



Background Paper for Proposed Ordinance

COUNCIL MEETING DATE: March 28, 2022

TO: President Heather Graham and Members of City Council
CC: Mayor Nicholas A. Gradisar
VIA: Marisa Stoller, City Clerk
FROM: Michael Miller, Assistant City Attorney
SUBJECT: AN ORDINANCE CREATING AN ENTERTAINMENT DISTRICT PURSUANT TO ARTICLE VII OF CHAPTER 3 OF TITLE XI

SUMMARY:

This Ordinance creates boundaries for an Entertainment District ("Entertainment District No. 1") as authorized under Pueblo Municipal Code §§ 11-3-71 et seq. and C.R.S. 44-3-301(11), and grants all powers to the local authority therein.

PREVIOUS COUNCIL ACTION:

City Council authorized Entertainment Districts and Common Consumption Areas through Ordinance No. 10043, passed on November 8, 2021, now codified at Pueblo Municipal Code Sections 11-3-71 et seq.

BACKGROUND:

Article 3 of Title 44 of the Colorado Revised Statutes allows municipalities to create Entertainment Districts and allow Common Consumption Areas within those districts. Common Consumption Areas are designated areas where patrons of certain liquor licensed businesses are allowed to exit the licensed premises with alcoholic beverages that they purchased from that business and then continue to consume the beverage in the public space. Common Consumption Areas must be shared by at least two liquor licensed businesses.

The City previously adopted Article VII of Chapter 3 of Title XI of the Pueblo Municipal Code, which authorizes the creation of these Entertainment Districts. As part of the ordinances, the Pueblo Liquor and Beer Licensing Board certifies promotional associations to operate the Common Consumption Areas.

Promotional associations are primarily comprised of members from the adjacent liquor licensed businesses that wish to create a Common Consumption area. These associations are then responsible for maintaining order in their Common Consumption Areas.

FINANCIAL IMPLICATIONS:

The City collects certain fees for the administrative purposes, but these do not have a significant impact on the finances of the City. Sales tax revenue may increase with the creation of Common Consumption Areas.

BOARD/COMMISSION RECOMMENDATION:

Not applicable to this Ordinance.

STAKEHOLDER PROCESS:

Not applicable to this Ordinance.

ALTERNATIVES:

If this Ordinance does not pass, then Entertainment Districts and the associated Common Consumption Areas will not be allowed within the City.

RECOMMENDATION:

Passage of the Ordinance

Attachments:

Proposed Ordinance
Exhibit A

ORDINANCE NO. _____

AN ORDINANCE CREATING AN ENTERTAINMENT DISTRICT PURSUANT TO ARTICLE VII OF CHAPTER 3 OF TITLE XI

WHEREAS, Pursuant to C.R.S. §§ 44-3-301 et seq., the City of Pueblo has the authority to allow liquor licensed entertainment districts and common consumption areas within its jurisdiction; and

WHEREAS, City Council previously authorized the creation of entertainment districts and common consumption areas through Ordinance No. 10043, passed on November 8, 2021; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY COUNCIL OF PUEBLO, that: (brackets indicate matter being deleted, underscoring indicates new matter being added)

SECTION 1.

Section 11-3-73 of the Pueblo Municipal Code is hereby amended to read as follows:

Sec. 11-3-73. Entertainment district; creation; boundaries.

(a) In order to exercise the City's local option to allow common consumption areas in the City, the City Council and Mayor are hereby authorized to create, by ordinance, entertainment districts in the City.

(1) Entertainment districts shall fall entirely within the City Limits.

(2) Entertainment districts shall not exceed one hundred (100) acres and must contain at least twenty thousand (20,000) square feet of premises that, at the time the district is created, is licensed pursuant to this Article and Article 3 of Title 44 of the Colorado Revised Statutes as a:

- a. Tavern;
- b. Hotel and restaurant;
- c. Brew pub;
- d. Distillery pub;
- e. Vintner's restaurant;
- f. Beer and wine licensee;

- g. Manufacturer that operates a sales room pursuant to Section 44-3-402(2) or (7) of the Colorado Revised Statutes;
- h. Beer wholesaler that operates a sales room pursuant to Section 44-3-407(1)(b)(l) of the Colorado Revised Statutes;
- i. Limited winery;
- j. Lodging and entertainment facility licensee; or
- k. Optional premises.

