

**CITY OF WHEAT RIDGE, COLORADO  
INTRODUCED BY COUNCIL MEMBER WEAVER  
COUNCIL BILL NO. 11  
ORDINANCE NO. 1672  
Series 2019**

**TITLE: AN ORDINANCE AMENDING SECTIONS 11-51, 11-53, AND  
11-63 OF THE WHEAT RIDGE CODE OF LAWS  
CONCERNING THE LICENSING AND REGULATION OF  
ALCOHOL BEVERAGES**

**WHEREAS**, the City of Wheat Ridge is a home rule municipality having all powers conferred by Article XX of the Colorado Constitution; and

**WHEREAS**, pursuant to its home rule authority and C.R.S. § 31-23-101, the City, acting through its City Council (the "Council"), is authorized to adopt ordinances for the protection of the public health, safety or welfare; and

**WHEREAS**, the Council has previously adopted laws governing the regulation of liquor licensing and consumption consistent with state law; and

**WHEREAS**, the Colorado legislature has recently adopted bills amending the Colorado Revised Statutes as they pertain to its liquor code, beer code, and other related codes, and the City Council desires to adopt additional conforming changes to the Wheat Ridge Liquor Code;

**NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY  
OF WHEAT RIDGE, COLORADO:**

**Section 1.** Section 11-51 is amended by the addition of the following two definitions to read as follows:

**Sec. 11-51. – Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*ENTERTAINMENT FACILITY* MEANS AN ESTABLISHMENT THE PRIMARY BUSINESS OF WHICH IS TO PROVIDE THE PUBLIC WITH SPORTS OR ENTERTAINMENT ACTIVITIES WITHIN ITS LICENSED PREMISES AND INCIDENTALLY MAY SELL AND SERVE ALCOHOL BEVERAGES AT RETAIL FOR ON-PREMISES CONSUMPTION AND HAS SANDWICHES AND LIGHT SNACKS AVAILABLE.

*LODGING FACILITY* MEANS AN ESTABLISHMENT THE PRIMARY BUSINESS OF WHICH IS TO PROVIDE THE PUBLIC WITH SLEEPING ROOMS AND

MEETING FACILITIES AND INCIDENTALLY MAY SELL AND SERVE ALCOHOL BEVERAGES AT RETAIL FOR ON-PREMISES CONSUMPTION AND HAS SANDWICHES AND LIGHT SNACKS AVAILABLE, BUT DOES NOT INCLUDE A RESTAURANT AS DEFINED IN §44-3-103, C.R.S. OR AN *EATING ESTABLISHMENT* AS DEFINED IN THE WHEAT RIDGE CITY CODE.

**Section 2.** Subsection 11-53 (b) is amended to read as follows:

**Sec. 11-53. - Governance by state laws, rules and regulations.**

- (b) Notwithstanding the provisions in subsection (a) to the contrary, the distance restrictions imposed by C.R.S. § 44-3-313(1)(d) prohibiting the sale of alcohol beverages within five hundred (500) feet of any public or parochial school or the principal campus of any college, university or seminary, are eliminated for all hotel and restaurant licenses, beer and wine licenses, brew pub licenses, distillery pub licenses, arts licenses, **LODGING AND ENTERTAINMENT LICENSES**, and vintner's restaurant licenses issued pursuant to this article.

**Section 3.** Section 11-53 is amended by the addition of a new Subsection (c) to read as follows:

- (C) **WITHIN FIVE (5) DAYS OF RECEIPT OF A NOTICE OF APPLICATION FOR A LIQUOR SALES ROOM, PURSUANT TO DEPARTMENT OF REVENUE REGULATION 47-428, THE LOCAL LICENSING AUTHORITY SHALL REFER THE NOTICE TO THE DIRECTOR OF COMMUNITY DEVELOPMENT FOR COMMENT.**

**Section 4.** Subsections 11-63 (5) and (7) are amended to read as follows:

**Sec. 11-63. - Classification of operators.**

The business of selling at retail any fermented malt beverage or malt, vinous or spirituous liquor other than medicinal liquors for beverage purposes is hereby defined and separately classified as such occupation for the purpose of this chapter as follows:

...

- (5) Class "G" operators. All operators who are licensed to sell alcohol beverages for consumption on the premises either as brew pubs, distillery pubs, **LODGING FACILITIES**, vintner's restaurants, hotels and/or restaurants shall be Class "G" operators.

...

- (7) Class "T" operators. All operators selling alcohol beverages, by the drink, only for consumption on the premises **EITHER AS TAVERNS OR ENTERTAINMENT FACILITIES**; and such operators shall have available for

consumption on the premises during business hours, sandwiches and light snacks; but they need not have meals available for consumption.

**Section 5. 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 6. Effective Date.** This Ordinance shall take effect fifteen (15) days after final publication, as provided by Section 5.11 of the Charter.

**INTRODUCED, READ, AND ADOPTED** on first reading by a vote of 8 to 0 on this 12<sup>th</sup> day of August, 2019, ordered published in full in a newspaper of general circulation in the City of Wheat Ridge, and Public Hearing and consideration on final passage set for August 26, 2019 at 7:00 p.m., in the Council Chambers, 7500 West 29th Avenue, Wheat Ridge, Colorado.

**READ, ADOPTED AND ORDERED PUBLISHED** on second and final reading by a vote of 8 to 0, this 26 day of August, 2019.

SIGNED by the Mayor on this 26 day of August, 2019.

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Bud Starker, Mayor

ATTEST:

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Janelle Shaver, City Clerk

Approved as to Form:

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Gerald E. Dahl, City Attorney

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