

**ORDINANCE NO. 7  
SERIES 2021**

**AN ORDINANCE AMENDING CHAPTER 2 OF TITLE 4 OF THE VAIL  
TOWN CODE TO AUTHORIZE THE CREATION OF ENTERTAINMENT  
DISTRICTS IN THE TOWN**

WHEREAS, pursuant to C.R.S. § 44-3-301(11), with approval of the governing body, a local licensing authority may allow for the creation of entertainment districts, which allows consumption of alcohol beverages in common consumption areas;

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

WHEREAS, the Town Council desires to establish the criteria for entertainment districts and common consumption areas, including application procedures, fees, and hours of operation for common consumption areas in entertainment district.

**NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF VAIL, COLORADO, THAT:**

Section 1. Chapter 2 of Title 4 of the Vail Town Code is hereby amended by the addition of a new Section 4-2-7, to read as follows:

**4-2-7: ENTERTAINMENT DISTRICTS.**

A. Purpose. The purpose of this Section is for the Town to exercise its local option to allow common consumption areas in the Town by establishing entertainment districts. The regulations in this Section are in addition to all other applicable regulations in the Colorado Liquor Code, Colorado Beer Code and this Code.

B. Definitions. For purposes of this Section, the following terms have the following meanings:

*Common consumption area* means 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 area to motor vehicle traffic and limit pedestrian access.

*Entertainment district* is defined in C.R.S. § 44-3-103, as amended.

*Local Licensing Authority* is the authority created by Chapter 5 of Title 3 of the Vail Town Code.

*Promotional association* means an association that is incorporated in 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.

C. Creation. Entertainment districts shall be approved by resolution of the Town Council. Following approval of an entertainment district, the Local Licensing Authority may certify promotional associations to operate common consumption areas within the entertainment district in which alcohol beverages may be sold, served and consumed subject to the requirements of this Code, the Colorado Liquor Code and the Colorado Beer Code, and conditions set forth in the resolution approving the entertainment district.

D. Delegation of authority. The Local Licensing Authority hereby delegates to the Town Clerk the authority 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 Section. The Town Clerk may impose reasonable conditions on common consumption areas, the certification of promotional associations, and the attachment of licensed premises to common consumption areas.

E. Certification of a promotional association.

1. An application to certify a promotional association shall include the following minimum information:

a. 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 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;

b. A detailed map of the proposed common consumption area, including without limitation: the location of physical barriers, entrances and exits, the location of attached licensed premises, and identification of licensed premises that are adjacent, but not to be attached to the common consumption area;

c. 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;

d. A list of dates and proposed hours of operation of the common consumption area;

e. Documentation showing possession of the common consumption area by the promotional association;

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

g. An insurance certificate of general liability and liquor liability insurance naming the Town as an additional insured in a minimum amount of two million dollars (\$2,000,000.00);

h. 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

i. The application fee established pursuant to Section 3-5-9 of this Code.

2. Upon certification of a promotional association, the terms and conditions of the approval shall remain effective until and unless a revised or amended application is submitted and approved using the same procedures under which the original application was approved.

3. A certified promotional association shall file an application for recertification by January 31<sup>st</sup> of each year, which shall include the following: all of the information in the original application, plus a copy of any changes to the articles of incorporation, bylaws or the directors and officers of the promotional association. Failure to submit a complete application shall be grounds for the denial of the recertification.

4. An application by a liquor licensee to attach to an existing common consumption area of a certified promotional association shall include without limitation:

a. Authorization for attachment from the certified promotional association;

b. The name of the licensee's designee to sit on the board of directors of the certified promotional association;

c. Detailed map of the common consumption area showing the addition of the new licensee 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; and

d. An application fee as set by resolution of the Town Council.

F. Review of applications.

1. 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 review the application for compliance with this Code, the Colorado Liquor Code, and the Colorado Beer Code, and may either approve the application, with or without conditions, or may deny the application.

2. The Local Licensing Authority has the power to decertify a promotional association as authorized by C.R.S. § 44-3-301(11)(c)(III), as amended.

G. Operational requirements.

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, as determined by the Local Licensing Authority, to ensure compliance with the Colorado Liquor Code, the Colorado Beer Code, and to prevent a safety risk to the neighborhood.

Section 2. If any part, section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid, such decision shall not effect the validity of the remaining portions of this ordinance; and the Council hereby declares it would have passed this ordinance, and each part, section, subsection, sentence, clause or phrase thereof, regardless of the fact that any one or more parts, sections, subsections, sentences, clauses or phrases be declared invalid.

Section 3. The Council hereby finds, determines and declares that this ordinance is necessary and proper for the health, safety and welfare of the Town and the inhabitants thereof.

Section 4. The amendment of any provision of the Town Code as provided in this ordinance shall not affect any right which has accrued, any duty imposed, any violation that occurred prior to the effective date hereof, any prosecution commenced, nor any other action or proceeding as commenced under or by virtue of the provision amended. The amendment of any provision hereby shall not revive any provision or any ordinance previously repealed or superseded unless expressly stated herein.

Section 5. All bylaws, orders, resolutions and ordinances, or parts thereof, inconsistent herewith are repealed to the extent only of such inconsistency. This repealer

shall not be construed to revise any bylaw, order, resolution or ordinance, or part thereof, theretofore repealed.

INTRODUCED, READ ON FIRST READING, APPROVED, AND ORDERED PUBLISHED ONCE IN FULL ON FIRST READING this 6<sup>th</sup> day of April, 2021 and a public hearing for second reading of this Ordinance set for the \_\_\_\_ day of \_\_\_\_\_, 2021, in the Council Chambers of the Vail Municipal Building, Vail, Colorado.

\_\_\_\_\_  
Dave Chapin, Mayor

ATTEST:

\_\_\_\_\_  
Tammy Nagel, Town Clerk

READ AND APPROVED ON SECOND READING AND ORDERED PUBLISHED this \_\_\_\_ day of \_\_\_\_\_, 2021.

\_\_\_\_\_  
Dave Chapin, Mayor

ATTEST:

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Tammy Nagel, Town Clerk