(3) By establishing the entertainment district, the City authorizes the licensing of designated common consumption areas in which alcoholic beverages may be sold and consumed subject to the requirements of this Code and the Colorado Liquor Code.

(b) Pursuant to authority granted to the City Council by the Colorado Liquor Code, the City hereby authorizes and creates the entertainment district, hereafter referred to as "Entertainment District No. 1," more specifically described as:

Beginning at SW corner of W 4th St and N Santa Fe Ave; South to SW corner of W 2nd St and N Santa Fe Ave; West to SE corner of W 2nd St and N Main St; South to SE corner of W City Center Dr and Central Main St; East to SW corner of W City Center Dr and S Santa Fe Ave to include all sidewalks; South to SW corner Mechanic St and S Santa Fe Ave excluding Parcel #536139005-125 S Santa Fe Ave and attached sidewalk; SW along Mechanic St to vacated Richmond Ave; SE along NE vacated Richmond Ave to SW side of alley; continuing SW along alley to Alan Hamel Ave; NW on Alan Hamel Ave along outside edge of sidewalk approximately 100 feet; crossing Alan Hamel Ave to southside of sidewalk leading to, and including pedestrian bridge crossing the Riverwalk; continuing NW along Riverwalk, including sidewalk, to NW side of S Main St; NW to alley between S Main St and S Union Ave, including parcel # 536419011-101 S Main St.; Continuing along SE side of alley from the Riverwalk to the SW side of E B St.; SE along E B St to S Main St bridge; SE along bridge to RR ROW not to include area under bridge; NW along RR ROW to NW corner of parcel #536343002, 132 W B St, Union Depot; NE along parcel to W B St then SE approximately 145' along outside edge of sidewalk NE along S Victoria Ave and N Victoria Ave, including sidewalk, to SW corner of N Victoria Ave and S Grand Ave; North on S Grand Ave to SW corner of W City Center Dr; East to SE corner N Union Ave and W City Center Dr; North to northern side of alley between W 2nd St and W City Center Dr; East to N Main St including Central Plaza Park; North to SW corner N Main St and W 4th St, including sidewalk; East along W 4th St to beginning.

The map of Entertainment District No. 1 is attached hereto as Exhibit A and incorporated herein by this reference. In case of a conflict between the description in this subsection (b) and the map displayed in Exhibit A, the description in this subsection shall control.

SECTION 2.

City Council hereby finds that Entertainment District No. 1 falls entirely within the city limits, does not exceed one hundred (100) acres, and contains at least twenty thousand (20,000) square feet of liquor licensed premises.

SECTION 3.

The City authorizes the licensing of designated common consumption areas within Entertainment District No. 1; however, common consumption areas are not and will not be permitted anywhere outside of Entertainment District No. 1 at any time. Any noncontiguous location or other location that lies outside of or extends beyond the boundary of Entertainment District No. 1 shall not be included as part of the entertainment district, a common consumption area, or a certified promotional association.

SECTION 4.

Entertainment District No. 1 shall be operated in accordance with federal, state, and local law, including but not limited to Colorado Revised Statutes § 44-3-301 et seq. and Pueblo Municipal Code § 11-3-71 et seq. The City may at any time impose stricter limitations on entertainment districts and common consumption areas than those required at state law.

SECTION 5.

The officers and staff of the City are authorized to perform any and all acts consistent with this Ordinance and to implement the policies and procedures described therein.

SECTION 6.

This Ordinance shall become effective thirty (30) days after final action by the Mayor and City Council.

Action by City Council:

Introduced and initial adoption of Ordinance by City Council on _____.

Final adoption of Ordinance by City Council on _____.

President of City Council

Action by the Mayor:

Approved on _____.

Disapproved on _____ based on the following objections:

Mayor

Action by City Council After Disapproval by the Mayor:

Council did not act to override the Mayor's veto.

Ordinance re-adopted on a vote of _____, on _____

Council action on _____ failed to override the Mayor's veto.

President of City Council

ATTEST

City Clerk