

CITY OF WHEAT RIDGE, COLORADO
INTRODUCED BY COUNCIL MEMBER POND
Council Bill No. 04
Ordinance No. 1510
Series 2012

TITLE: AN ORDINANCE AMENDING SECTION 11-53(b) 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 beer and wine licenses, brew pub licenses, arts licenses, and vintner's restaurant licenses that are 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(b) of the Wheat Ridge Code of Laws is amended to read as follows:

- (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 all hotel and restaurant licenses, BEER AND WINE LICENSES, BREW PUB LICENSES, ARTS LICENSES, AND VINTNER'S RESTAURANT LICENSES issued pursuant to this article.

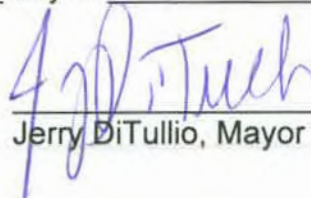
Section 2. Severability, Conflicting Ordinances Repealed. If any section, subsection or clause of this Ordinance shall be deemed to be unconstitutional or otherwise invalid, the validity of the remaining sections, subsections and clauses shall not be affected thereby. All other ordinances or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed.

Section 3. Effective Date. This Ordinance shall take effect upon adoption and signature of the Mayor as provided by Section 5.11 of the Charter.

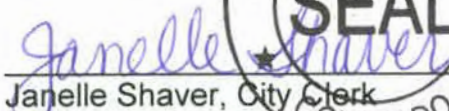
INTRODUCED, READ, AND ADOPTED on first reading by a vote of 8 to 0 on this 14th day of May, 2012, ordered published in full in a newspaper of general circulation in the City of Wheat Ridge, and Public Hearing and consideration on final passage set for **Monday, June 11, 2012 at 7:00 p.m.**, in the Council 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 11th day of June, 2012.

SIGNED by the Mayor on this 12th day of June, 2012.

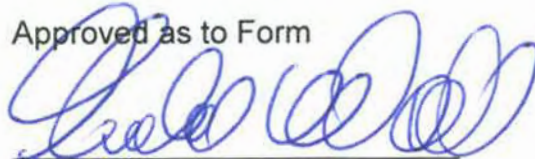

Jerry DiTullio, Mayor

ATTEST:


Janelle Shaver, City Clerk



Approved as to Form


Gerald E. Dahl, City Attorney

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