

ORDINANCE NO. 2019-10

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF MOUNTAIN VILLAGE AMENDING CHAPTER 5.04 OF THE MUNICIPAL CODE VESTING AUTHORITY OF ADMINISTRATIVE REVIEW AND APPROVAL OF LIQUOR LICENSE APPLICATIONS AND TO INCLUDE REVISED STATUTORY REFERENCES

WHEREAS, pursuant to Articles 3, 4 and 5 of Title 44 of the Colorado Revised Statutes, the Town of Mountain Village, Colorado (“Town”) possesses the authority to license and regulate, concurrently with the state of Colorado, the service and sale of alcoholic beverages within the Town as the Local Licensing Authority; and

WHEREAS, certain functions of the Local Licensing Authority may be delegated to the Town Clerk, pursuant to § 44-5-107(4), as a means of increasing the efficiency of the Local Licensing Authority and better serving those parties wishing to obtain approvals under the Colorado Liquor and Colorado Beer Codes; and

WHEREAS, the Town Council wishes to delegate to the Town Clerk certain authority to act upon specified applications; and

WHEREAS, the Council further finds that the Town Clerk’s office possesses the necessary resources, time and expertise to process renewals, and changes in ownership or changes in manager applications and render decisions thereon in accordance with applicable law; and

WHEREAS, the Council finds that electing for the delegation of authority as provided for herein, will provide a more efficient review of such applications without adversely affecting the quality or thoroughness of such review; and

WHEREAS, the Colorado State Legislature through House Bill 2018-1025, created Articles 3, 4, and 5, of Title 44, of the Colorado Revised Statutes, and relocated the provisions of the Colorado Liquor and Beer Codes which were previously located under Articles 46, 47, and 48, of Title 12, of the Colorado Revised Statutes; and

WHEREAS, the Council finds the amendments to Chapter 5.04 of the Town of Mountain Village Municipal Code are necessary to bring the Code in compliance with the current and applicable State law.

NOW THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF MOUNTAIN VILLAGE, COLORADO AS FOLLOWS:

Section 1. Amendment to 5.04

The Town Council hereby approves the amendment to Section 5.04 of the Municipal Code as set forth in Exhibit A

Section 2. Ordinance Effect

This ordinance shall not have any effect on existing litigation and shall not operate as an abatement of any action or proceeding now pending under or by virtue of the ordinances repealed or amended as herein provided and the same shall be construed and concluded under such prior ordinances.

Section 3. Severability

The provisions of this ordinance are severable and the invalidity of any section, phrase, clause or portion of the ordinance as determined by a court of competent jurisdiction shall not affect the validity or effectiveness of the remainder of the ordinance.

Section 4. Effective Date

This ordinance shall become effective upon January 11, 2020.

Section 5. Public Hearing

A public hearing on the ordinance was held on the 12th day of December, 2019 in the Town Council Chambers, Town Hall, 455 Mountain Village Blvd, Mountain Village, Colorado 81435.

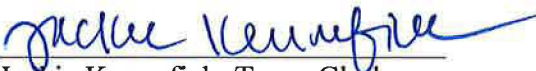
INTRODUCED, READ AND REFERRED to public hearing before the Town Council of the Town of Mountain Village, Colorado on the 21st day of November, 2019.

TOWN OF MOUNTAIN VILLAGE

**TOWN OF MOUNTAIN VILLAGE,
COLORADO, A HOME-RULE
MUNICIPALITY**

By: 
Laila Benitez, Mayor

ATTEST:


Jackie Kenefick, Town Clerk

HEARD AND FINALLY ADOPTED by the Town Council of the Town of Mountain Village, Colorado this 12th day of December, 2019.

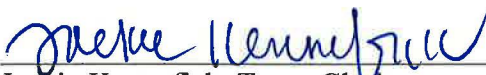
TOWN OF MOUNTAIN VILLAGE

**TOWN OF MOUNTAIN VILLAGE,
COLORADO, A HOME-RULE
MUNICIPALITY**

By: 

Laila Benitez, Mayor

ATTEST:



Jackie Kennefick, Town Clerk

Approved As To Form:



Jim Mahoney, Assistant Town Attorney

I, Jackie Kennefick, the duly qualified and acting Town Clerk of the Town of Mountain Village, Colorado ("Town") do hereby certify that:

