

CITY OF WHEAT RIDGE, COLORADO
INTRODUCED BY COUNCIL MEMBER STITES
Council Bill No. 17
Ordinance No. 1472
Series 2010

TITLE: AN ORDINANCE REPEALING AND REENACTING SECTION 11-53 OF THE WHEAT RIDGE CODE OF LAWS CONCERNING APPLICATION OF THE STATE LIQUOR LAWS WITHIN THE CITY

WHEREAS, the City of Wheat Ridge ("City") is a home rule municipality having all powers conferred by Article XX of the Colorado Constitution; and

WHEREAS, the City Council ("Council") has exercised these powers by the adoption of Article III of Chapter 11 of the Wheat Ridge Code of Laws concerning alcoholic beverages; and

WHEREAS, pursuant to that article and the provisions in the Colorado Liquor Code, Section 12-47-101 *et seq.*, C.R.S., the City issues licenses to businesses seeking to sell malt, vinous, or spirituous liquors; and

WHEREAS, pursuant to Section 12-47-313(1)(d)(I), C.R.S., all classes of liquor licensed premises within the City must be at least "five hundred feet from any public or parochial school or the principal campus of any college, university, or seminary;" and

WHEREAS, pursuant to Section 12-47-313(1)(d)(III), C.R.S., Council is authorized to reduce or eliminate that distance limitation for any and all classes of licenses; and

WHEREAS, Council wishes to eliminate the five hundred foot distance requirement in Section 12-47-313(1)(d)(I), C.R.S., for all hotel and restaurant licensed premises within the City.

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WHEAT RIDGE, COLORADO:

Section 1. Section 11-53 of the Wheat Ridge Code of Laws is repealed in its entirety and reenacted to read as follows:

- (a) The licensing authority shall be governed by state law now in effect or subsequently amended and the rules and regulations of the Executive Director of the Department of Revenue of the State of Colorado, as the state licensing authority, which shall apply to the licensing of fermented malt beverages and malt, vinous and spirituous liquors within the city, where applicable. In the event of a conflict between such and any provisions set forth in this chapter, the more restrictive requirement shall prevail.

(b) Notwithstanding the provisions in subsection (a) to the contrary, the distance restrictions imposed by Section 12-47-313(1)(d)(I), C.R.S., prohibiting the sale of malt, vinous or spirituous liquor within five hundred (500) feet of any public or parochial school or the principal campus of any college, university or seminary, are eliminated for hotel and restaurant licenses issued pursuant to this article.

Section 2. Severability, Conflicting Ordinances Repealed. If any section, subsection or clause of this Ordinance shall be deemed to be unconstitutional or otherwise invalid, the validity of the remaining sections, subsections and clauses shall not be affected thereby. All other ordinances or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed.

Section 3. Effective Date. This Ordinance shall take effect fifteen (15) days after final publication, as provided by Section 5.11 of the Charter.


INTRODUCED, READ, AND ADOPTED on first reading by a vote of 7 to 0 on this 25th day of October, 2010, ordered published in full in a newspaper of general circulation in the City of Wheat Ridge, and Public Hearing and consideration on final passage set for **Monday, November 8, 2010 at 7:00 p.m.**, in the Council Chambers, 7500 West 29th Avenue, Wheat Ridge, Colorado.

READ, ADOPTED AND ORDERED PUBLISHED on second and final reading by a vote of 8 to 0, this 8th day of NOVEMBER, 2010.

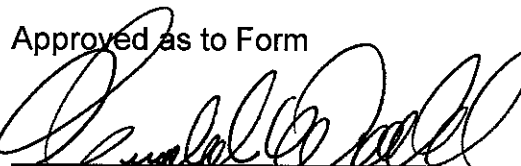
SIGNED by the Mayor on this 8th day of November, 2010.


Jerry DiTullio, Mayor

ATTEST:


Michael Snow, City Clerk



Approved as to Form

Gerald E. Dahl, City Attorney

First Publication: October 28, 2010
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