

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

ORDINANCE NO. 7939

AN ORDINANCE AMENDING SECTION 4-2-4, "STATE LAW PROCEDURES APPLY" OF THE B.R.C. 1981 BY CHANGING THE CLASS OF LIQUOR LICENSE FROM A HOTEL-RESTAURANT LICENSE TO BOTH A BEER AND WINE AND HOTEL-RESTAURANT LICENSE FOR PURPOSES OF THE EXISTING FIVE HUNDRED FOOT DISTANCE WAIVER, AND SETTING FORTH RELATED DETAILS.

WHEREAS, THE CITY COUNCIL OF THE CITY OF BOULDER, COLORADO, FINDS AND RECITES THE FOLLOWING:

A. Findings.

1. In 2004, City Council adopted Resolution No. 960 to acknowledge the city's leadership role in addressing overconsumption of alcohol as an important health, safety, and welfare issue in the community.
2. State law mandates that a liquor license cannot be applied for within five hundred feet of a school or principal campus of a university unless there is a local ordinance that allows for elimination or reduction of the five hundred foot rule.
3. On September 1, 1987, the city passed Ordinance No. 5069 which removed the University of Colorado campus from the application of the five hundred foot distance limitation for Hotel-Restaurant liquor licenses only.
4. City Council has determined that amending the existing waiver by changing the class of liquor license from a Hotel-Restaurant liquor license to both a Beer and Wine and Hotel-Restaurant liquor license supports the goals of Resolution No. 960.

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

Section 1. Section 4-2-4, B.R.C. 1981, is amended to read:

4-2-4 State Law Procedures Apply.

(a) Provisions of the Colorado Liquor Code and the Colorado Beer Code governing procedures for applications, hearing, and decisions for state liquor or fermented malt beverages apply for city licenses.

1 | ~~(1)~~ The principal campus of the University of Colorado is eliminated from the application of
2 | the five hundred foot distance restriction of subparagraph 12-47-313(1)(d)(I), C.R.S., for
3 | hotel-restaurant and beer and wine liquor licenses only. For the purposes of this section, the
4 | principal campus is defined as the area generally circumscribed by Broadway Street on the
5 | west; Baseline Road on the south; 28th Street, Colorado Avenue and Folsom Street on the
6 | east; and Boulder Creek, 17th Street and University Avenue on the north.

7 | ~~(2) The five hundred foot distance restrictions of subparagraph 12-47-313(1)(d)(I), C.R.S. as
8 | it applies to the principal campus of Boulder High School shall be changed to four hundred
9 | feet for hotel-restaurant liquor licenses only. In addition, the distance change shall only apply
10 | to establishments with full kitchen facilities, with a seating capacity not to exceed thirty five,
11 | and with a square footage not to exceed 1,200 square feet.~~

12 | (b) The optional procedures set forth in subsections 12-47-601(3) to (6), C.R.S., are accepted and
13 | adopted for application by the Beverage Licensing Authority.

14 | Section 2. This ordinance is necessary to protect the public health, safety, and welfare of
15 | the residents of the city, and covers matters of local concern.

16 | Section 3. The City Council deems it appropriate that this ordinance be published by title
17 | only and orders that copies of this ordinance be made available in the office of the city clerk for
18 | public inspection and acquisition.

19 | INTRODUCED, READ ON FIRST READING, AND ORDERED PUBLISHED BY
20 | TITLE ONLY this 1st day of October, 2013

21 | _____
22 | Mayor

23 | Attest:

24 | _____
25 | City Clerk

1 READ ON SECOND READING, PASSED, ADOPTED, AND ORDERED
2 PUBLISHED BY TITLE ONLY this ____ day of _____ 2013.

3
4 _____
Mayor

5 Attest:

6
7 _____
City Clerk