1. The attached copy of Ordinance No. 2019-10 ("Ordinance") is a true, correct and complete copy thereof.
2. The Ordinance was introduced, read by title, approved on first reading with minor amendments and referred to public hearing by the Town Council the Town ("Council") at a regular meeting held at Town Hall, 455 Mountain Village Blvd., Mountain Village, Colorado, on November 21st, 2019, by the affirmative vote of a quorum of the Town Council as follows:

Council Member Name	"Yes"	"No"	Absent	Abstain
Laila Benitez, Mayor	X			
Dan Caton, Mayor Pro Tem	X			
Marti Prohaska	X			
Pete Duprey	X			
Patrick Berry	X			
Jack Gilbride	X			
Natalie Binder	X			

3. After the Council's approval of the first reading of the Ordinance, notice of the public hearing, containing the date, time and location of the public hearing and a description of the subject matter of the proposed Ordinance was posted and published in the Telluride Daily Planet, a newspaper of general circulation in the Town, on November 27, 2019 in accordance with Section 5.2b of the Town of Mountain Village Home Rule.

4. A public hearing on the Ordinance was held by the Town Council at a regular meeting of the Town Council held at Town Hall, 455 Mountain Village Blvd., Mountain Village, Colorado, on December 12th, 2019. At the public hearing, the Ordinance was considered, read by title, and approved without amendment by the Town Council, by the affirmative vote of a quorum of the Town Council as follows:

Council Member Name	"Yes"	"No"	Absent	Abstain
Laila Benitez, Mayor	X			
Dan Caton, Mayor Pro Tem	X			
Marti Prohaska	X			
Pete Duprey	X			
Patrick Berry	X			
Jack Gilbride	X			
Natalie Binder	X			

5. The Ordinance has been signed by the Mayor, sealed with the Town seal, attested by me as Town Clerk, and duly numbered and recorded in the official records of the Town.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Town this 12th day of December, 2019.



Jackie Kennefick, Town Clerk

(SEAL)



EXHIBIT A

CHAPTER 5.04

LIQUOR LICENSING AND REGULATIONS

Sections:

- 5.04.010 General Provisions
- 5.04.020 Optional Premises Licenses
- 5.04.030 Five Hundred Foot Restriction
- 5.04.040 Alcoholic Beverage Tastings
- 5.04.050 Exclusive Local Review Process for Special Event Permit Applications
- 5.04.060 Administrative Approval for Liquor Licenses
- 5.04.070 Creation of Entertainment District and Requirements for a Promotional Association

5.04.010 General Provisions

- A. These standards have been adopted pursuant to the provisions of Sections 44-3-310, 44-3-313(1)(d)(III) and 44-3-301(10)(a), C.R.S., of the Colorado Liquor Code. (Ord. 97-0527-13 § 1, 02-05(part), 05-01 § 1, 2019- 10)

5.04.020 Optional Premises Licenses

- A. Supplement. These standards shall be considered in addition to all other laws or regulations applicable to the issuance of licenses under the Colorado Liquor Code for optional premises licenses or for optional premises for hotel and restaurant licenses. These two types of optional premises will collectively be referred to as “optional premises” in these standards unless otherwise specified.
- B. Facilities. Optional premises may only be approved when located on or adjacent to an “outdoor sports and recreational facility” as defined in Section 44-3-103(33)(b), C.R.S. The types of outdoor sports and recreation facilities which may be considered in relation to optional premises are the following:
1. Country Clubs
 2. Golf Courses
 3. Ski Areas

There is no restriction on the minimum size of the outdoor sports and recreational facility which may be eligible for related optional premises. However, the Town Council may consider the size of the particular outdoor sports and recreational facility in relationship to the number of optional premises requested for the facility, and may reject any optional premises if the Council determines that the related facility is too small to justify an optional premises license.

- C. Number. There are no restrictions on the number of optional premises which any one licensee may have. However, any licensee requesting approval of more than one optional premise shall:
1. Explain the reasons for each optional premises requested, and;
 2. Demonstrate how the optional premises relate to each other from an operational standpoint, and;
 3. Demonstrate the need for each optional premise in relationship to the outdoor sports and recreational facility and its guests.
- D. Requirements. When submitting a request for approval of optional premises, an applicant shall also submit the following information:
1. Complete application similar in content to an application for a tavern license, in addition to paying all required fees.

