

PUBLIC NOTICE

Notice is hereby given that the Town of Dolores Board of Trustees approved the following Ordinance.

**ORDINANCE NO 580
SERIES 2024
AN ORDINANCE AMENDING TITLE 5 OF THE DOLORES MUNICIPAL CODE
PERTAINING TO THE REGULATION OF ALCOHOL SALES**

WHEREAS, Colorado Revised Statutes, § 31-15-401 grants general police powers to the Board of Trustees to promulgate ordinances for the health, safety, and welfare of the public, including regulation of lands owned by the Town within its corporate boundaries.

WHEREAS, Colorado Revised Statutes, § 31-35-402 grants general powers to the Board of Trustees to regulate festivals, events and the sale of alcohol and promulgate ordinances for the health, safety, and welfare of the public, including regulation of lands owned by the Town within its corporate boundaries.

WHEREAS, there is a need to amend and modernize the Town’s ordinances pertaining to the manner in which special event permits and sale of alcohol are issued.

WHEREAS, the Board of Trustees, in order to promote the health, safety, and welfare of the public in order balance the benefits and burdens that come with the Town’s increasing popularity of special events, and changes to the manner in which alcohol is commonly sold, wishes to amend Section 5.04.040 and add additional section of the Dolores Municipal Code

NOW THEREFORE, BE IT ORDAINED BY TOWN OF DOLORES BOARD OF TRUSTEES THAT the following provisions shall be added to the Dolores Municipal Code:

Section 1. The following sections are added to the Dolores Municipal Code:

Section 5.24.150. - Festival permits.

A. Permit required. A licensee who wishes to host a festival shall first obtain a permit from the State and the Town, except a limited winery or winery licensee need not obtain a festival permit from the Town. A licensee applying for both a festival permit and a special event permit from the State need not obtain a festival permit from the Town.

B. Eligible licensees. The following license types are eligible to apply for a festival permit:

1. Beer and wine.
2. Brew pub.
3. Distillery pub.
4. Hotel and restaurant.
5. Manufacturer.
6. Tavern.

7. Vintner's restaurant; and
8. Wholesaler.

C. Participation. The licensee who hosts the festival shall be the licensee who files the application for the festival permit; provided that other licensees of the types described in subsection B hereof may jointly participate under the permit.

D. Number. Each festival permit shall allow the licensee to hold nine festivals during the 12-month period following the permit is issued.

E. Hours. In no case shall a festival be held for longer than 72 hours.

F. Application—Application for issuance of a festival permit. The applicant for a festival permit must:

1. Specify the licensed premises for the festival to be held; and
2. File the application with the Town Clerk at least 30 days before the festival is to be held.
3. Identify controlled access and boundaries to the festival for alcohol consumption, comply with security requirements deemed necessary by the Town, agree to adherence to nuisance issues, including trash removal and noise.
4. Pay the required application fee as set by the fee schedule pursuant to Section 2.34.010 of the Code.

G. Denial. The Town Clerk may deny an application for the following reasons:

1. A documented history of liquor violations.
2. The filing of an incomplete or late application; or
3. A finding that the application, if granted, would result in violation of State or local laws, rules, or regulations.

H. Supplemental applications. To hold any additional festival after the initial festival, which was described in the initial application, the permittee must notify the State and the Town Clerk at least 30 days prior to the additional festival being held of an intent to host a subsequent festival. If the Town is notified at least 30 days in advance of the subsequent festival, the subsequent festival is presumed to be approved unless the Town Clerk has grounds to deny the subsequent festival provided by subsection G of this section.

Chapter 5.25- Entertainment District

Section 5.25.010. - Definitions.

As used in this Chapter, the following words shall have the following meanings:

Common consumption area means a pedestrian area located wholly within the 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.

Common Consumption Area Law means Sections 44-3-301(11), 44-3-309, 44-3-910 of the Colorado Revised Statutes, as amended.

Entertainment District means the Town of Dolores Entertainment District with 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, hotel and restaurant, brew pub or vintner's restaurant at the time said District is created.

Licensee means a person to whom a license is granted by the Local Licensing Authority to manufacture or sell alcoholic beverages as provided under the Colorado Liquor Code.

Local Licensing Authority means the Board of Trustees of the Town of Dolores.

Promotional Association means an association that is incorporated within the State of Colorado that organizes and promotes entertainment activities within a common consumption area, is organized or authorized by two (2) or more persons who own or lease property within the Entertainment District and is certified by the Local Licensing Authority.

In addition to the definitions provided above, the other defined terms in Section 44-3-103, C.R.S. are incorporated into this Article by reference.

