

TOWN OF LYONS,
COLORADO

ORDINANCE NO. 867

**AN ORDINANCE OF THE TOWN OF LYONS, COLORADO ADDING TO
TITLE 2, CHAPTER 2 OF THE LYONS MUNICIPAL CODE A NEW SECTION
ELIMINATING THE DISTANCE RESTRICTION FOUND IN C.R.S. SECTION
12-47-313(d)(I) FOR ALL CLASSES OF LIQUOR LICENSES**

WHEREAS, C.R.S. § 12-47-313(d)(I) prohibits the issuance of a liquor license for any building located within 500 feet of any public or parochial school or the principal campus of any college, university or seminary; and

WHEREAS, C.R.S. § 12-47-313(d)(III) allows the governing body of a municipality by ordinance to eliminate or reduce the distance restriction for any class of liquor license from any type of school or campus; and

WHEREAS, the Board of Trustees of the Town of Lyons has determined that it is in the best interests of the citizens of Lyons to eliminate the distance restriction for all classes of license in connection with a comprehensive regulatory scheme designed to balance the Town's desire for successful commercial development in the Town's downtown area with the right of local residents to the quiet enjoyment of their property; and

WHEREAS, approval of this Ordinance on first reading is intended only to confirm that the Board of Trustees desires to comply with state law and the Lyons Municipal Code by setting a public hearing in order to provide Town staff and the public an opportunity to present testimony and evidence regarding the proposal. Approval of this Ordinance on first reading does not constitute a representation that the Board of Trustees, or any member of the Board of Trustees, supports, approves, rejects or denies the proposed legislation.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF LYONS, COLORADO, THAT:

Section 1. Title 2, Chapter 2 of the Lyons Municipal Code is hereby ratified and confirmed as previously published with the addition of a new Section 2-2-8 to read as follows:

2-2-8: ELIMINATION OF DISTANCE RESTRICTION FROM SCHOOLS: Pursuant to C.R.S. Section 12-47-313(d)(III), as amended, the distance restriction imposed by C.R.S. Section 12-47-313(d)(I), as amended, is hereby eliminated for all classes of liquor licenses.

Section 2. Severability. If any provision of this Ordinance should be found by a court of competent jurisdiction to be invalid, such invalidity shall not affect the remaining portions or applications of this Ordinance that can be given effect without the invalid portion, provided that such remaining portions or applications of this Ordinance are not determined by the court to be inoperable. The Board of Trustees declares that it would have adopted this Ordinance and each section, subsection, sentence, clause, phrase, or portion thereof, despite the fact that any one or more section, subsection, sentence, clause, phrase, or portion would be declared invalid or unconstitutional.

Section 3. Effective Date. This Ordinance shall become effective thirty (30) days after publication following final passage.

INTRODUCED AND PASSED ON FIRST READING THIS 15th DAY OF JUNE 2009.

ADOPTED, APPROVED AND ORDERED PUBLISHED BY THE BOARD OF TRUSTEES OF THE TOWN OF LYONS, COLORADO, UPON A MOTION DULY MADE, SECONDED AND PASSED AT ITS MEETING HELD ON THE 6TH DAY OF JULY 2009,

TOWN OF LYONS

By: 
Julie Van Domelen, Mayor

ATTEST:


Debra K. Anthony, Town Clerk/Treasurer

