

TITLE IX

OFFENSES AND PENALTIES

CHAPTER 2

LIQUOR LAWS

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9-2-1: Licensing Authority

The Board of Trustees is hereby designated the local licensing authority for purposes of exercising the duties and powers provided by the Colorado Beer Code and the Colorado Liquor Code.

9-2-2: Definitions

As used in this Chapter the following definitions shall apply:

- A. "Alcoholic Beverage" shall mean any "fermented malt beverage" as defined by the Colorado Beer Code and all "malt", vinous or spirituous liquors" as defined by the Colorado Liquor Code; including, but not limited to, beverages commonly known as liquor, wine and beer with an alcohol content of more or less than 3.2% by weight.
- B. "Fermented malt beverage" shall mean any beverage defined as such by the Colorado Beer Code including, but not limited to, beverage commonly referred to as "3.2% Beer" or beer containing not more than 3.2% alcohol by weight.
- C. "Malt, vinous or spirituous liquors" shall have the meaning as defined by the Colorado Liquor Code, and shall include, but not limited to, liquor, wine and beer having more than 3.2% alcohol content by weight.

9-2-3: Unlawful Acts

It shall be unlawful for any person to commit any of the following acts:

- A. To consume any alcoholic beverage in or at any of the following stated places unless the premises are licensed by the State for consumption of the alcoholic beverage on the premises.
 - 1. Restaurants, retail liquor stores, pool halls, dance halls.
 - 2. Public school premises, public building and property.
 - 3. Places of public gathering for amusement and entertainment.
 - 4. Streets, sidewalks or alleys.
 - 5. Any other public place.
 - 6. Parking areas surrounding the premises of any of the aforementioned stated places.

- B. To possess an unsealed or opened container containing any alcoholic beverage in any of the following stated places other than premises licensed by the State for consumption on the premises of the alcoholic beverage.
 - 1. Restaurants, retail liquor stores, pool halls and dance halls.
 - 2. Public school premises, public buildings and property.
 - 3. Places of public gathering for amusement and entertainment.
 - 4. Streets, sidewalks or alleys.
 - 5. Any other public place.
 - 6. Parking areas surrounding the premises of any of the aforementioned stated places.

- C. For any person owning or having possession or control of any premises to allow consumption of an alcoholic beverage or the possession of an unsealed or opened alcoholic beverage container upon such premises by any person in violation of Subsection 9-2-3 (A) and (B) of this Chapter.

- D. For any person under the age of 21 years to possess, purchase or consume any alcoholic beverage.

- E. For any person under the age of 21 years to enter upon or remain upon the following premises during business hours unless such person is accompanied by such person's parent or legal guardian, is an employee

of such premises, or is temporarily on the premises while making a delivery: (Ord. 98-04; 99-02)

1. The entire premises licensed as a tavern, unless evidence is presented satisfactory to the Town that at least 75% of the business revenues are attributable to the sale of meals prepared on the premises in a restaurant operation;
 2. Premises licensed for consumption on the premises under the Colorado Beer Code;
 3. The lounge or bar area of premises licensed as a hotel and restaurant, club, tavern or beer and wine license.
- F. It shall be unlawful for any person holding a license for the following premises, or any agent or employee thereof, to allow any person under the age of 21 to enter upon or remain upon the premises during business hours unless accompanied by such person's parent or legal guardian or unless such person is an employee or temporarily on the premises while making a delivery: (Ord. 98-04; 99-02)
1. The entire premises licensed as a tavern, unless evidence is presented satisfactory to the Town that at least 75% of the business revenues are attributable to the sale of meals prepared on the premises in a restaurant operation.
 2. Premises licensed for consumption on the premises under the Colorado Beer Code;
 3. The lounge or bar area of premises licensed as a hotel and restaurant, club, tavern or beer and wine license.
- G. For any person to sell, serve, give away, dispose of, exchange, or deliver, or permit the sale, serving, giving, or procuring of any alcohol beverage to, or for, any person under the age of 21 years or to a visibly intoxicated person. (Ord. 01-06)

9-2-4: Presumptions

- A. It shall be prima facie evidence that any beverage or liquid is an alcoholic beverage if it is or was contained within a container labeled as an alcoholic beverage container of any sort and it either looks like or tastes like an alcoholic beverage.
- B. Except for those offenses in this Chapter which specifically involve only malt, vinous or spirituous liquors, it shall not be necessary in order to prove a violation of any provisions of this Subsection to distinguish between beers having more or less than 3.2% alcohol by weight or to

offer proof as to the alcoholic content of the beer or other malt liquors or fermented malt liquors or fermented malt beverage involved.

9-2-5: Permits (Ord. 01-06)

Notwithstanding the foregoing provisions of the Chapter, the Town may authorize the consumption of alcoholic beverages on Town owned property by issuance of a permit for a private party, subject to a permit fee of \$30, a damage and clean-up deposit, as reasonably required for the size and nature of the event, prohibitions on the use of glassware at outside venues, and other conditions as necessary to protect the public health, safety and welfare. Events, which make use of substantially all of a park, may also be required to pay rental therefore.