



MEMORANDUM

P.O. Box 4100 ♦ FRISCO, COLORADO 80443 ♦ FRISCOGOV.COM

TO: MAYOR AND TOWN COUNCIL

FROM: STACEY NELL, TOWN CLERK

RE: First Reading 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.

DATE: JUNE 11, 2024

Summary and Background: All applicants interested in applying for a liquor license in the Town of Frisco are subject to Federal and State laws and regulations, as well as Frisco's Town Code.

Colorado Liquor Code, Title 44, Article 3, Section 313, titled "Restrictions for applications for new licenses", establishes a 500 foot distance limitation between certain types of schools and campuses and liquor-licensed facilities, but expressly provides that the governing body of a municipality may "reduce or eliminate" any of those limitations, or may "eliminate" one or more types of schools or campuses from the distance limits

The Town of Frisco's Town Council, through adoption of Ordinance 89-28 on November 21, 1989, established a distance of 250 feet instead of the otherwise applicable 500 feet under state law, as follows: "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." As discussed in your Work Session of March 26, 2024, Town staff's research has revealed that a number of other Colorado municipalities have completely eliminated the distance limitations for liquor licensed facilities that would otherwise be applicable under state law.

During your March 26, 2024 Work Session, Council provided direction on amending this Code, to eliminate the distance requirement in Town Code. The enclosed Ordinance presented by Town Attorney Thad Renaud and myself accomplish this.

Analysis: During your Work Session conversation, a policy determination was made upon that the distance required between a liquor licensed facility and a school, for a successful application for liquor license, as defined in Statute and Town Code, should be eliminated. Although liquor licensing is generally a matter of State concern, in this instance, Statute stipulates that Colorado

municipalities such as Frisco can reduce or eliminate distance limitations through adoption of Ordinance, if desired. Staff seeks a policy determination as to whether the distance limitation should stay the same, be reduced in some measure, or be eliminated entirely.

Financial Impact: There is no anticipated negative financial impact on the Town regarding this matter. Less restrictions on businesses, especially with regard to where they can operate, could potentially lead to more business operations.

Alignment with Strategic Plan:

The policy determinations that are requested of the Council align with the 4 Strategic Plan Principles:

- We provide vibrant **Arts, Cultural, and Recreational Opportunities**
- We enhance **Community Inclusivity**
- We support a **Thriving Economy**
- We provide progress-driven **Quality Core Services**

As this Code is related to restriction of businesses, the “Thriving Economy” Principle is the most directly attributable Strategic Plan Principle to this situation, by lessening regulations on businesses with the Town.

Staff Recommendation: Staff recommends, based on the March 26, 2024 Work Session policy determination by this Town Council, that Ordinance 24-08 is adopted upon first reading at today’s meeting.

Approved By:

Thad Renaud, Town Attorney
Tom Fisher, Town Manager
Stacey Nell, Town Clerk

Attachments:

- Attachment 1 – Ordinance 89-28
- Attachment 2 – Frisco Town Code 52-7(D)
- Attachment 3 – Ordinance 24-08