Affidavit
7-15-82

ORDINANCE NO. 1B-1982

AN ORDINANCE RELATING TO THE SALE OF ALCOHOLIC BEVERAGES AND PLACING RESTRICTIONS ON THE LOCATION OF LICENSED PREMISES: AND PLACING RESTRICTIONS ON ACCESS BETWEEN EXISTING PREMISES LICENSED FOR FERMENTED MALT BEVERAGES AND PREMISES LICENSED FOR THE SALE OF ALCOHOLIC BEVERAGES BY THE DRINK (BEER AND WINE LICENSE; HOTEL AND RESTAURANT LICENSE; TAVERN LICENSE; CLUB LICENSE); AND PROVIDING PENALTIES FOR VIOLATION.

BE IT ORDAINED BY THE TOWN BOARD OF TRUSTEES OF THE TOWN OF GARDEN CITY, COLORADO:

Section 1. Restriction on location of new licenses.

1.1 After the effective date of this Ordinance, no license for alcoholic beverages for sale by the drink, authorized pursuant to C.R.S. 1973 12-47-101, et seq., shall be approved, unless the premises to be so licensed are located at least fifty (50) feet from any existing premises licensed pursuant to C.R.S. 1973 12-46-101, et seq., for the sale of fermented malt beverages or CRS 1973 12-47-101, et seq., for the sale of alcoholic beverages by the drink.

1.2 Distance shall be measured in a direct line from the nearest portion of the building or any part thereof used for the businesses for which the licenses are or are proposed to be used.

Section 2. Restrictions on existing licenses.

2.1 After the effective date of this Ordinance, it shall be unlawful for any licensee to permit any access, physical or visual, between premises licensed for sale of fermented malt beverages and premises licensed for sale of alcoholic beverages by the drink.

Section 3. Definitions.

3.1 Premises licensed for fermented malt beverages means a license issued pursuant to Title 12, Article 46 of the 1973 Colorado Revised Statutes, as amended.

3.2 Premises licensed for sale of alcoholic beverages by the drink means premises licensed pursuant to Title 12, Article 47 of the 1973 Colorado Revised Statutes, as amended, and includes the following classes of licenses:

a. Beer and Wine license (C.R.S. 1973 12-47-112[g]).

b. Hotel and Restaurant license (C.R.S. 1973 12-47-112[h]).

c. Tavern license (C.R.S. 1973 12-47-112[h.1]).

d. Club license (C.R.S. 1973 12-47-112[i]).

3.3 No access means a solid physical barrier so constructed that no one can pass through it and which can not be seen through.

Section 4. Invalidity.

4.1 If any part or parts of this Ordinance are for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Ordinance. The Board of Trustees hereby declares it would have passed this Ordinance and each part or parts thereof, irrespective of the fact that any one part or parts be declared invalid.

Section 5. Penalties.

5.1 The following penalties, herewith set forth in full, shall apply to this Ordinance:

a. It is unlawful for any person to violate any of the provisions stated or adopted in this Ordinance.

b. Every person convicted of a violation of any provision stated or adopted in this Ordinance shall be punished by a fine not exceeding Three Hundred and no/100 ($300.00) Dollars.

Section 6. Effective date.

6.1 This Ordinance shall take effect and be in force immediately following the expiration of thirty (30) days from the publication of this Ordinance as required by law.

PASSED, ADOPTED, SIGNED AND APPROVED by the Board of Trustees this 6th day of July, 1982.

TOWN OF GARDEN CITY

By Vincent A. Saftus
Mayor

ATTEST:

Marlynda Pickering
Town Clerk