

Ridgway Municipal Code

CHAPTER 10

SECTION 4

Liquor Laws

Subsections:

- 10-4-1 Licensing Authority.
- 10-4-2 Definitions.
- 10-4-3 Unlawful Acts.
- 10-4-4 Presumptions.

10-4-1 LICENSING AUTHORITY.

(A) The Town Council 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.

(B) The Ridgway Town Clerk is hereby authorized to issue temporary permits upon a determination that the request for such permit meets the requirements of C.R.S. 12-46-106.5, 12-47-106.5, 12-47-106(1)(b.5) or other applicable provisions of the Colorado Beer Code or Liquor Code. Any person aggrieved by a failure of the Clerk to issue a temporary license may appeal the denial to the Town Council.

10-4-2 DEFINITIONS.

As used in this Section 10-4, 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, beverages 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 be limited to, liquor, wine and beer having more than 3.2% alcohol content by weight.

10-4-3 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 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.

(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, 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 Subsections 10-4-3(A) or (B) of this Section.

(D) For any person under the age of 18 years to possess, purchase or consume any alcoholic beverage.

(E) For any person under the age of 21 years of age to purchase, possess or consume any malt, vinous or spirituous liquors.

10-4-4 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, smells like or tastes like an alcoholic beverage.

(B) Except for those offenses in this Section 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 Section 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.

(C) Notwithstanding the provisions of Subsections 10-4-3(A) and (B), alcoholic beverages may be consumed or possessed in open containers, as follows:

(1) In the Town Park, provided no glass containers are used to serve or contain the beverages.

(2) When the Town Council has granted a permit for a special event. Such permits shall be granted only to established Ouray County civic or charitable groups or associations for special events. A condition of each permit shall be that the permit holder shall maintain order and clean up any public areas after the event. Other conditions shall be imposed, as necessary, to protect the public health, safety and welfare. Upon violation of any condition, the permit may be terminated immediately by the Marshal. The sale of alcoholic beverages requires a license pursuant to the State Liquor and Beer Code.