

TOWN OF WINDSOR

ORDINANCE NO. 2021-1625

AN ORDINANCE AMENDING SECTION 10-11-10 OF THE *WINDSOR MUNICIPAL CODE* TO ALLOW THE CONSUMPTION OF ALCOHOLIC BEVERAGES UPON TOWN-OWNED SIDEWALKS AND ALLEYWAYS IN CONFORMITY WITH PERMITS ISSUED BY THE TOWN'S LOCAL LIQUOR LICENSING AUTHORITY

WHEREAS, the Town of Windsor is a home rule municipality with all powers conferred under Colorado law; and

WHEREAS, the Town owns and controls the use of sidewalks and alleyways within the Town for vehicular and pedestrian use; and

WHEREAS, the Town's experience with the COVID-19 pandemic has revealed community interest in sidewalk and alleyway food and beverage service through expansions of liquor-licensed establishments; and

WHEREAS, the Town regulates the public sale, service and consumption of alcoholic beverages through the Windsor Liquor Licensing Authority ("LLA"); and

WHEREAS, the Town permits the consumption of beer and wine from non-glass containers in parks and other public spaces, but prohibits glass containers and the consumption of distilled spirits in public places except in conformity with Special Event Permits issued by the LLA; and

WHEREAS, the Town Clerk has received inquiries from local liquor-licensed establishments seeking permission from the LLA to expand their licensed premises into sidewalk spaces adjacent thereto; and

WHEREAS, the Town Clerk is prepared to work with the LLA to process requests for permits necessary to allow sidewalk and alleyway alcohol service in appropriate circumstances; and

WHEREAS, in order for sidewalk and alleyway alcohol service to take place as proposed, the current limitations consumption of alcohol on public sidewalks and alleyways must first be modified; and

WHEREAS, the Town Board has considered this matter and has concluded that adoption of the within Ordinance promotes the public health, safety and welfare.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN BOARD OF THE TOWN OF WINDSOR, COLORADO, AS FOLLOWS:

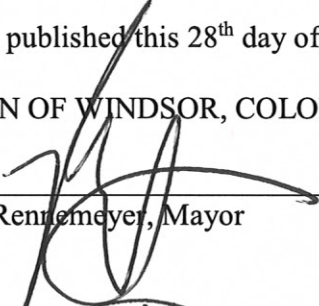
Section 10-11-10 of the Windsor Municipal Code is hereby repealed, amended and re-adopted to read as follows:

Sec. 10-11-10. - Public consumption and possession of alcoholic beverages prohibited.

- (a) **Generally.** It shall be unlawful for any person to consume any alcoholic beverage as defined by the Colorado Liquor Code and the Colorado Beer Code, and it shall be unlawful for any person to possess an unsealed container holding a measurable amount of any alcoholic beverage, on or in any street, parking lot, alley, park, public place, or sidewalk, within the Town's corporate limits.
- (b) **Exception for Liquor-licensed Occupancy.** This Section 10-11-10 (a) shall not apply to the consumption or possession of alcohol beverages under the following circumstances:
 - (1) Consumption or possession of alcoholic beverages dispensed in accordance with any special event permit lawfully issued for the sale and consumption of alcohol beverages in any public place.
 - (2) Consumption or possession of alcoholic beverages within any portion of a sidewalk or alley which is included within any liquor-licensed premises in accordance with a liquor license approved by the Town's Local Licensing Authority pursuant to the powers delegated under Section 6-1-10 of this Code.
- (c) **Unsealed Containers.** This Section shall not apply if the unsealed container has been removed from a licensed premise pursuant to and subject to the limitations set forth in Title 44, C.R.S.

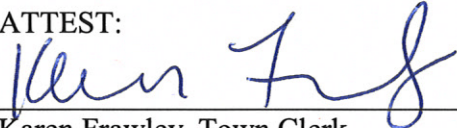
Introduced and passed on first reading and ordered published this 28th day of June, 2021.

TOWN OF WINDSOR, COLORADO



Paul Renne-meyer, Mayor

ATTEST:

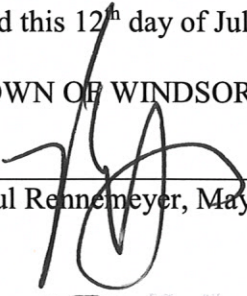


Karen Frawley, Town Clerk




Passed on second reading, and ordered published this 12th day of July, 2021.

TOWN OF WINDSOR, COLORADO



Paul Rennemeyer, Mayor

ATTEST:



Karen Frawley, Town Clerk

