

ORDINANCE # 2004-002

**ORDINANCE REPEALING CERTAIN ORDINANCES OF THE TOWN OF
CRESTONE RELATING TO OPERATION AND LICENSING OF LIQUOR
ESTABLISHMENTS, WHICH HAVE BEEN PREEMPTED BY THE
COLORADO STATE LIQUOR CODE**

WHEREAS, Ordinance No. 18 of the Town of Crestone was adopted on April 30, 1901, by the Town Board of the Town of Crestone and related to the licensing of saloons and liquor dealers, and

WHEREAS, Section II, C, 10 of the revised Zoning Ordinance of the Town of Crestone, which has been recorded in Book 400 at Page 844 provided that "All retail commercial establishments including gasoline filling and service stations shall be permitted in this Zone except for public dance halls and establishments selling alcoholic beverages for consumption on the premises or by the drink", and

WHEREAS, the regulatory scheme for licensing liquor establishments has been defined and preempted by the Colorado State Liquor Code, which has been enacted in C.R.S. §12-47-101 et. seq., and

WHEREAS, a method of limiting an exclusion of liquor licenses in towns and cities in the State of Colorado has been provided by Local Option Election in C.R.S. § 12-47-105, and

WHEREAS, no election has been held in the Town of Crestone to limit said licenses,

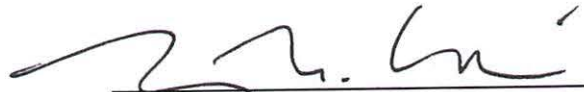
NOW THEREFORE, Be it hereby ordained by the Board of Trustees of the Town of Crestone, Colorado:

1. Ordinance No. 18 for the Town of Crestone is hereby repealed in its entirety.
2. Section II, C, 10 of the revised Zoning Ordinance for the Town of Crestone, as recorded in Book 400, at Page 844 is hereby amended to read as follows:
 10. All uses permitted in Zone 1 and Zone 3 are permitted in Zone 2. All retail commercial establishments including gasoline filling and service stations shall be permitted in this Zone. ~~except for public dance halls and establishments selling alcoholic beverages for consumption on the premises or by the drink.~~

THE TOWN BOARD FINDS THAT THIS ORDINANCE IS NECESSARY TO THE IMMEDIATE PRESERVATION OF THE PUBLIC PEACE, HEALTH, AND SAFETY, AND SHALL TAKE EFFECT AND BE ENFORCED FROM AND AFTER PASSAGE OF THE SAME.

INTRODUCED, read in full, approved, and signed this 9th day of February, 2004.

APPROVED:


Kizzen Laki, Mayor

ATTEST:


Janet Dossigny, Town Clerk

APPROVED AS TO FORM:


Eugene L. Farish, #2557
Crestone Town Attorney

CERTIFICATION

I HEREBY CERTIFY that the within Ordinance was introduced, read in full, approved and adopted at the regular meeting of the Board of Trustees of the Town of Crestone, Colorado, on the 9th day of February, 2004, and will be published by title in the Crestone Eagle, a legal newspaper in the Town of Crestone, on the 1st day of March, 2004.


Janet Dossigny, Town Clerk

