

## Chapter 5.10

### ALCOHOLIC BEVERAGES

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5.10.010 Licensing authority. The Delta City Council is hereby designated the local licensing authority for the purposes of exercising the duties and powers provided for in the Colorado Beer Code and the Colorado Liquor Code. (Ord. 3, §5(part), 1987)

5.10.020 Definitions. As used in this Chapter, the following terms shall have the meanings ascribed to them in this Section:

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 alcoholic 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. (Ord. 3, §5(part), 1987)

5.10.030 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 public place within the City of Delta, Colorado, including but not limited to the following public places: restaurants, retail liquor store, pool halls, dance halls, business premises, school premises, recreation halls, public buildings, places of public gathering for amusement or entertainment, parking areas or the

surrounding premises of any of the aforementioned places, and streets, alleys, sidewalks, vacant lots or publicly owned property; provided however, this provision shall not apply to premises licensed for consumption thereon pursuant to law.

B. To possess an unsealed or open container containing any alcoholic beverage in any public place, including but not limited to the following public places: restaurants, retail liquor stores, pool halls, dance halls, business premises, school premises, recreation halls, public buildings, places of public gathering for amusement or entertainment, parking areas surrounding premises of any of the aforementioned places, and streets, alleys, sidewalks, vacant lots or publicly owned property; provided however, that this provision shall not apply to premises licensed for consumption thereon pursuant to law.

C. For any person owning or having possession of any premises to allow the consumption of an alcoholic beverage container upon such premises by any such person in violation of subsections (A) and (B) of this Section.

D. For any person under the age of 21 years old to purchase, possess or consume any alcoholic beverage except that a person who was 18 years of age or older on July 29, 1987 may continue to purchase and consume fermented malt beverages.

E. To provide, sell, distribute or give any alcoholic beverage to any person under the age or 21 years, except that fermented malt beverages may be provided, sold, distributed or given to persons who were 18 years of age or older on July 29, 1987. (Ord. 3, §5(part), 1987; Ord. 3, §1, 1989)

5.10.040 Permits. Any regularly organized lodge or group may apply to the Police Department of the City and the Chief of Police or his designated representative for a permit to consume and possess alcoholic beverages and 3.2% beer in the public places set forth in subsection 15.10.010(A) and to possess unsealed or open containers of alcoholic beverages and 3.2% beer prohibited in subsection 5.10.030(B) upon forms and pursuant to regulations adopted by the Police Department of the City. Any such permit granted shall specify the time and place where the permit may be used. Such activity shall likewise be subject to police control and regulation and to prior determination of the permit at the discretion of the Police Department for improper conduct of the applicant. (Ord. 3, §5(part), 1987)

5.10.050 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 if it either looks like, smells 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 provision of this Chapter 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 beverage involved. (Ord. 3, §5(part), 1987)

5.10.060 Optional premises. In addition to any applicable requirements and standards incorporated into the Colorado Liquor Code and regulations, the following specific standards and procedures shall apply to the issuance of optional premises licenses or permits within the City of Delta:

A. No optional premises license or permit shall be issued for any outdoor sports or recreational facilities other than golf courses (excluding miniature golf courses) which include at least nine holes and are open to the public.

B. A completed application for an optional premises license or permit shall be filed with the City Clerk, together with all applicable local and state license fees.

C. The application shall be accompanied by a map or drawing indicating the location of the optional premises, and a copy of the deed, lease or other instrument by which the applicant has legal possession of the optional premises.

D. No alcoholic beverages may be served on licensed optional premises without the licensee having provided written notice to the state and local licensing authorities forty-eight (48) hours prior to serving alcoholic beverages on the optional premises. Such notice shall contain the specific days and hours on which the optional premises are to be used.

E. All optional premises licenses or permits shall be valid for a period of one (1) year from the date of issuance, unless revoked or suspended, and must be renewed annually thereafter. (Ord. 14, §1, 2003)