

ORDINANCE NO. 17

Series 2017

AN ORDINANCE AMENDING TITLE 12 OF THE BRECKENRIDGE TOWN CODE
CONCERNING THE PLANT INVESTMENT FEE FOR RESTAURANTS AND LOUNGES

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF BRECKENRIDGE,
COLORADO:

Section 1. Section 12-1-6 of the Breckenridge Town Code is amended by the addition of the following definition2:

LIQUOR MANUFACTURER SALES ROOM: An area approved as a liquor manufacturer sales room by the State of Colorado pursuant to the Colorado Liquor Code in which the holder of an alcohol beverage license sells and serve alcohol beverages for consumption on the licensed premises, sells alcohol beverages for consumption of the licensed premises, or both.

LOUNGE: An establishment the principal business of which is the sale of alcoholic beverages at retail for consumption on the premises, and which is appropriately licensed under the Colorado Liquor Code or the Colorado Beer Code. The square footage of an approved liquor manufacturer sales room shall be included in the square footage of a lounge, whether located in the main licensed premises of the lounge, or at a location that is not part of the main licensed premises. For the purpose of this definition, the holder of a hotel and restaurant liquor license issued pursuant to the Colorado Liquor Code shall be deemed to be a retail food service establishment, and not a lounge.

RESTAURANT: An establishment that stores, prepares, or packages food or drink for human consumption or serves or otherwise provides food for human consumption to consumers directly or indirectly through a delivery service, whether such food is consumed on or off the premises or whether there is a charge for such food. A retail food establishment may or may not hold a hotel and restaurant license under the Colorado Liquor Code. The term "food service establishment" includes, but is not limited to, restaurants, delicatessens, and snack bars.

"Retail Food Establishment" does not include:

- a. Any private home;
- b. Private boarding houses;
- c. Appropriately licensed hospital and health facility patient feeding operations;
- d. Appropriately licensed child care centers and other child care facilities;
- e. Hunting camps and other outdoor recreation locations where food is prepared in the field rather than at a fixed base of operation;
- f. Food or beverage wholesale manufacturing, processing, or packaging plants, or portions thereof, that are subject to regulatory controls under state or federal laws or regulations;
- g. Motor vehicles used only for the transport of food;
- h. Establishments that handle only nonpotentially hazardous prepackaged food, and operations serving only commercially prepared, prepackaged foods requiring no preparation other than the heating of food within its original container or package;
- i. Farmers markets and roadside markets that offer only uncut fresh fruit and vegetables for sale;
- j. Automated food merchandising enterprises that supply only prepackaged nonpotentially hazardous food or drink or food or drink in bottles, cans, or cartons only, and operations that dispense only chewing gum or salted nuts in their natural protective covering;
- k. The donation, preparation, sale, or service of food by a nonprofit

or charitable organization in conjunction with an event or celebration.

Section 2. The portion of Section 12-4-10A of the Breckenridge Town Code that concerns the "Water User Class" and "SFE" amount for "snack bars and delicatessens, per 1,000 square feet of building space" is deleted.

Section 3. The portion of Section 12-4-10A of the Breckenridge Town Code that concerns the "Water User Class" and "SFE" amount for "restaurants and lounges, per 1,000 square feet of building space" is amended to read as follows:

<u>Water User Class</u>	<u>SFE</u>
Restaurants and lounges, per 1,000 square feet of building space	3.75

Section 4. Except as specifically amended hereby, the Breckenridge Town Code, and the various secondary codes adopted by reference therein, shall continue in full force and effect.

Section 5. The Town Council hereby finds, determines and declares that it has the power to adopt this ordinance pursuant to the provisions of Section 31-35-402, C.R.S., and the powers possessed by home rule municipalities in Colorado.

Section 6. This ordinance shall be published as required by Section 5.9 of the Breckenridge Town Charter.

Section 7. This ordinance, except Section 3, shall become effective as provided in Section 5.9 of the Breckenridge Town Charter. Section 3 of this ordinance shall become effective on January 1, 2018.

INTRODUCED, READ ON FIRST READING, APPROVED AND ORDERED PUBLISHED IN FULL this 25th day of April, 2017.

This ordinance was published in full on the Town of Breckenridge website on April 26, April 27, April 28, April 29 and April 30, 2017.

A public hearing on this ordinance was held on May 9, 2017.

READ, ADOPTED ON SECOND READING AND ORDERED PUBLISHED IN FULL ON THE TOWN'S WEBSITE this 9th day of May, 2017. A copy of this Ordinance is available for inspection in the office of the Town Clerk.

ATTEST: TOWN OF BRECKENRIDGE

_____/s/_____
Helen Cospolich, CMC, Town Clerk

_____/s/_____
Eric S. Mamula, Mayor

APPROVED IN FORM

_____/s/_____
Town Attorney Date

This Ordinance was published on the Town of Breckenridge website on May 11, May 12, May 13, May 14 and May 15, 2017. This ordinance shall become effective on June 14, 2017.