

ORDINANCE 8455

AN ORDINANCE AMENDING SECTION 5-7-2 "POSSESSION AND CONSUMPTION OF ALCOHOLIC BEVERAGES IN PUBLIC PROHIBITED," B.R.C. 1981, IN ORDER TO ALLOW ENFORCEMENT OF ALCOHOL RESTRICTIONS ON OSMP-MANAGED LANDS; AND SETTING FORTH RELATED DETAILS.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BOULDER,
COLORADO:

Section 1. Section 5-7-2 "Possession and Consumption of Alcoholic Beverages in Public Prohibited," B.R.C. 1981, is amended to read as follows:

- (a) No person ~~within the city limits~~ shall possess an opened container of or consume any malt, vinous, or spirituous liquor or fermented malt beverage in public, except upon premises licensed for consumption of the liquor or beverage involved.
- (b) For purposes of this section, *opened container* means any container other than an original closed container as sealed or closed for sale to the public by the manufacturer or bottler of the liquor or beverage. If an original container has been unsealed, undone, or opened in any manner, it is an opened container for purposes of this section.
- (c) For purposes of this section, *in public* means:
 - (1) In or upon any public highway, street, alley, walk, parking lot, building, city park, parkway, recreation area, open space, or other public property or place, whether in a vehicle or not;
 - (2) In or upon those portions of any private property upon which the public has an express or implied license to enter or remain; or
 - (3) In or upon any other private property without the express or implied permission of the owner or person in possession and control of such property or such person's agent.
- (d) The following property owned or managed by the city is excluded from the coverage of this section during park and facility hours of operation~~the hours of 8 a.m. to 11 p.m.:~~
~~Coot Lake~~, Boulder Reservoir, Flatirons Golf Course, East Mapleton Ball Fields, Pleasant View Fields Sports Complex and Stazio Recreation Complex, but if a special event permit for the sale of liquor or fermented malt beverages has been issued for all

1 or a portion of such property pursuant to §44-5-101, et seq., C.R.S., then no person
2 shall take or consume any malt, vinous, or spirituous liquor or fermented malt beverage
3 onto or in the area designated in such permit except in accordance with such permit if a
sign has been posted giving notice of the time and location of the area so restricted.

4 (e) Nothing in this section shall prohibit the consumption of any malt, vinous, or spirituous
5 liquor or fermented malt beverages as allowed by permit under Section 5-7-5, B.R.C.
6 1981.

7 (ef) It is an affirmative defense to a charge of violating this section that the premises were
8 licensed by the city or by the State of Colorado for the consumption of the liquor or
9 beverage involved, and any judge shall take judicial notice of the official records of
such license and dismiss forthwith any charge to which this defense applies. If such
dismissal is ex parte, the judge shall notify the city attorney, who may petition the court
for permission to refile the charge.

10 (fg) It is a specific defense to a charge of violating this section that:

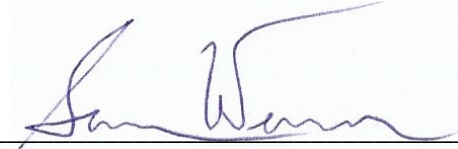
- 11 (1) The owner of the property involved or the owner's agent gave express
12 permission to the accused or to members of the accused's class to perform the
acts complained of; or
- 13 (2) The accused was transporting the liquor or beverage from one place where it
14 could be lawfully consumed directly and without delay to another such place,
15 and the container was at all times during the transportation capped, corked, or
16 otherwise reclosed with a firmly affixed waterproof lid. When the liquor or
beverage was being transported in a motor vehicle, this defense is only available
if the container was in the trunk or was not otherwise immediately accessible to
the driver or any passenger.

17 (gh) No person shall drive or sit in the driver's seat of any motor vehicle, other than one
18 carrying passengers for hire, in which a violation of Subsection (a) of this section is
occurring.

19 Section 2. This ordinance is necessary to protect the public health, safety, and welfare of
20 the residents of the city and covers matters of local concern.

21 Section 3. The city council deems it appropriate that this ordinance be published by title
22 only and orders that copies of this ordinance be made available in the office of the city clerk for
23 public inspection and acquisition.
24
25

1 INTRODUCED, READ ON FIRST READING, AND ORDERED PUBLISHED BY
2 TITLE ONLY this 18th day of May 2021.



Sam Weaver,
Mayor

6 Attest:

7
8 
9 City Clerk

10 READ ON SECOND READING, PASSED AND ADOPTED this 20th day of July 2021.



Sam Weaver,
Mayor

15 Attest:

16
17 
18 City Clerk