

ORDINANCE NO. 122, 2018
OF THE COUNCIL OF THE CITY OF FORT COLLINS
AMENDING SECTIONS 17-141 AND 17-161
OF THE CITY CODE REGARDING ALCOHOL

WHEREAS, On January 19, 2016, the City Council approved Ordinance No 004, 2016 amending Chapter 17 to establish an offense for underage possession or consumption of ethyl alcohol; and

WHEREAS, Ordinance No. 004, 2016 added the definitions of ethyl alcohol and possession of ethyl alcohol into Section 17-141 of the Code; and

WHEREAS, On April 19, 2016, the City Council approved Ordinance No. 047, 2016, which amended Chapter 17 to prohibit a social host from allowing the possession or consumption of ethyl alcohol or marijuana by persons under twenty-one years of age, and at that time a definition of ethyl alcohol was added to Section 17-161; and

WHEREAS, in order to ensure the correct terms are defined for relevant sections of the City Code, City staff has recommended that the definitions of ethyl alcohol and possession of ethyl alcohol be eliminated from Section 17-141 of the Code, and that possession of ethyl alcohol be added into section 17-161 of the Code; and

WHEREAS, staff has also recommended that the term "liquor" be changed to "alcohol" in Section 17-141, and that definitions for the terms "alcohol" and "fermented malt beverage" be added in accordance with the state law; and

WHEREAS, the City Council has determined that the proposed City Code amendments are in the best interest of the City and its citizens.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT COLLINS as follows:

Section 1. That the City Council hereby makes and adopts the determinations and findings contained in the recitals set forth above.

Section 2. That Section 17-141 of the Code of the City of Fort Collins is hereby amended to read as follows

Sec. 17-141. - Carrying or drinking alcohol or fermented malt beverages in certain places.

(a) No person shall carry or have any opened container of alcohol or fermented malt beverage on any street, sidewalk, alley or other public place, in any automobile or on the grounds or in the facilities of any public or private school, college or university except where authorized by the governing authority of such institution.

(b) No person shall drink any alcohol or fermented malt beverages in or on any of the above enumerated places.

(c) The foregoing prohibitions shall not apply to any place duly licensed for the sale of alcohol or fermented malt beverages.

(d) As used in this Section:

Alcohol shall mean fermented malt beverage or malt, vinous, or spirituous liquor; except that "alcohol" shall not include confectionary containing alcohol within the limits prescribed by section 25-5-410 (1)(i)(II), C.R.S.

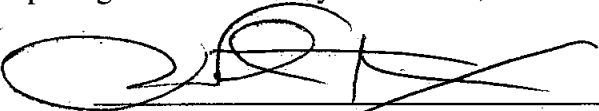
Fermented malt beverage shall mean any beverage obtained by the fermentation of any infusion or decoction of barley, malt, hops, or any similar product or any combination thereof in water containing not less than one-half of one percent alcohol by volume and not more than three and two-tenths percent alcohol by weight or four percent alcohol by volume; except that "fermented malt beverage" shall not include confectionary containing alcohol within the limits prescribed by section 25-5-410 (1)(i)(II), C.R.S.

Opened container shall mean any container other than the original, closed container as sealed or closed for sale to the public by the manufacturer or the bottler of the alcohol, vinous liquor or fermented malt beverage. If an original container has been unsealed, undone or opened in any manner, it shall be considered an *opened container* for purposes of this Section, except, with regard to vinous liquors only, where the container has been opened and resealed in compliance with Section 12-47-411(3.5), C.R.S., and such resealed container remains sealed and is not present in the front driver or passenger compartment of an automobile. Also, if any alcohol or fermented malt beverage has been transferred from its original container into another container, whether that other container is closed or sealed in any way, the container into which the alcohol or fermented malt beverage has been transferred shall be deemed to be an *opened container* under this definition.

Section 3. That Section 7-161 of the Code of the City of Fort Collins is hereby amended by the addition of a new definition "*Possession of ethyl alcohol*" which reads in its entirety as follows:

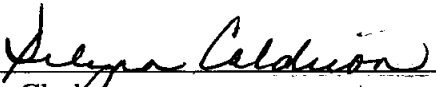
Possession of ethyl alcohol shall mean that a person has or holds any amount of ethyl alcohol anywhere on his or her person, or that a person owns or has custody of ethyl alcohol, or has ethyl alcohol within his or her immediate presence and control.

Introduced, considered favorably on first reading, and ordered published this 2nd day of October, A.D. 2018, and to be presented for final passage on the 16th day of October, A.D. 2018.



Mayor


ATTEST:



City Clerk



Passed and adopted on final reading on the 16th day of October, A.D. 2018.



Mayor

ATTEST:



City Clerk