Section 5.25.020. - Creation of entertainment district and general requirements.

A. In order to exercise the Town's local option to allow common consumption areas in the Town and to effectuate the purposes and intent of Section 44-3-301(11), C.R.S., there is hereby designated the "Town of Dolores Entertainment District" whose boundaries are Central Avenue to the north, Third Avenue to the west, Railroad Avenue to the South; and Sixth Avenue to the east which is intended to include all properties within and adjoining said streets.

B. Properties may be included or excluded from the Entertainment District by resolutions of the Board of Trustees. By establishing the Entertainment District, the Town authorizes the licensing of designated common consumption areas in which alcoholic beverages may be sold and consumed subject to the requirements of this Article, the Code and the Common Consumption Area Law.

C. The Local Licensing Authority has the following powers with respect to common consumption areas and promotional associations:

1. Designate one (1) or more common consumption areas;
2. Certify or decertify a promotional association.
3. Authorize, de-authorize or refuse to authorize or reauthorize a licensee's attachment of licensed establishment to a common consumption area.
4. Impose reasonable conditions of approval on the licensing of common consumption areas, certification of promotional associations or the attachment of licensed establishments to common consumption area; and
5. Exercise all powers necessary to effectuate the purposes of the Common Consumption Area Law.

D. The standards for common consumption area licenses issued to promotional associations shall be in addition to all other standards applicable under this Article, the Code and the Colorado Liquor Code.

E. Decisions on applications for common consumption areas, promotional associations and inclusions and exclusions from the common consumption area shall be made by the Local Licensing Authority within thirty (30) days of receipt of a complete application therefor. A decision to deny any such application by the Local Licensing Authority shall be in writing and shall be provided to the applicant within five (5) business days of the decision having been rendered.

Section 5.25.030. - Communal outdoor dining areas.

A. Licensees eligible. The following types of licensees are eligible to have a communal outdoor dining area:

1. Beer and wine licenses.
2. Beer wholesaler that operates a sales room authorized under C.R.S. § 44-3-407(1)(b)(I), as amended.
3. Brew pub;
4. Distillery pub;
5. Fermented malt beverage retailer licensed for consumption on the premises;
6. Hotel and restaurant;
7. Limited winery;
8. Lodging and entertainment facility;
9. Manufacturer that operates a sales room authorized under C.R.S. § 44-3-402(2) or (7), as amended;
10. Optional premises;
11. Tavern; and
12. Vintner's restaurant.

B. Authorized. Communal outdoor dining areas are hereby authorized provided that at least two licensees have applied to share the communal outdoor dining area, and each licensee has:

1. Obtained a permit from the State Licensing Authority;
2. Obtained the following approvals from the State Licensing Authority and the local licensing authority:
 - i. For the attaching of the liquor license of the licensee to the communal outdoor dining area; and
 - ii. For a modification of the licensee premises to include the communal outdoor dining area.

3. Established that the communal outdoor dining area is within 1,000 feet of the permanent licensed premises of each licensee;

4. Have a right to occupy the premises sought for the communal outdoor dining area; and

5. Established the physical boundaries of the communal outdoor dining area in a manner to assure to the satisfaction of the local licensing authority that alcohol beverages will be kept within the physical boundaries of the communal outdoor dining area.

6. Paid the required application fee as set by the fee schedule pursuant to Section 2.34.010 of the Code.

C. Special event permittees. Special event permittees may hold a special event in a communal outdoor dining area, provided that such permit holder agrees, in writing, to comply with all State and local liquor laws, rules, and regulations and has written permission of the licensees of the communal outdoor dining area to hold the special event in the communal outdoor dining area.

D. State rules. Each licensee with an approved communal outdoor dining area shall comply with all applicable State rules, as amended.

Section 2. The Town Trustees hereby finds, determine, and declare that this Ordinance is promulgated under the general police power of the Town of Dolores, that it is promulgated for the health, safety, and welfare of the public, and that this Ordinance is necessary for the preservation of health and safety and for the protection of public convenience and welfare. The

Trustees further determine that the ordinance bears a rational relation to the proper legislative object sought to be attained.

Section 3. If any section, paragraph, clause or provision of this Ordinance shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of any such section, paragraph, clause or provision shall not affect any of the remaining provisions of this Ordinance.

Section 5. This Ordinance shall take effect immediately upon adoption. The Town of Dolores Board of Trustees hereby finds, determines and declares this ordinance is necessary for immediate preservation of the health, safety and welfare of its citizens.

Passed adopted and approved on September 23rd, 2024, second and final reading.

DOLORES BOARD OF TRUSTEES:

/s/ Tammy Neely

Dolores Town Clerk