2. For new hotel and restaurant licenses, shall identify the optional premises location (s) as part of the hotel and restaurant license application; provided, however, that an applicant for optional premises for existing hotel and restaurant licenses need only submit an application which conforms to the requirements of this standard.
3. A map or other drawing illustrating the outdoor sports and recreational facility boundaries and the location(s) of each optional premises presently located on or adjacent to the outdoor sports and recreation facility.
4. A legal description of the area within which the optional premises is to be located. This description need not identify the exact location of the optional premises; however, the description must be specific enough to permit reasonable identification of the area within which the optional premises is to be located.
5. A description of the method(s) which will be used to identify and control the optional premises when it is in use. For example, the type of signs, fencing or other notices or barriers to be used to control ingress and egress to and from the optional premises.
6. Shall demonstrate to the satisfaction of the Council that provisions have been made for storing malt, vinous and spirituous liquors in a secure area on or off the optional premises for future use on the optional premises.

E. Notification. Pursuant to Section 44-3-310(4), C.R.S., no alcoholic beverages may be served on an optional premises without the licensee having provided written notice to the state and local licensing authority forty-eight (48) hours prior to serving alcoholic beverages on the optional premises. The notice must contain the specific days and hours during which the optional premises are to be used. In this regard, there is no limitation on the number of days which a license may specify in each notice. However, no notice may specify any date of use which is more than 180 days from the notice date. (Resolution No. 1997-0527-13)

5.04.030 Five Hundred Foot Restriction

Pursuant to Colorado Beer, Liquor, Special Event Codes and Code of Regulations, Section 44-3-313(1)(d)(III), C.R.S., The local licensing authority of any municipality, by ordinance, may eliminate or reduce the distance restrictions imposed by said Code of Regulations for any class of Liquor License, or may establish one or more types of schools from the application of any distance restriction established pursuant to the Code of Regulations.

The distance restrictions as imposed by Section 44-3-313(1)(d)(III), C.R.S., prohibiting the sale of liquor within five hundred (500) feet of any public or parochial school, are eliminated for all classes of Liquor Licenses within the Town. (Ord. 2002-05 (part))

5.04.040 Alcoholic Beverage Tastings

A. Pursuant to Section 44-3-301(10)(a), C.R.S., the local licensing authority of any municipality, by ordinance, may authorize alcoholic beverage tastings for licensed retail liquor and liquor licensed drug stores within the Town.

- B The Town shall not require an application separate from their premise license prior to allowing retail liquor licensees and liquor licensed drug stores to conduct alcoholic beverage tastings, and elects not to impose additional limitations on such tastings beyond those limitations set forth in Article 3 of Title 44 of the Colorado Revised Statutes.
- D This Chapter shall not have any effect on existing litigation and shall not operate as an abatement of any action or proceeding now pending under or by virtue of the ordinances repealed or amended as herein provided and the same shall be construed and concluded under such prior ordinances.
- E The provisions of this Chapter are severable and the invalidity of any section, phrase, clause or portion of the Chapter as determined by a court of competent jurisdiction shall not affect the validity or effectiveness of the remainder of the Chapter.

5.04.050 Exclusive Local Review Process for Special Event Permit Applications

- A. Pursuant to Section 44-5-107(5)(a), C.R.S., the Town Council of the Town of Mountain Village, acting as the local liquor licensing authority, hereby elects to exercise exclusive local control over the issuance of liquor license special event permits for events within the Town and hereby delegates to the town Clerk authority to administratively review and approve the aforementioned liquor license special event permits, The preceding recitals are adopted as specific findings and determinations of the Council.
- B. The provision of this section notwithstanding, the Town Clerk shall report to the ~~Colorado Liquor Enforcement Division, within ten (10) days after the~~ Town issues any special event permit, the name of the organization to which the permit was issued, the address of the permitted location, and the permitted dates of alcohol beverage service.
- C. Upon receipt of an application for a special event permit the Town Clerk shall, as required by Section 44-5-107(5)(c), C.R.S., access information made available on the web site of the state licensing authority to determine the statewide permitting activity of the organization applying for the permit. The Town shall consider compliance with the provisions of Section 44-5-105(3) limiting to fifteen (15) the number of special event permits issued in any one year to any one organization, before approving any application.

In addition, before approval, the Town Clerk shall confirm the following when appropriate:

- 1. For special event licenses:
 - a. Timely and proper posting of a conspicuous public notice sign as required by Article 5, Title 44, C.R.S., as amended.
 - b. Whether the applicant satisfies the eligibility criteria set forth in Article 5, Title 44, C.R.S., as amended.
 - c. After investigation, no sufficient grounds for denial appear to exist and no protests have been filed by affected persons.

