

STATE OF COLORADO
COUNTY OF GILPIN
CITY OF BLACK HAWK

COUNCIL BILL NUMBER: CB31

ORDINANCE NUMBER: 2021-31

TITLE: AN ORDINANCE AMENDING SECTION 6-73 OF THE BLACK HAWK MUNICIPAL CODE AND ADDING A NEW SECTION 6-79 RELATING TO COMMUNAL DINING AREAS

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BLACK HAWK, GILPIN COUNTY:

Section 1. Section 6-73 of the City of Black Hawk Municipal Code is hereby amended as follows:

Sec 6-73. Administrative Approval.

(a) In addition to the authority vested in the City Clerk pursuant to Section 6-55, 6-56, 6-57, ~~and 6-78~~; *and 6-79* of this Article, the City Clerk is authorized to administratively approve the following:

* * *

- (3) Change of trade name;
- (4) Change of corporate structure; ~~and~~
- (5) Approval of festival permits; and

(6) Approval of communal dining areas.

Section 2. Article II of Chapter 6 of the City of Black Hawk Municipal Code is hereby amended with the addition thereto of a new Section 6-79 entitled "Communal Outdoor Dining Areas" to read as follows:

Sec 6-79. Communal Outdoor Dining Areas.

(a) Definitions. The following words, terms, and phrases, when used in this Article, shall have the meanings ascribed to them in this Section, except where the context clearly indicates a different meaning:

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

Licensee means a person or entity who holds one of the following types of liquor or fermented malt beverage license:

- (1) Tavern;

- (2) Hotel and Restaurant;
- (3) Brew Pub;
- (4) Distillery Pub;
- (5) Vintner's Restaurant;
- (6) Beer and Wine;
- (7) Manufacturer that operates a sales room authorized under C.R.S. §44-3-402(2) or (7);
- (8) Beer Wholesaler that operates a sales room authorized under C.R.S. § 44-3-407(1)(b)(I);
- (9) Limited Winery;
- (10) Lodging and Entertainment Facility;
- (11) Optional Premises; or
- (12) Fermented malt beverage retailer licensed for consumption on the premises.

(b) Communal Outdoor Dining Areas Authorized. Communal outdoor dining areas are hereby authorized provided that at least two licensees have applied to share the communal outdoor dining 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) Attaching the liquor license of the licensee to the communal outdoor dining area;
 - (II) 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 the licensee.

(c) Special Event Permits. Special Event Permit holders may hold the special event in a communal dining area, provided that the Special Event 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) Administrative Approval. The City Clerk is authorized to administratively approve on behalf of the local licensing authority a licensee to have a communal outdoor dining area.

(e) State Rules Applicable. Each licensee that has an approved communal outdoor dining area must comply with all state rules and regulations as adopted and amended by the State Licensing Authority.

(f) Violations and Penalty.

(1) If a violation of state or local law, rule, or regulation occurs within the communal outdoor dining area and the licensee responsible for the violation is identified, then that licensee is subject to discipline as provided by Sections 6-71 and 6-130 of this Code.

(2) If a violation of state or local law, rule, or regulation occurs within the communal outdoor dining area and the licensee responsible for the violation cannot be identified, then all licensees whose license is attached to the communal outdoor dining area may be deemed jointly responsible and subject to discipline as provided by Sections 6-71 and 6-130 of this Code.

Section 3. Safety Clause. The City Council hereby finds, determines, and declares that this Ordinance is promulgated under the general police power of the City of Black Hawk, 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 City Council further determines that the Ordinance bears a rational relation to the proper legislative object sought to be attained.

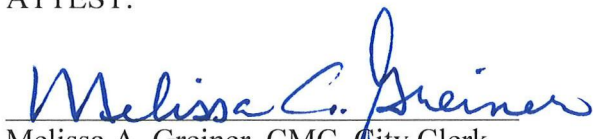
Section 4. Severability. If any clause, sentence, paragraph, or part of this Ordinance or the application thereof to any person or circumstances shall for any reason be adjudged by a court of competent jurisdiction invalid, such judgment shall not affect application to other persons or circumstances.

Section 5. Effective Date. The City Clerk is directed to post the Ordinance as required by the Charter. This Ordinance shall become effective upon posting by the City Clerk.

READ, PASSED AND ORDERED POSTED this 13th day of October, 2021.


David D. Spellman, Mayor

ATTEST:


Melissa A. Greiner, CMC, City Clerk

