

1 **BY AUTHORITY**

2 ORDINANCE NO. _____

3 SERIES OF 2019

COUNCIL BILL NO. CB19-

COMMITTEE OF REFERENCE:

4 Business Development

5 **A BILL**

6 **For an ordinance amending the alcohol beverages and retail marijuana chapter of**
7 **the Denver Revised Municipal Code to repeal language that is duplicative of state**
8 **law and to allow adult patrons of the national western center to consume malt,**
9 **vinous, or spirituous liquors within approved areas of the national western center.**

10 **BE IT ENACTED BY THE COUNCIL OF THE CITY AND COUNTY OF DENVER:**

11 **Section 1.** Article I of Chapter 6 shall be repealed and reenacted to read as follows:

12 **ARTICLE I. – NATIONAL WESTERN CENTER**

13 **Sec. 6-1. - Defined terms.**

14 As used in this article, the following words and phrases shall have the following meanings:

15 (1) *Alcohol beverage* means any fermented malt beverage or malt, vinous or spirituous
16 liquors, as defined in the Colorado Liquor Code.

17 (2) *Alcohol consumption area* means an area within the national western center that
18 is approved by the director for the purpose of allowing adult patrons to consume alcohol beverages
19 purchased from a vendor. An alcohol consumption area may include a vendor's licensed premises.

20 (3) *Colorado Liquor Code* means Article 3, Article 4, and Article 5 of Title 44 of the
21 Colorado Revised Statutes, as amended and any rules promulgated pursuant thereto.

22 (4) *Director* means the director of the Denver Department of Excise and Licenses.

23 (5) *Liquor license* means a license issued pursuant to the Colorado Liquor Code for
24 the sale of fermented malt beverages or malt, vinous, or spirituous liquors.

25 (6) *National western center* means the areas defined in Ordinance 0900, series of
26 2015 and Ordinance 0898, series of 2016, as those areas may be amended by land acquisition
27 ordinance(s).

28 (7) *Vendor* means a business that is licensed to sell alcohol beverages within the
29 national western center pursuant to the Colorado Liquor Code.

30 **Sec. 6-2. – Consumption of alcohol beverages – approval required.**

31 (a) It shall be unlawful to consume or to permit the consumption of alcohol beverages within
32 the national western center unless the consumption occurs:

33 (1) Within a vendor's licensed premises in compliance with the Colorado Liquor Code

1 and any other applicable laws, rules, and regulations; or

2 (2) Within an alcohol consumption area approved by the director and operating in
3 compliance with this article I, the Colorado Liquor Code, and any other applicable laws, rules, and
4 regulations.

5 (b) If the director approves the alcohol consumption area, the director shall issue an order
6 approving an alcohol consumption area. The order shall contain the following information, at
7 minimum:

8 (1) The hours and dates of operation of the alcohol consumption area;

9 (2) The boundaries of the alcohol consumption area,

10 (3) The names of the vendors that may allow patrons to exit or enter the vendor's
11 licensed premises with an alcohol beverage purchased within the national western center; and

12 (4) Any other conditions, requirements, or other information required by the director.

13 **Sec. 6-3. – Application.**

14 An application for an alcohol consumption area shall be made on forms provided by the
15 director and shall include, in addition to any information required by Chapter 32 of this Code, all
16 supplemental materials required by this article and any rules adopted pursuant thereto. The director
17 may, at the director's discretion, require additional documentation associated with the application,
18 as may be necessary, to enforce the requirements of the Colorado Liquor Code and this article I.
19 An application for an alcohol consumption area shall include the following minimum requirements:

20 (1) A site plan for the proposed alcohol consumption area indicating the boundaries
21 of the area and all vendors whose premises are included within the area, with the boundaries of the
22 proposed alcohol consumption area outlined in red;

23 (2) Proof of ownership or possession of all areas within the proposed alcohol
24 consumption area;

25 (3) A description of the proposed dates and hours of operation of the proposed alcohol
26 consumption area;

27 (4) Any permits or authorizations required for lawful operation of the proposed alcohol
28 consumption area including, but not limited to, right of way permits; and

29 (5) A security plan for the control and enforcement of state and local laws related to
30 consumption of alcohol beverages and the ejection or removal of intoxicated persons from the
31 proposed alcohol consumption area.