- d. That the applicant has not exceeded and does not propose to exceed the maximum number of special event calendar days permitted by Article 5, Title 44, C.R.S., as amended.
- e. Each application for a special event permit shall be accompanied by an application fee in an amount equal to the local licensing fee established by Section 44-5-107(2).

5.04.060 Administrative Approvals for Liquor Licenses

- A. The liquor and beer licensing authority for the Town of Mountain Village shall be the Town Council ("Council"). As such, the Town Council shall be known as the "Liquor Licensing Authority" or, in this Chapter, as the "Authority." (Ord. No. 2012-02 §1(A)).
- B. The Town Clerk shall assist the authority by receiving all applications; coordinating with other Town departments when relevant; scheduling required public hearings; and exercising the Clerk's discretion in forwarding applications for renewals, transfer of ownership, and change of manager of a licensee. (Ord. No. 2012-02 §1(B)).
- C. As set forth below, the Town Clerk is hereby vested with authority to administratively review and approve applications for liquor license renewals; transfer of ownership including corporate and trade name changes, and reports of changes for corporations, limited liability companies and partnerships; and change of manager of a licensee; modification of premises; additions of optional premises; and special event permits as set forth above.
 - 1. Renewals. The Town Clerk is authorized to administratively review and approve an application for the renewal of any previously approved liquor license where, after reasonable investigation by the Town Clerk and consultation by the Town Clerk with other appropriate administrative and law enforcement personnel, all of the following circumstances are found to exist:
 - a. The applicant has timely and properly submitted a complete license renewal application and tendered all required fees in accordance with this Chapter and the provisions of Title 44, C.R.S;
 - b. The applicant's license is in good standing with the Town and the State, and no violation of law has occurred during the previous year;
 - c. To the knowledge of the Town Clerk, there is no pending or proposed criminal or legal investigation or charges against the applicant or the licensed premises; and
 - d. There is no other information known by the Town Clerk that would cause the Town Clerk, in her reasonable belief, to believe that some violation of applicable law has occurred or that the license should not be renewed. (Ord. No. 2012-02 §1(C)).
 - 2. Transfer of ownership, corporate and trade name changes, and reports of changes for corporations, limited liability companies and partnerships. The Town Clerk is authorized to administratively review and approve an application for the transfer of ownership, corporate and trade name changes, and reports of changes for corporations, limited liability companies and partnerships, of any previously approved liquor license where, after reasonable investigation by the Town Clerk and consultation by the Town Clerk with other appropriate administrative and law enforcement personnel, all of the following circumstances are found to exist:

- a. The applicant has timely and properly submitted a complete application for transfer of ownership, corporate and trade name changes, and reports of changes for corporations, limited liability companies and partnerships and tendered all required fees in accordance with this Chapter and the provisions of Title 44, C.R.S; and
 - b. The applicant satisfies the eligibility criteria set forth in Section 44-3-307, C.R.S. (Ord. No. 2012-02 §1(C)).
 3. Change of manager of a licensee. The Town Clerk is authorized to administratively review and approve an application for the change of manager for a licensed establishment where, after reasonable investigation by the Town Clerk and consultation by the Town Clerk with other appropriate administrative and law enforcement personnel, all of the following circumstances are found to exist:
 - a. The applicant has timely and properly submitted a complete application for change of manager and tendered all required fees in accordance with this Chapter and the provisions of Title 44, C.R.S. and the new manager has presented himself to the Police Department for fingerprinting and background investigation, and
 - b. There is no information known by the Town Clerk that could support denial of the application for change in manager under applicable law. (Ord. No. 2012-02 §1(C)).
 4. Temporary permits. Town Clerk is authorized to administratively review and approve an application for a temporary permit where, after reasonable investigation by the Town Clerk and consultation by the Town Clerk with other appropriate administrative and law enforcement personnel, all of the following circumstances are found to exist:
 - a. The applicant has timely and properly submitted a complete application for a temporary permit and tendered all required fees in accordance with this Chapter and the provisions of Section 44-3-303, C.R.S.;
 - b. There is pending an application for the transfer of the liquor license corresponding to the application for a temporary permit;
 - c. The premises subject to the proposed temporary permit is currently subject to a valid liquor license; and
 - d. There is no information known by the Town Clerk that could support denial of the application for change in ownership under applicable law. (Ord. No. 2012-02 §(C)).
- D. Notwithstanding any authority delegated to the Town Clerk for the administrative approval of applications under this Section, the Town Clerk may, at her discretion, refer any licensing decision authorized to her under this Section to the Authority if, in the Town Clerk's opinion, the matter should be presented to the Authority. In the event the Town Clerk cannot or will not approve a transfer or renewal of a license, or the issuance of a temporary permit, or the approval of a change in manager of a licensee, then the Town Clerk shall refer the application to the Authority for consideration in accordance with applicable law. Written notice of the time and place of such consideration shall be mailed to the applicant by regular mail at least ten (10) days in advance thereof and shall contain such facts or reasons relied upon by the Town Clerk in declining to issue the license or permit or approval. Notice of the proceedings shall also be timely published and posted on the subject premises in accordance with the requirements set forth in Section 44-3-311, C.R.S., and timely provided to any person who may have filed a protest against the issuance of the license with the Town Clerk. Additionally, any license or permit applicant, or any party in interest (as defined in Section 44-3-311, C.R.S.), who is dissatisfied with a decision of the Town Clerk under this Section

