



COLORADO

Department of Revenue

Enforcement Division - Liquor & Tobacco

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BULLETIN 14-01

REFERENCE: ENTERTAINMENT DISTRICTS AND HOURS OF OPERATION

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A thorough review of Sections 12-47-301(11) and 12-47-909 C.R.S., which govern entertainment districts and common consumption areas was conducted. The Liquor Enforcement Division (Division), in consultation with the Colorado Attorney General's Office, believes a local licensing authority has the following authority to set hours of operation outside of the 2 a.m. to 7 a.m. restriction found in 12-47-901(5b), subject to the conditions and requirements laid out in Section 12-47-301(11). The following bullet points provide an overview of criteria and process in order to set the hours of operation and consumption in a common consumption area.

Ordinance/Resolution Governance

- A governing body of a local licensing authority must adopt a local ordinance or resolution establishing an entertainment district. (Section 12-47-301(11)(b)).
- This ordinance or resolution can impose stricter limits for hours that a common consumption area may be operated than would otherwise be allowed by the Local Licensing Authority. (Section 12-47-301(11)(b)).
- The Local Licensing Authority is bound by any hour restrictions in the local ordinance or resolution. (Section 12-47-301(11)(b)).

Certified Promotional Association

- A local licensing authority must properly certify a promotional association to operate a common consumption area. (Section 12-47-301(11)(c), including (11)(c)(III)).
- The certified promotional association must, among other things, establish a board of directors with membership from the licensed premises attached to the common consumption area, and submit an annual report that includes the common consumption area's hours of operation. (Section 12-47-301(11)(c)(II)(A) – (C)).
- The certified promotional association must operate a common consumption area. (Section 12-47-301(11)(c)(I)).
- The common consumption area must meet the statutory requirements. (section 12-47-301(11)(c)(III)).

Local Licensing Authority may set hours as allowed by local ordinance or resolution

- The local licensing authority may set hours during which a common consumption area and attached licensed premises may serve and consume alcohol. (Section 12-47-301(11)(f)).

- The hours, however, must comply with any restrictions the local ordinance or resolution might contain. (Sections 12-47-301(11)(b) and (f) and 12-47-909(1)(e)).
- If the local ordinance or resolution does not restrict alcohol service to an earlier time, the Local Licensing Authority may allow a certified promotional association to operate a common consumption area past 2:00 a.m. (Sections 12-47-301(11)(b) and (f)).

Although Sections 12-47-301 and 12-47-909 provide a mechanism by which a common consumption area within an entertainment district may be granted authorization to operate outside of the 2 a.m. to 7 a.m. general restriction, it is important to note that liquor regulation is a matter of statewide concern. It is entirely possible that hours of operation and consumption could vary for each common consumption area and the attached licensed premises. As a result, to ensure that the Division can effectively identify which licensees are lawfully operating after 2:00 a.m., it is important that good communication occurs between the local licensing authorities and the Division. Therefore, the Division anticipates seeking a rule change to have local licensing authorities communicate any relevant information regarding the common consumption areas within an entertainment district, such as hours of operation and/or consumption of alcohol and the locations of the common consumption areas and the attached licensed premises.