

**Town of New Castle, Colorado
Ordinance No. TC 2021-3**

**AN ORDINANCE OF THE NEW CASTLE TOWN COUNCIL
AMENDING CHAPTER 5.08 OF THE MUNICIPAL CODE
CONCERNING ALCOHOLIC BEVERAGES**

WHEREAS, the Town of New Castle ("Town") is a home rule municipality having all powers conferred by Article XX of the Colorado Constitution; and

WHEREAS, the Town Council ("Council") has exercised these powers by the adoption of Chapter 5.08 of the New Castle Municipal Code concerning alcoholic beverages; and

WHEREAS, pursuant to that article and the provisions in the CRS 44-3-301 *et seq.*, C.R.S., the Town may issue certain alcoholic beverage licenses; and

WHEREAS, pursuant to CRS 44-3-313(1)(d)(I), all classes of liquor licensed premises within the Town must be at least "five hundred feet from any public or parochial school or the principal campus of any college, university, or seminary;" and

WHEREAS, pursuant to CRS 44-3-313(1)(d)(III), Council is authorized to reduce or eliminate that distance limitation for any and all classes of licenses; and

WHEREAS, Council wishes to eliminate the five-hundred-foot distance requirement in CRS 44-3-313(1)(d)(I), for all classes of liquor and fermented malt beverage licenses that are licensed premises within the Town.

NOW THEREFORE BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF NEW CASTLE, COLORADO:

Section 1. The addition of Section 5.08.040 of the New Castle Municipal Code to read as follows:

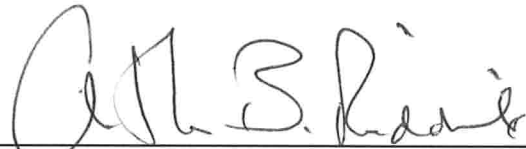
5.08.040 Distance Restrictions. The distance restrictions imposed by CRS 44-3-313(1)(d)(I), prohibiting the sale of alcoholic beverages within five hundred (500) feet of any public or parochial school or the principal campus of any college, university or seminary, are eliminated for all classes of liquor and fermented malt beverage licenses issued within the Town of New Castle.

Section 2. **Severability, Conflicting Ordinances Repealed.** If any section, subsection or clause of this Ordinance shall be deemed to be unconstitutional or otherwise invalid, the validity of the remaining sections,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 All other ordinances or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed.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 3. Effective Date. This Ordinance shall take effect fourteen (14) days after final publication in accordance with Section 4.3(H) of the New Castle Home Rule Charter.

INTRODUCED on July 20, 2021, at which time copies were available to the Council and to those persons in attendance at the meeting, read by title, passed on first reading, and ordered published in full and posted in at least two public places within the Town as required by the Charter.

INTRODUCED a second time at a regular meeting of the Council of the Town of New Castle, Colorado, on August 3, 2021, read by title and number, passed with amendment as set forth herein, approved, and ordered published as required by the Charter.



Mayor Art Riddile

ATTEST:



Town Clerk Melody Harrison, CMC