may appeal same to the Authority by filing a written protest with the Town Clerk not more than ten (10) days after the date of the decision appealed from. The Town Clerk shall promptly set the appeal for hearing before the Authority in accordance with the notice and hearing procedures described above. (Ord. No. 2012-02 §1(D)).

- E. The Town Clerk shall not approve an application for the renewal or transfer of a license where the Police Department has timely submitted written objections to the Town Clerk concerning such action. Whenever such an objection is received, the Town Clerk shall set the application for hearing before the Authority in accordance with the procedures set forth in Subsection D above. (Ord. No. 2012-02 §1(E)).
- F. The Town Clerk shall regularly report to the Authority in a timely manner all licensing actions taken by the Town Clerk under the provisions of this Section. (Ord. No. 2012-02 §1(F)).
- G. Severability. If any provision, clause, sentence or paragraph of this Chapter or the application thereof to any person or circumstances shall be held invalid, such invalidity shall not affect the other provisions of this Chapter which can be given effect without the invalid provision or application, and to this end the provisions of this Chapter are declared to be severable. (Ord. No. 2012-02 §1).

5.04.070 Creation of Entertainment District and Requirements for a Promotional Association

- A. Purpose. It is the Purpose of this Chapter for the Town of Mountain Village to exercise its local option to allow common consumption areas in the Town by establishing an Entertainment District as provided in Section 44-3-301(11), C.R.S.
- B. Authority. The Town Council acting in its capacity as the local liquor licensing authority shall hereby be authorized to: (i) certify and decertify promotional associations; (ii) designate the location, size, security, and hours of operation of common consumption areas; and (iii) allow attachment of licensed premises to common consumption areas. (Ord. No. 2012-03 §1(B)).
- C. Operational Requirements of Promotional Associations and Common Consumption Areas. After certification of a Promotional Association, the Promotional Association shall abide by the following operational requirements in addition to any specific requirements imposed by the Town upon certification of the Promotional Association:
 - 1. The size of the common consumption area shall not exceed the area approved by the local licensing authority; however, the Promotional Association may make such area smaller at any time provided the new area is clearly delineated using physical barriers to close the area to motor vehicle traffic and limit pedestrian access.

2. The Promotional Association shall provide an appropriate amount of security to ensure compliance with the liquor code and prevent a safety risk to the neighborhood. Such security shall be considered as part of the application for approval of the Promotional Association. All security within the Common Consumption area or its attached licensed premises shall complete the server and seller training program established by the Director of the Liquor Enforcement Division of the Department of Revenue.
3. The Promotional Association shall obtain and maintain a properly endorsed general liability and liquor liability insurance policy that is reasonably acceptable to the Local Licensing Authority of at least one million (\$1,000,000) dollars per occurrence which names the Town of Mountain Village as an additional insured.
4. Common Consumption areas and their attached licensed premises may serve alcohol and the customers may consume alcohol until 12:00 a.m. unless further restricted by Town Council in the certification of the Promotional Association. The hours of sale and consumption may differ between the licensed premises and Common Consumption Area. It is unlawful for any attached licensed premise to serve or the Promotional Association to allow consumption of alcohol beverages in the Common Consumption area after 12:00 a.m. or as further restricted by the Town Council in the certification of the Promotional Association.
5. The Entertainment District for purposes of this Chapter is established in the areas depicted in Exhibit A. (Ord. No. 2012-03 §1(C)).

