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Amending 12-47-111 and 12-47-138, Colorado Revised Statutes 1973, as Amended, Concerning the Distance of Licensed Liquor Outlets from Educational Facilities

Colorado General Assembly

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CHAPTER 164

PROFESSIONS AND OCCUPATIONS

ALCOHOLIC BEVERAGES

HOUSE BILL NO. 1367, BY REPRESENTATIVES DeMoulin, Showalter, and Zakheim; also SENATORS P. Sandoval, Anderson, Meiklejohn, and D. Sandoval.

AN ACT

AMENDING 12-47-111 AND 12-47-138, COLORADO REVISED STATUTES 1973, AS AMENDED, CONCERNING THE DISTANCE OF LICENSED LIQUOR OUTLETS FROM EDUCATIONAL FACILITIES.

Be it enacted by the General Assembly of the State of Colorado:

Section 1. 12-47-111 (2), Colorado Revised Statutes 1973, as amended, is amended to read:

12-47-111. Persons prohibited as licensees. (2) No license provided for by this article shall be issued to or held by any person who will operate any place where liquor is sold or is to be sold by the drink within five hundred feet from any public or parochial school; or the principal campus of any college, university, or seminary; except that this provision shall not apply to any hotel, club, or restaurant located within such limit on April 12, 1935, or affect the renewal or reissuance of any license once granted OR APPLY TO ANY LICENSED PREMISES LOCATED OR TO BE LOCATED ON LAND OWNED BY A MUNICIPALITY OR APPLY TO A LIQUOR LICENSE IN EFFECT AND ACTIVELY DOING BUSINESS BEFORE SAID PRINCIPAL CAMPUS WAS CONSTRUCTED.

Section 2. 12-47-138 (1) (d) (I) and (1) (d) (II), Colorado Revised Statutes 1973, as amended, are amended to read:

12-47-138. Restrictions for applications for new license. (1) (d) (I) Except as provided in subparagraph (II) of this paragraph (d), if the building in which the liquor is to be sold is located within five hundred feet of any public or parochial school; or the principal campus of any college, university, or seminary; except this provision shall not affect the renewal or reissuance of a license once granted OR APPLY TO LICENSED PREMISES LOCATED OR TO BE LOCATED ON LAND OWNED BY A MUNICIPALITY, OR

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

APPLY TO AN EXISTING LICENSED PREMISES ON LAND OWNED BY THE STATE, OR APPLY TO A LIQUOR LICENSE IN EFFECT AND ACTIVELY DOING BUSINESS BEFORE SAID PRINCIPAL CAMPUS WAS CONSTRUCTED:

(II) In any town having a population of less than one thousand inhabitants according to the most recent federal census, the application may be received and acted upon by the local licensing authority where the building in which the liquor is to be sold is located within five hundred feet but not less than two hundred fifty feet of any public or parochial school, or the principal campus of any college, university, or seminary, but in such case the notice required by section 12-47-136 shall specifically include a statement, in addition to the other requirements of section 12-47-136 (2), specifying the distance in feet that such building is located from such school or campus, and the local licensing authority shall consider and make a specific finding of fact based upon the evidence adduced at the hearing, in addition to the requirements of section 12-47-137 (2), whether the sale of liquor at such location is contrary to the desires of the inhabitants of the town, and if found to be so contrary to such desires, the application shall be denied on such grounds. THE PROVISIONS OF THIS SUBPARAGRAPH (II) SHALL NOT APPLY TO LICENSED PREMISES LOCATED OR TO BE LOCATED ON LAND OWNED BY A MUNICIPALITY OR APPLY TO A LIQUOR LICENSE IN EFFECT AND ACTIVELY DOING BUSINESS BEFORE SAID PRINCIPAL CAMPUS WAS CONSTRUCTED.

Section 3. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: June 4, 1977