

PROOF OF PUBLICATION

STATE OF COLORADO)
)
COUNTY OF EAGLE)

I, Jenny Rakow, Town Clerk for the Town of Eagle, do solemnly swear and affirm that I published in full a true and correct copy of TOWN OF EAGLE, COLORADO ORDINANCE NO. 12 (Series of 2021) AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF EAGLE, COLORADO AMENDING CHAPTER 5.10 OF THE EAGLE MUNICIPAL CODE AUTHORIZING FESTIVAL PERMITS, ALLOWING ADMINISTRATIVE APPROVAL OF FESTIVAL PERMITS, AND AUTHORIZING COMMUNAL OUTDOOR DINING AREAS” on the Town of Eagle’s web site, www.townofeagle.org, on the 29th day of September, 2021.

Witness my hand and seal this 29th day of September 2021.



Jenny Rakow
Town Clerk



Ordinance Effective Date:,
October 11, 2021

TOWN OF EAGLE, COLORADO
ORDINANCE NO. 12
(Series of 2021)

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF EAGLE, COLORADO AMENDING CHAPTER 5.10 OF THE EAGLE MUNICIPAL CODE AUTHORIZING FESTIVAL PERMITS, ALLOWING ADMINISTRATIVE APPROVAL OF FESTIVAL PERMITS, AND AUTHORIZING COMMUNAL OUTDOOR DINING AREAS

WHEREAS, Senate Bill 20-082 allows for municipalities to issue festival permits;

WHEREAS, the Town wishes to issue festival permits by administrative approval of the Town Clerk;

WHEREAS, House Bill 20-1027 allows for municipalities to authorize communal outdoor dining areas; and

WHEREAS, the Town wishes to authorize communal outdoor dining areas.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF EAGLE, COLORADO AS FOLLOWS:

Section 1. Section 5.10.010 of the Eagle Municipal Code is hereby amended with the addition of the following definition, to appear in alphabetical order:

Communal Outdoor Dining Area means an outdoor space that is used for food and alcohol beverages service by two or more licensees.

Section 2. Section 5.10.030 of the Eagle Municipal Code is hereby amended as follows:

Section 5.10.030. — Delegation of authority to the Town Clerk.

A. As set forth below, the Town Clerk is authorized to administratively review and approve liquor license renewals; transfers of ownership, including corporate and trade name changes and reports of changes for corporations, limited liability companies, and partnerships; changes of manager; ~~and~~ special event permits; and local festival permits.

* * *

5. *Local Festival Permits. The Town Clerk may administratively approve applications for the initial festival permit and all other subsequent applications, as described in Section 5.10.120, where, after reasonable investigation and consultation with the Eagle Police Department and other appropriate agencies, all the following circumstances are found to exist:*

- i. *The licensee applying for the permit does not have a history of violations;*
- ii. *The application is complete and timely; and*
- iii. *The application, if granted, would not result in a violation of state or local laws, rules, or regulations.*

Section 3. Chapter 5.10 of the Eagle Municipal Code is amended with a new Section 5.10.120 entitled "Festival Permits" to read as follows:

Section 5.10.120. — 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 (9) festivals during the twelve (12) month period following the permit is issued.

E. *Hours.* In no case shall a festival be held for longer than seventy-two (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 thirty (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.
3. 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 thirty (30) days prior to the additional festival being held of an intent to host a subsequent festival. If the Town is notified at least thirty (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.

Section 4. Chapter 5.10 of the Eagle Municipal Code is amended by the addition of a new Section 5.10.130, to read as follows:

Section 5.10.130. — 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 one thousand (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, provide 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.

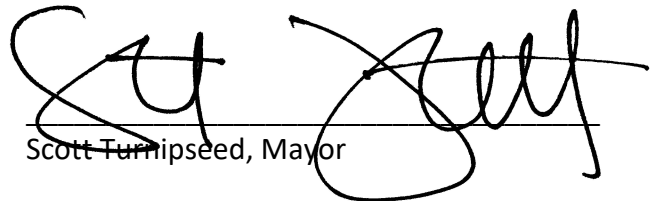
Section 5. Severability. If any article, section, paragraph, sentence, clause, or phrase of this Ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect the validity or constitutionality of the remaining portions of this Ordinance. The Town Council hereby declares that it would have passed this Ordinance and each part or parts hereof irrespective of the fact that any one, or part, or parts be declared unconstitutional or invalid.

Section 6. Safety. This Ordinance is deemed necessary for the protection of the public health, safety, and welfare.

Section 7. Effective Date. Pursuant to Section 6.03 of the Eagle Home Rule Charter, this Ordinance shall take effect 10 days after publication following adoption.

INTRODUCED, READ, PASSED, ADOPTED, AND ORDERED PUBLISHED ON SEPTEMBER 28, 2021.

TOWN OF EAGLE, COLORADO



Scott Turnipseed, Mayor

ATTEST:



Jenny Rakow, Town Clerk