D. Application for Certifying a Promotional Association. An application for Certifying a Promotional Association under the provisions of this Chapter and the Colorado Liquor Laws shall be made to the Town on forms prepared and furnished by the Town Clerk. The information required shall include, but shall not be limited to:

1. A copy of the Articles of Incorporation and Bylaws and a list of all Directors and Officers of the Promotional Association.
2. A list of all of the licensed premises which have opted to be included in the applicable promotional association, a detailed map of the Common Consumption Area including: location of physical barriers, entrances and exits, location of attached licensed premises, identification of licensed premises that are adjacent but not to be attached to the Common Consumption Area, approximate location of security personnel.
3. A detailed description of security arrangements within the Common Consumption Area.
4. A list of dates and hours of operation of the Common Consumption Area for the upcoming calendar year.
5. Documentation showing possession of the Common Consumption Area.
6. List of the attached licensees listing the following information: liquor license number, a list of any past liquor violations, and a copy of any operational agreements.
7. An insurance certificate of general liability and liquor liability insurance naming the Town of Mountain Village as additional insured
8. Documentation of the reasonable requirements of the neighborhood, the desires of the adult inhabitants as evidenced by petitions, remonstrances, or otherwise.

9. An application fee of \$500. (Ord. No. 2012-03 §1(D)).

E. Application for Recertification of a Promotional Association. A Certified Promotional Association shall apply for Recertification by January 31st of each year on forms prepared and furnished by the Town Clerk. The information required shall include, but shall not be limited to:

1. A copy of any changes to the Articles of Incorporation, Bylaws and/or Directors and Officers of the Promotional Association.
2. The items listed on Sec. B through G.
3. An Application fee of \$250.
4. A list of dates and hours of operation of the Common Consumption Area for the upcoming calendar year.
5. Any changes to the Certified Promotional Association from the original certification, including but not limited to changes to the Common Consumption Area or the security arrangements. (Ord. No. 2012-03 §1(E)).

F. Application for Attachment to a Common Consumption Area. An Application by a Liquor Licensee to attach to an existing Common Consumption Area of a Certified Promotional Association shall be on forms prepared and furnished by the Town Clerk. The information required shall include, but shall not be limited to:

1. Authorization for attachment from a Certified Promotional Association.
2. The name of the representing Director to sit on the board of the Certified Promotional Association.
3. Detailed map of the Common Consumption Area including: location of physical barriers, entrances and exits, location of attached licensed premises, identification of licensed premises that are adjacent but not to be attached to the common consumption area, approximate location of security personnel.
4. An Application fee of \$150. (Ord. No. 2012-03 §1(F)).

G. Review of Applications for Certification, Recertification, or Attachment. Upon receipt of an application for Certification or Recertification of a Promotional Association, or Attachment of a Liquor Licensee to an existing Common Consumption Area, the Town Council shall consider such application within sixty (60) days of receipt. The Town Council shall review the application for compliance with the requirements of this Chapter, the Colorado Liquor Laws and the desires and needs of the community and after consideration and a public hearing, the town Council may either approve the application with or without conditions or deny the application. (Ord. No. 2012-03 §1(G)).

H. Decertification of a Promotional Association. The Town has the power to decertify a Promotional Association. The process shall be in the same manner as provided in Sections 44-3-301(11)(c)(III) and 44-3-601, C.R.S., as related to liquor licenses. (Ord. No. 2012-03 §1(H)).

- I. Safety Clause. The Town Council hereby finds, determines and declares that this Chapter is promulgated under the police powers of the Town , that it is promulgated for the health, safety, morals and general welfare of the public and that this Chapter is necessary for the preservation of the health and safety and for the protection of public convenience and welfare. The Town Council further determines that this Chapter bears a rational relationship to the proper legislative objective sought to be attained. (Ord. No. 2012-03 §2).

- J. Chapter Effect. This Chapter shall not have any effect on existing litigation and shall not operate as an abatement of any action or proceeding now pending under or by virtue of the Chapters repealed or amended as herein provided and the same shall be construed and concluded under such prior Chapters. (Ord. No. 2012-03 §3).

- K. Severability. The provisions of this Chapter are severable and the invalidity of any section, phrase, clause or portion of the Chapter as determined by a court of competent jurisdiction shall not affect the validity or effectiveness of the remainder of the Chapter. (Ord. No. 2012-03 §4).