



## ORDINANCE NO. 376

### REDUCING THE DISTANCE FROM SCHOOL FACILITIES FOR HOTEL AND RESTAURANT CLASS LIQUOR LICENSE

**WHEREAS**, pursuant to Section 12-47-313(1)(d)(III), C.R.S., the Board of Trustees of the City of Creede, acting as the Local Licensing Authority, may by ordinance act to modify the required distance between school facilities and a certain class of liquor license; and

**WHEREAS**, the Board of Trustees has determined that reduction of the required distance between school facilities and an establishment seeking a hotel and restaurant license is necessary; and

**WHEREAS**, the Board of Trustees finds that ordinance will thereby promote the health, safety and general welfare of the Creede community.

**NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE CITY OF CREEDE, COUNTY OF MINERAL, STATE OF COLORADO, THAT:**

**Section 1. Recitals Incorporated.** The above and foregoing recitals are incorporated herein by reference and adopted as findings and determinations of the Board of Trustees.

**Section 2. Amendment to Section 10-8-60 of the Creede Municipal Code.** Section 10-8-60 of the Creede Municipal Code is hereby repealed and reenacted as follows:

**“Sec. 10-80-60. Sales near schools.**

It is unlawful for any hotel or restaurant license, as defined in Section 12-47-411, C.R.S. to be issued for any premises within a distance of one hundred (100) feet from any private, public or parochial school. It is unlawful for any other class of license, as listed in Section 12-47-401, C.R.S. to be issued for any premises within a distance of two hundred and sixty (260) feet from any private, public or parochial school. Said distance to be computed by direct measurement from the nearest property line of the land used for school purposes to the nearest portion of the building in which liquor is to be sold, using a route of direct pedestrian access. However, this prohibition shall not affect the rights of any person holding, at the time of the initial ordinance codified herein, a lawful permit or license to conduct such business within the restricted area hereby established; nor shall such prohibition prevent the renewal upon the expiration thereof any license in effect at such time authorizing such business within the restricted area hereby established.”

**Section 3. Correction of Errors.** City Staff is authorized to correct any typographical, grammatical, cross-reference, or other errors which may be discovered in any documents associated with this Ordinance and documents approved by this Ordinance provided that such correction do not change the substantive terms and provisions of such documents.

**Section 4. Severability.** If any provision of this Ordinance, or the application of such provision to any person or circumstance, is for any reason held to be invalid, such invalidity shall not affect other provisions or application of this Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared to be severable. The Board of Trustees hereby declares that it would have passed this Ordinance and each provision thereof, even though any one of the provisions might be declared unconstitutional or invalid. As used in this Section, the term “provision” means and includes any part, division, subdivision, section, subsection, sentence, clause or phrase; the term “application” means and includes an application of an ordinance or any part thereof, whether considered or construed alone or together with another ordinance or ordinances, or part thereof, of the City of Creede.



**Section 5. Publication.** The City Clerk is ordered to publish this Ordinance by posting notice of adoption of this Ordinance by title in at least three public places within the City, including at the office of the City Clerk, which notice shall contain a statement that a copy of the ordinance in full is available for public inspection in the office of the City Clerk during normal business hours.

**Section 6. Effective Date.** This Ordinance shall take effect thirty (30) days after passage.

**INTRODUCED, APPROVED AND PASSED ON THE FIRST AND FINAL READING, on this 7<sup>th</sup> day of May, 2013.**

CITY OF CREEDE

ATTEST:

 5/8/13

Eric Grossman, Mayor Date

 5/8/13

Randi DePriest, City Clerk Date