

ORDINANCE NO. 17
Series of 2020

**AN ORDINANCE OF THE TOWN OF CARBONDALE, COLORADO AMENDING
CHAPTER 10, ARTICLE 7 OF THE MUNICIPAL CODE OF THE TOWN OF
CARBONDALE TO EXEMPT CERTAIN CLASSES OF ALCOHOL BEVERAGE
LICENSES FROM THE DISTANCE FROM SCHOOLS RESTRICTIONS**

WHEREAS, the Colorado Liquor Code, C.R.S. § 44-3-313(1)(d)(I) and § 44-3-313(1)(e)(I), prohibits the issuance of new licenses for the sale of different categories of alcohol beverages from being located in buildings within 500 feet of “any public or parochial school or the principal campus of any college, university, or seminary”; and

WHEREAS, pursuant to C.R.S. § 44-3-313(1)(d)(III) and § 44-3-313(1)(e)(III), a municipality may eliminate or modify the distance restrictions; and

WHEREAS, the Board of Trustees has received and considered a request to modify the distance restrictions within the Town of Carbondale; and

WHEREAS, the Board of Trustees finds and determines that the adoption of the code amendments set forth herein and the elimination of the distance restrictions for certain classes of alcohol beverage licenses issued within the Town is in the interest of the public health, safety, and welfare by affording flexibility to licensed premises that are licensed to sell alcohol primarily for on-premises consumption while maintaining and furthering the statutory intent to protect schoolchildren from liquor and intoxicated customers.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF CARBONDALE, COLORADO that the Town of Carbondale Municipal Code shall be amended as follows:

1. The foregoing recitals are hereby adopted as findings and determinations of the Board of Trustees.

2. Chapter 10, Article 7 of the Town of Carbondale Municipal Code shall be amended by deleting the language stricken and adding the language underlined to read as follows:

Sec. 10-7-10. - Definitions.

School means a public, parochial, or nonpublic school that provides a basic academic education in compliance with school attendance laws for students in grades one through twelve. “Basic academic education” has the same meaning as set forth in Section 22-33-104(2)(b), C.R.S., as may be amended from time to time.

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Sec. 10-7-50. - Sales near schools.

It is unlawful for any person to sell, offer or expose for sale or gift any fermented malt beverage or any vinous, spirituous or malt liquors within a distance of 500 feet from any ~~public or parochial~~ school or the principal campus of any college, university or seminary, said distance to be computed by direct measurement from the nearest property line of the school property, using a route of direct pedestrian access. This prohibition shall not apply to hotel and restaurant, tavern, distillery pub, beer and wine, arts, optional premises, and brew pub licenses. However, this prohibition shall not affect the rights of any person holding a lawful permit or license to conduct such business within the restricted area hereby established; nor shall this prohibition prevent the renewal or reissuance, upon the expiration thereof, of any license in effect, or affect any such business as set forth in C.R.S. § 44-3-302.

3. This Ordinance shall be effective upon posting and publication in accordance with the Carbondale Home Rule Charter.

INTRODUCED, READ AND PASSED THIS 8th day of December, 2020.

TOWN OF CARBONDALE, COLORADO
a Colorado home rule municipal corporation,



Dan Richardson, Mayor

ATTEST:



Cathy Derby, Town Clerk

POSTED: 12/9/2020
PUBLISHED: 12/17/2020
EFFECTIVE: 1/17/2020

