO

A RESOLUTION TO AUTHORIZE THE CREATION OF ENTERTAINMENT DISTRICTS PURSUANT TO C.R.S. § 44-3-301(11) AND ESTABLISH APPLICATION PROCEDURES FOR CERTIFICATION OF PROMOTIONAL ASSOCIATIONS TO OPERATE COMMON CONSUMPTION AREAS WITHIN ENTERTAINMENT DISTRICTS

WHEREAS, pursuant to C.R.S. § 44-3-301(11) the governing body of a local licensing authority may create entertainment districts that allow consumption of alcoholic beverages in common consumption areas;

WHEREAS, the Board of County Commissioners of Huerfano County, Colorado (“the Board”) serve as the governing body of Huerfano County and are vested with administering the affairs of the County pursuant to state statutes; and,

WHEREAS, the Board desires to exercise its local option to allow creation of entertainment districts with associated common consumption areas; and,

WHEREAS, the Board desires to establish the process for creating entertainment districts and common consumption areas, including application procedures, fees, and hours of operation for common consumption areas in entertainment districts.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Huerfano County, Colorado that the following is hereby adopted:

Section 1. Title.

This resolution shall be known and referred to as the “Huerfano County Entertainment District and Common Consumption Area Regulations”

Section 2. Purpose and Authority.

1. The County is exercising its local option to allow common consumption areas in the County by establishing entertainment districts pursuant to 44-3-301(11).
2. The Board of County Commissioners, acting in its capacity as the 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.

Section 3. Definitions.

1. *Common Consumption Area* is defined as set forth in C.R.S. § 44-3-103(11), as amended.
2. *Entertainment District* is defined as set forth in C.R.S. § 44-3-103(15), as amended.
3. *Local Licensing Authority* means the Board of County Commissioners (“the Board”).
4. *Promotional Association* is defined as set forth in C.R.S. § 44-3-103(39), as amended.

Section 4. Creation of Entertainment Districts.

Individual entertainment districts shall be created by resolution of the Board of County Commissioners.

1. The resolution authorizing the Entertainment District shall describe and identify the boundaries of the Entertainment District and include a detailed map attached to the Resolution.
2. 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 the Board deems the stricter limits necessary for the health, safety, and welfare of the public.
3. An Entertainment District must meet the following minimum criteria:
 - a. The defined boundaries of the Entertainment District shall not exceed one hundred (100) contiguous acres; and
 - b. 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 Colorado Revised Statutes 44-3-103(15)(c), as amended.
4. The County Administrator may draft a resolution for consideration by the Board upon receipt of a written request from a sponsor or champion that includes the following:
 - a. Description of proposed Entertainment District
 - i. Proposed name
 - ii. General boundary description, including Aerial view map of proposed boundary of Entertainment District with all eligible liquor licensed premises identified
 - iii. Total size in acres of proposed Entertainment District (must be less than 100)
 - iv. Proposed hours of operation, applicable for every Promotional Association's Common Consumption Area to be subsequently formed within the proposed Entertainment District
 - v. Written description and statement describing the basis/rationale for the proposed Entertainment District boundary and Common Consumption Area hours of operation, including details of any City Council and community outreach efforts
 - b. Names and addresses of all eligible liquor licensed premises within the proposed Entertainment District boundary area, including type, square footage of each premises, and any interest in joining a future Promotional Association (combined square footage must be more than 20,000).
5. Within fifteen days of the creation or amendment of an Entertainment District, the County Clerk and Recorder shall, on behalf of the Local Liquor Licensing Authority, notify the State Licensing Authority of the creation or amendment of said Entertainment District and provide a map thereof.

Section 5. Operational Requirements of a Promotional Association.

1. 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, with approval of the Local Licensing Authority, be a smaller area within the entertainment district, provided that the common consumption area is clearly delineated using physical barriers to close the area to motor vehicle traffic and to limit pedestrian access.

2. The Promotional Association shall provide an appropriate amount of security to insure compliance with the Colorado Liquor Code, Colorado Beer Code, and to prevent a safety risk to the neighborhood.
3. The Promotional Authority 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 Huerfano County as additionally insured.

Section 6. Application for Certification of a Promotional Association.

An application to certify a promotional association shall 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 must serve as one 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 Common Consumption Area including, location of physical barriers, entrances and exits, location of attached licensed premises, identification of licenses premises that are adjacent, but not to be attached to the common consumption area;
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 proposed 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 County as additionally insured in an amount not less than what is listed in Section 5.3 of these regulations;
8. Documentation of the reasonable requirements of the neighborhood and the desires of the adult inhabitants for a common consumption area, as evidenced by petitions, written testimony, or otherwise; and
9. The application fee as set forth in Section 11.1 of these regulations.

Section 7. Application for Recertification of a Promotional Association.

An application to recertify a Promotional Association shall be submitted by January 31st of each year and shall include:

1. A copy of any changes to the Articles of Incorporation, Bylaws, and/or Directors and Officers of the Promotional Association;
2. The items listed in Section 6.2 through 6.8 of these regulations; and
3. The application fee as set forth in Section 11.2 of these regulations.

Section 8. Application for Attachment to a Common Consumption Area.

An application by a liquor license to attach to an existing Common Consumption Area of a Certified Promotional Association must be filed with any addition to the licensees after the initial certification of the Promotional Association and shall include without limitation:

1. Authorization for attachment from the Certified Promotional Association;

2. The name of the licensee’s designee to sit on the Board of Directors of the Certified Promotional Association;
3. Detailed map of the common consumption area, as outlined in Section 6.2, showing the addition of the new licensee; and
4. The application fee as set forth in Section 11.3 of these regulations.

Section 9. Review of Applications for Certification, Recertification, or Attachment.

Upon receipt of an application for Certification or Recertification of Promotional Association, or Attachment of a Liquor Licensee to an existing Common Consumption Area, the Board shall consider such application within sixty (60) days of receipt. The County Commissioners shall review the application for compliance with these regulations and Colorado Liquor Law and may either approve the application, with or without conditions, or deny the application.

Section 10. Decertification of a Promotional Association.

The Board has the power to decertify a Promotional Association as authorized by C.R.S. § 44-3-301(11)(c)(III), as amended.

Section 11. Fees.

1. The fee for an Application for Certification of a Promotional Association shall be \$200.
2. The fee for an Application for Recertification of a Promotional Association shall be \$100.
3. The fee for an Application for Attachment to a Common Consumption Area shall be \$200.

Section 12. Severability.

If any provision of these Regulations is found by a court of competent jurisdiction to be invalid, the remaining provisions shall continue in full force and effect.

INTRODUCED, READ, APPROVED, AND ADOPTED ON THIS 31ST day of JANUARY 2023.



ATTEST:

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

BOARD OF COUNTY COMMISSIONERS
OF HUERFANO COUNTY, COLORADO

BY _____
John Galusha, Chairman

Arica Andreatta, Commissioner

Karl Sporleder, Commissioner