

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO. 4997

AN ORDINANCE AMENDING SECTION 5.12.220 OF THE GRAND JUNCTION MUNICIPAL CODE REDUCING THE DISTANCE A BREW PUB LIQUOR LICENSED PREMISES MUST BE FROM ANY PAROCHIAL OR PUBLIC SCHOOL IN THE CITY OF GRAND JUNCTION

Recitals.

44-3-313 (1)(d)(I) C.R.S. requires any building where the malt, vinous, or spirituous liquor is to be sold to be located at least five hundred feet from any public or parochial school or the principal campus of any college, university or seminary.

44-3-313 (1)(d)(III) C.R.S. provides that "The local licensing authority of any city and county, by rule or regulation, the governing body of any other municipality, by ordinance and the governing body of any other county, by resolution, may eliminate or reduce the distance restrictions imposed by this paragraph (1)(d) for any class of license, or may eliminate one or more types of schools or campuses from the application of any distance restrictions established by or pursuant to this paragraph (1)(d)".

On February 17, 2021 the City Council approved Ordinance 4980 which Ordinance amended the Grand Junction Municipal Code ("GJMC") to reduce the distance for Beer and Wine and Hotel and Restaurant licenses to 450 feet in order to facilitate the redevelopment of property near 7th Street and North Avenue.

The distance change assisted a possible reuse/redevelopment of vacant property at the Northwest corner of the intersection of 7th Street and North Avenue but also it was determined to not be detrimental to the safety of schools and students at other locations due to the insignificant (50 foot) reduction.

Since the adoption of Ordinance 4980 the developer of the property at 7th Street and North Avenue has determined that a Brew Pub, as defined by C.R.S. 44-3-417, is the preferred license for the site. Given that the reduction of 50 feet is insignificant and is consistent with the distance established by Ordinance 4980 for Hotel and Restaurant and Beer and Wine licenses the City Council deems the request to reduce the distance reasonable.

With a Brew Pub license a licensee may sell malt liquor for off premises consumption; however, under current Colorado law (SB 20-213 codified at C.R.S. 44-3-911) Hotel and Restaurant and Beer and Wine licensees may sell malt, vinous and spirituous liquors for off premises consumption. The requested distance reduction for the Brew Pub license type presents no greater risk to unlawful, underage consumption by virtue of the license being able to sell for off premises consumption. The law allowing other license types (C.R.S. 44-3-911) expires July 1, 2021; however, legislation (HB 21-1027) is pending to

extend the authority for other types of licensees to continue takeout and delivery service of alcohol beverages.

The City Council having duly considered a reduction of distance required between a brew pub license and public or parochial schools does establish the required distance as provided with this ordinance.

NOW, THEREFORE, BE IT ORDAINED THAT:

Under the provisions of 44-3-313 (1)(d)(III) C.R.S., the distance that a Brew Pub licensed premises must be separated a public or parochial school in the City of Grand Junction is reduced from 500 feet to 450 feet. The distance shall be determined in accordance with 44-3-313 (1)(d)(II) C.R.S. and Colorado Liquor Regulation 47-326; and,

Introduced on first reading and ordered published in pamphlet form this 7th day of April 2021.

Passed on second reading and order published in pamphlet form this 21st day of April 2021.



C.E. "Duke" Wortmann
President of the Council



Wanda Winkelmann
City Clerk

I HEREBY CERTIFY THAT the foregoing Ordinance, being Ordinance No. 4997 was introduced by the City Council of the City of Grand Junction, Colorado at a regular meeting of said body held on the 7th day of April 2021 and the same was published in The Daily Sentinel, a newspaper published and in general circulation in said City, in pamphlet form, at least ten days before its final passage.

I FURTHER CERTIFY THAT a Public Hearing was held on the 21st day of April 2021, at which Ordinance No. 4997 was read, considered, adopted and ordered published in pamphlet form by the Grand Junction City Council.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of said City this 23rd day of April 2021.


Deputy City Clerk

Published: April 09, 2021
Published: April 23, 2021
Effective: May 23, 2021

