

ORDINANCE NO. 2018-036

**AN ORDINANCE AMENDING CHAPTER 5.08 OF THE
CASTLE ROCK MUNICIPAL CODE BY THE CREATION OF A NEW SECTION
5.08.015 ENTITLED LICENSED PREMISES; AND MAKING OTHER MINOR
MODIFICATIONS TO CHAPTER 5.08**

WHEREAS, the Town of Castle Rock is a home rule municipality organized under the laws of the state of Colorado; and,

WHEREAS, the Town of Castle Rock has created a Liquor Licensing Authority to review and license applications for the sale at retail of malt, vinous or spirituous liquors and fermented malt beverages, as provided by law, conduct investigations as are required by law and suspend or revoke such licenses for cause in the manner provided by law having all of the powers of a local licensing authority, as set forth in Articles 46, 47 and 48 of Title 12, C.R.S.; and,

WHEREAS, due to recent state legislation reorganizing existing liquor statutes into a new Title 44, effective October 1, 2018, the Town of Castle Rock requires an update to the existing citations throughout the Castle Rock Municipal Code; and,

WHEREAS, the Town has determined that a more comprehensive list of license fees will further assist both the recent dynamic business models seeking liquor licensing and new liquor license classes formed by the state; and,

WHEREAS, providing economic opportunities for a full range of businesses that require a liquor license from the Town of Castle Rock within a zoning district in which liquor license establishments are a use by right is encouraged; and,

WHEREAS, opportunities for these businesses within a zoning district in which liquor license establishments are a use by right may be precluded due to the location of a public or parochial school or the principal campus of any college, university, or seminary schools within five hundred (500) feet from the boundary of the proposed business as established in C.R.S. 12-47-313 (1) (d) (I); and,

WHEREAS, the Town has determined that the setback is a limitation on businesses within a zoning district in which liquor license establishments are a use by right; and,

WHEREAS, the Town seeks to ensure that existing schools are not impacted by the amendments to the five hundred (500) feet boundary; and,

WHEREAS, C.R.S. 12-47-313 (1) (d) (III) permits the local licensing authority of any municipality by ordinance, to eliminate or reduce the distance restrictions imposed for any class of license; and,

WHEREAS, many municipalities have modified, reduced, or eliminated distance restrictions for various classes of liquor licenses.

NOW, THEREFORE, IT IS ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF CASTLE ROCK, COLORADO:

Section 1. Amendment. Section 5.08.010 of the Castle Rock Municipal Code repealed and reenacted in its entirety to read as follows:

5.08.010 License application fee.

Each application for a liquor and/or beer license filed with the Town Clerk shall be accompanied by an application fee at the rates set forth in the “Liquor License Fee Schedule” adopted by the Town Manager, provided such application fee shall not exceed the rates set forth in CRS §44-3-505, as amended.

Section 2. Amendment. Chapter 5.08 of the Castle Rock Municipal Code is amended to add a new Section 5.08.015 entitled Location of premises, to read as follows:

5.08.015 Licensed premises.

A. Except as provided in subsection B, the distance restrictions imposed by C.R.S. § 44-3-313(1)(d), as amended, prohibiting the sale of alcohol beverages within 500 feet of any public, parochial, or non-public school or the principal campus of any college, university, or seminary are eliminated.

B. The distance elimination in subsection A shall not apply to public, parochial, or non-public schools in operation as of October 31, 2018, unless the school has submitted an unconditional waiver of the application of this subsection in writing to the Town.

Section 3. Amendment. Section 5.08.070 of the Castle Rock Municipal Code is amended in its entirety to read as follows:

5.08.070 - Service schedule.

For the purposes of this section, forty-eight (48) hours’ notice is two (2) business days, actual notice to be received at the Town Clerk's office during normal business hours.

A. Prior to serving at any optional premises location, the license holder shall submit to the Town Clerk’s office, with a minimum of forty-eight (48) hours’ notice, the exact dates, times and locations to be used under the license.

B. With the annual renewal application, the license holder shall submit a schedule of normal operating hours and days to the Town Clerk's office. The Town Clerk shall be notified within at least forty-eight (48) hours in advance of any change to the use of the optional premise license.

Section 4. Amendment. Section 5.08.090 of the Castle Rock Municipal Code is amended to read as follows:

5.08.090 Issuance.

The issuance of any optional premises license shall be at the discretion of the Town of Castle Rock Liquor Licensing Authority who reserves the right to deny any such request or to place thereon any additional standards or requirements which it, in its discretion, deems appropriate.

Section 5. Severability. If any clause, sentence, paragraph, or part of this ordinance or the application thereof to any person or circumstances shall for any reason be adjudged by a court of competent jurisdiction invalid, such judgment shall not affect the remaining provisions of this ordinance.

Section 6. Safety Clause. The Town Council finds and declares that this ordinance is promulgated and adopted for the public health, safety and welfare and this ordinance bears a rational relation to the legislative object sought to be obtained.

APPROVED ON FIRST READING this 18th day of September, 2018 by a vote of 7 for and 0 against, after publication in compliance with Section 2.02.100.C of the Castle Rock Municipal Code; and

PASSED, APPROVED AND ADOPTED ON SECOND AND FINAL READING this 2nd day of October, 2018, by the Town Council of the Town of Castle Rock by a vote of__ for and __ against.

ATTEST:

TOWN OF CASTLE ROCK

Lisa Anderson, Town Clerk

Jennifer Green, Mayor

Approved as to form:

Approved as to content:

Robert J. Slentz, Town Attorney

Lisa Anderson, Town Clerk