

CITY AND COUNTY OF DENVER

DEPARTMENT OF EXCISE AND LICENSES

Liquor License 500 Foot Rule

The Department of Excise and Licenses has been approached by citizens and community groups about changing the “500 Foot Rule” in Denver. An Administrative Rulemaking Hearing is scheduled for 9AM on Thursday, July 26, 2012 in the Excise and Licenses Hearing Room, 201 West Colfax Avenue, Room 206.

Currently, Colorado state law prohibits the issuance of any liquor license within 500 feet of a school. There are no waivers or exceptions allowed. The law provides, however, that the local licensing authority may eliminate this distance restriction for an entire class of license, or may eliminate one or more type of schools or campuses from its applicability. For example, Denver previously decided to eliminate the applicability of this rule for university campuses, allowing a pub on the University of Denver campus.

Here, the proposal is to eliminate the 500 foot distance restriction for Hotel and Restaurant liquor licenses only. Hotel and Restaurant licenses (“H & R Licenses”) are only issued to a “bona fide restaurant business” and the establishment must maintain a certain percentage of gross income from the sale of meals. The antiquated Hotel and Restaurant License title is not related to hotels. Instead, it is to authorize the sale of alcohol in what is commonly thought of as a restaurant. This license differs from a liquor store license, which is for the sale of alcohol for off-premises consumption, and from a tavern license, which is for a bar that does not have strict food service requirements. The proposed H & R License change would not affect the current distance restrictions around liquor stores, taverns, or any other class of liquor license.

Groups making the proposal include those with interests in the areas surrounding North and East High Schools, Green Valley Ranch, specific business districts and community members interested in creating new schools in downtown Denver. A common point of confusion is that a school has no right to waive the application of the 500 Foot Rule to itself.

The rulemaking process includes a public notice and comment period, and a public hearing. Although the proposal would not require ordinance change from City Council, input from Council Members is an essential component in the decision.

Citizens and stakeholders who wish to weigh in, should email comments to john.jennings@denvergov.org.

12-47-313. Restrictions for applications for new license. (1) No application for the issuance of any license specified in section 12-47-309 (1) or 12-46-107 (1) shall be received or acted upon:

(d) (I) If the building in which the alcohol beverages are to be sold pursuant to a license described in section 12-47-309 (1) is located within five hundred feet of any public or parochial school or the principal campus of any college, university, or seminary; except that 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 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 the principal campus was constructed, or apply to any club located within the principal campus of any college, university, or seminary that limits its membership to the faculty or staff of the institution.

(II) The distances referred to in subparagraph (I) of this paragraph (d) are to be computed by direct measurement from the nearest property line of the land used for school purposes to the nearest portion of the building in which liquor is to be sold, using a route of direct pedestrian access.

(III) The local licensing authority of any city and county, by rule or regulation, the governing body of any other municipality, by ordinance, and the governing body of any other county, by resolution, may eliminate or reduce the distance restrictions imposed by this paragraph (d) for any class of license, or may eliminate one or more types of schools or campuses from the application of any distance restriction established by or pursuant to this paragraph (d).

(IV) In addition to the requirements of section 12-47-312 (2), the local licensing authority shall consider the evidence and make a specific finding of fact as to whether the building in which the liquor is to be sold is located within any distance restrictions established by or pursuant to this section. This finding shall be subject to judicial review pursuant to section 12-47-802.