

TOWN OF FRISCO
COUNTY OF SUMMIT
STATE OF COLORADO
ORDINANCE 24-08

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE TOWN OF FRISCO, COLORADO, BY AMENDING CHAPTER 53, CONCERNING ALCOHOLIC BEVERAGES, BY AMENDING SECTION 53-7, CONCERNING THE TOWN CLERK'S INVESTIGATION OF LIQUOR LICENSE APPLICATIONS, AND BY THE ADDITION OF A NEW SUBSECTION 53-9 E., EACH CONCERNING THE REMOVAL OF DISTANCE LIMITATIONS BETWEEN CERTAIN TYPES OF SCHOOLS AND LIQUOR LICENSED FACILITIES.

WHEREAS, the Town Council has the authority, pursuant to section 44-3-313(D)(III), of the Colorado Revised Statutes, to eliminate or reduce distance limitations between schools or campuses and liquor licensed facilities that are otherwise imposed by state statutes; and

WHEREAS, the Town Council previously reduced the distances between schools and such facilities from 500 feet to 250 feet without consequent adverse effects, and other Colorado municipalities have eliminated such distance limitations completely without apparent adverse effects; and

WHEREAS, the Town Council finds that, in consideration of (i) the limited geographic area of the Town and the properties within the Town that are zoned to allow commercial uses; and (i) the nature and operation of current laws designed to prevent minors from purchasing alcoholic beverages, it is no longer necessary or desirable to limit the licensing of facilities that sell alcohol based upon the proximity of the facility to a school or campus.

NOW THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF FRISCO, COLORADO:

Section 1. That Subsection 53-7 of the Code of Ordinances of the Town of Frisco, Colorado ("Code"), is hereby amended by the deletion of subsection 53-7. D., to read as follows:

§ 53-7. - Investigation.

The Town Clerk shall gather the evidence for the preliminary investigation as required by state law and as more particularly itemized below. At least five days prior to the date of the public hearing the Town Clerk shall make known its findings, in writing, to the authority, as well as to the applicant, and, upon request, to other interested parties as they are defined by state law. The investigation by the Town Clerk on behalf of the authority shall be with regard to the following matters:

A. Whether within two years next preceding the date of the receipt of the application a licensing authority has denied an application at the same location for the reason that the reasonable requirements of the neighborhood and the desire of the inhabitants were satisfied by the existing outlets.

B. That it satisfactorily appears that the applicant is or will be entitled to possession of the premises for which the application is made under a lease, rental agreement or other arrangement for possession of the premises or by virtue of ownership thereof.

C. That the sale of liquor or beer as contemplated by the application at the premises sought to be licensed is not in violation of the zoning, fire, building and other applicable laws of the Town of Frisco.

~~D. That the building wherein the license is sought to be exercised is located more than 250 feet from any public or parochial school or the principal campus of any college, university or seminary. For the purposes of measuring the distance between the building wherein the license is sought to be exercised and said public or parochial school or the principal campus of any college, university or seminary, a measurement shall be made from the nearest property line of the land used for the above school purposes to the nearest portion of the building in which liquor is to be sold, using a route of direct pedestrian access.~~

E. The number and type of outlets of a nature similar to the applicant's within one mile in any direction of the proposed location.

~~EE.~~ A report of all pertinent matters affecting the qualifications of the applicant for the conduct of the type of business proposed. This report shall specify any financial interests, including notes, mortgages, leases, etc., in other licenses. This report shall include reports from appropriate criminal justice agencies of the applicant's criminal history record, if any, and shall include all partners, principals or stockholders holding over ten percent of the outstanding and issued stock.

~~GE.~~ Such other matters as the liquor licensing authority shall direct.

HG. Not less than five days prior to the date of hearing upon the application, a copy of the Town Clerk's written report containing findings into the matters investigated above, shall be mailed by certified mail with return receipt requested to the applicant. The original may be filed as a public record in the Clerk's office.

Section 2. That Section 53-9 of the Code, concerning the public hearing on a liquor license application and the scope of evidence permitted at the hearing, be amended by adding a new subsection E to read as follows:

- E. Any provision of Colorado statutes notwithstanding, there shall be no distance limitation between a public or private school, or the principal campus of any college, university or seminary and the premises of any facility or operation for which a local licensing authority is authorized to issue a license pursuant to Colorado Revised Statutes § 44-3-309, as amended from time to time.

Section 3. 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 4. Effective Date. This ordinance shall take effect pursuant to the Home Rule Charter of the Town of Frisco, Colorado.

INTRODUCED, PASSED ON FIRST READING AND PUBLICATION
AND POSTING ORDERED THIS 11th DAY OF JUNE, 2024.

ADOPTED ON SECOND AND FINAL READING AND PUBLICATION
BY TITLE ORDERED THIS 25th DAY OF JUNE, 2024.

TOWN OF FRISCO, COLORADO

Fredrick J. Ihnken, Mayor

Attest:

Stacey Nell, Town Clerk