32 **Sec. 6-4. – Causes for denial.**

33 In addition to the grounds for denial of a license set forth in Chapter 32 of this Code, an

1 application for an alcohol consumption area may be denied if:

2 (1) The information and evidence available to and considered by the director fails to
3 reasonably establish that the proposed procedures for security and admission control will prevent
4 the consumption of alcohol beverages by underage persons in the alcohol consumption area;

5 (2) The proposed alcohol consumption area does not have adequate physical barriers
6 to close the area to motor vehicle traffic, limit pedestrian access, or clearly inform patrons of the
7 boundaries of the consumption area;

8 (3) The applicant fails to provide a complete application and documentation required
9 pursuant to section 6-3;

10 (4) The approval of an alcohol consumption area would adversely impact health,
11 welfare, or public safety;

12 (5) The applicant has previously been denied an alcohol consumption area; or

13 (6) The application fails to comply with all applicable state and local laws, and any
14 rules and regulations adopted pursuant thereto.

15 **Sec. 6-5. – Disciplinary actions.**

16 (a) In addition to the grounds provided in Chapter 32 of this Code, approval for an alcohol
17 consumption area may be suspended or revoked for any of the grounds for denial set forth in section
18 6-4 of this article I.

19 (b) Procedures for investigation of violations, and for suspension, revocation, or other
20 sanctions as a result of any such violation, shall be as provided in chapter 32 of the Code and any
21 rules and regulations promulgated by the director.

22 **Sec. 6-6. – Unlawful acts.**

23 (a) It shall be unlawful for any person to bring into an alcohol consumption area any alcohol
24 beverage purchased outside the alcohol consumption area.

25 (b) It shall be unlawful for any person approved to operate an alcohol consumption area to
26 permit a person to enter into an alcohol consumption area with an alcohol beverage purchased
27 outside the alcohol consumption area.

28 (c) It shall be unlawful for any person to remove an alcohol beverage from an alcohol
29 consumption area or for a person approved to operate an alcohol consumption area to permit the
30 removal of an alcohol beverage from the alcohol consumption area.

31 (d) It shall be unlawful for any person to consume alcohol beverages within the national
32 western center during the hours in which the sale of alcohol is prohibited pursuant to the Colorado
33 Liquor Code.

1 (e) It shall be unlawful for any vendor to sell or distribute alcohol outside of its liquor licensed
2 premises.

3 (f) It shall be unlawful for any person to violate any rule or regulation adopted by the director
4 pursuant to section 6-5.

5 **Sec. 6-7. – Rules and regulations.**

6 The director may make such reasonable rules and regulations as may be necessary for the
7 purpose of administering and enforcing the provisions of this article I and any other laws relating to
8 and affecting the approval of alcohol consumption areas within the national western center,
9 including but not limited to, the area(s) in which alcohol consumption is permitted, additional
10 requirements to control the security, requirements for vendors, and deadlines to submit applications.

11 **Section 2.** Article IV of Chapter 6 shall be amended by adding the language underlined to
12 read as follows:

13 **DIVISION 5. – UNLAWFUL ACTS**

14 **Sec. 6-105. - Solicitation of drinks.**

15 (a) It shall be unlawful for any person to frequent or loiter in any tavern, cabaret, nightclub or
16 other establishment where intoxicants are sold for the purpose of engaging in the practice of or with
17 the purpose of soliciting another person to purchase drinks.

18 (b) It shall be unlawful for the proprietor or operator of any such establishment to allow the
19 presence in such establishment of any person who violates the provisions of this section.

20 **Section 3.** Article II of Chapter 32 shall be amended by adding the language underlined and
21 deleting the language stricken to read as follows:

22 **Sec. 32-48. – Alcohol Beverages—Special events, and tastings, and alcohol**
23 **consumption areas.**

24 (a) Special events using alcohol beverages shall be subject to the following fees:

25 (1) Malt beverage, per day \$ 10.00

26 (2) Malt, vinous and spirituous liquor, per day 25.00

27 (b) Fees for permits for tastings of alcohol beverages shall be as follows:

28 (1) Application fee \$25.00

29 (2) Permit fee, per year 75.00

30 (c) Fees for approval for alcohol consumption areas shall be as follows:

31 (1) Application fee \$150.00

32 (2) Approval fee, per year \$150.00

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COMMITTEE APPROVAL DATE:
MAYOR-COUNCIL DATE:
PASSED BY THE COUNCIL: _____, 2019

_____- PRESIDENT
APPROVED: _____, 2019
ATTEST: _____ - CLERK AND RECORDER,
EX-OFFICIO CLERK OF THE
CITY AND COUNTY OF DENVER

NOTICE PUBLISHED IN THE DAILY JOURNAL: _____, 2019; _____, 2019
PREPARED BY: Reginald Nubine, Assistant City Attorney
DATE: _____, 2019

Pursuant to section 13-12, D.R.M.C., this proposed ordinance has been reviewed by the office of the City Attorney. We find no irregularity as to form and have no legal objection to the proposed ordinance. The proposed ordinance is not submitted to the City Council for approval pursuant to § 3.2.6 of the Charter.

Kristin Bronson, Denver City Attorney

BY: _____, Assistant City Attorney DATE: _____, 2019