

**CITY OF WHEAT RIDGE, COLORADO**  
**INTRODUCED BY COUNCIL MEMBER MATHEWS**  
**COUNCIL BILL NO. 29**  
**ORDINANCE NO. 1659**  
**Series 2018**

**TITLE: AN ORDINANCE AMENDING CHAPTER 17 OF THE WHEAT RIDGE CODE OF LAWS CONCERNING THE CONSUMPTION OF FERMENTED MALT BEVERAGES IN CITY PARKS**

**WHEREAS**, the City of Wheat Ridge (the "City") is a home rule municipality having all powers conferred by Article XX of the Colorado Constitution; and

**WHEREAS**, pursuant to its home rule authority and C.R.S. § 31-23-101, the City, acting through its City Council (the "Council"), is authorized to adopt ordinances for the protection of the public health, safety or welfare; and

**WHEREAS**, the Council previously adopted and amended Chapter 17 of the Wheat Ridge Code of Laws (the "Code") concerning parks and recreation; and

**WHEREAS**, Colorado State Senate Bill 18-243, which becomes effective on January 1, 2019, eliminates the alcohol content limit within the definition of "fermented malt beverages," and allows public consumption of alcohol if it "has been specifically authorized by ordinance, resolution or rule adopted by a municipality, [or] City," and

**WHEREAS**, the Council now wishes to further amend Chapter 17 of the Code to address this recent state legislation concerning fermented malt beverages and to permit the consumption of fermented malt beverages in parks within the City.

**NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WHEAT RIDGE, COLORADO:**

**Section 1.** Section 17-24 of the Wheat Ridge Code of Laws concerning "Alcoholic beverages" is hereby amended as follows:

**Sec. 17-24. – Alcoholic beverages.**

(a) The storage, sale or consumption of any malt, vinous or spirituous liquors, as defined by the Colorado Liquor Code, is prohibited in any park, recreation area or recreation building within the city except as specifically provided herein or as may be authorized pursuant to a special event permit issued by the city in accordance with C.R.S., article 48, title 12. The consumption and/or storage of fermented malt beverages ~~containing not more than three and two tenths (3.2) percent of alcohol by weight~~ is permitted in any park or recreation area within the city so long as, and only so long as, such fermented malt beverage has been purchased in a manner authorized, and is being consumed by persons permitted, by applicable state law. It shall be unlawful to sell any fermented malt

beverage within any park or recreation area within the city unless such sales are made pursuant to a special event permit granted by the city and unless such sales are made in accordance with the Colorado Beer Code.

(b) Storage and consumption of fermented malt and vinous liquor is permitted at the Wheat Ridge Active Adult Center, the Wheat Ridge Recreation Center and the Richards-Hart Estate in conjunction with an event sanctioned and authorized by the director; and provided further that such alcoholic beverages are neither sold to, served to, or consumed by any person not authorized by the Colorado Liquor Code or the Code of Laws of the City of Wheat Ridge to possess or consume such alcoholic beverages. The director is hereby authorized to establish rules for serving and consumption of alcoholic beverages at the Richards-Hart Estate, the Wheat Ridge Active Adult Center, and the Wheat Ridge Recreation Center.

**Section 2. Severability, Conflicting Ordinances Repealed.** If any section, subsection or clause of this Ordinance shall be deemed to be unconstitutional or otherwise invalid, the validity of the remaining sections, subsections and clauses shall not be affected thereby. All other ordinances or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed.

**Section 3. Effective Date.** This Ordinance shall take effect fifteen (15) days after final publication, as provided by Section 5.11 of the Charter.


**INTRODUCED, READ, AND ADOPTED** on first reading by a vote of 6 to 0 on this 22<sup>nd</sup> day of October, 2018, ordered published in full in a newspaper of general circulation in the City of Wheat Ridge, and Public Hearing and consideration on final passage set for November 26, 2018, at 7:00 p.m., in the Council Chambers, 7500 West 29<sup>th</sup> Avenue, Wheat Ridge, Colorado.

**READ, ADOPTED AND ORDERED PUBLISHED** on second and final reading by a vote of 8 to 0, this 26<sup>th</sup> day of November, 2018.

SIGNED by the Mayor on this 26<sup>th</sup> day of November, 2018.

  
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Bud Starker, Mayor

ATTEST:

  
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Janelle Shaver, City Clerk  
*Robin Eaton, Deputy city clerk*



Approved as to Form



Gerald E. Dahl, City Attorney

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